



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402

CNL-20-095

December 8, 2020

10 CFR 73.5

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555-0001

Browns Ferry Nuclear Power Plant Units 1, 2, and 3  
Renewed Facility Operating License Nos. DPR-33, DPR-52, and DPR-68  
NRC Dockets 50-259, 50-260, and 50-296

**Subject: Request for a One-Time Exemption from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1) Regarding Annual Force-on-Force Exercises, Due to COVID-19 Pandemic**

**Reference:** NRC Letter to TVA, "Browns Ferry Nuclear Plant, Units 1, 2 and 3 – Exemption Request from Certain Requirements of 10 CFR Part 73, Appendix B, "General Criteria for Security Personnel," Section VI (EPID L-2020-LLE-0105 [COVID-19])" dated July 6, 2020 (ML20175A198)

On January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the Coronavirus Disease 2019 (COVID-19). On March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization and on March 13, 2020, President Donald Trump declared the COVID-19 pandemic a national emergency. In addition, on March 13, 2020, the Governor of the State of Alabama declared a state of emergency.

In response to these declarations and in accordance with the Tennessee Valley Authority (TVA) Pandemic Response plan, by letter dated July 6, 2020 (i.e., Reference), a temporary exemption from 10 *Code of Federal Regulations* (10 CFR) 73, Appendix B, Section VI, Subsection C.3.(I)(1), regarding annual force-on-force (FOF) exercises was approved for the Browns Ferry Nuclear Plant (BFN), Units 1, 2, and 3. The exemption was necessary because isolation protocols (e.g., social distancing, group size limitations, self-quarantining, etc.) restrict activities associated with conducting annual FOF exercises, and was necessary to maintain a healthy workforce during the pandemic. The approved temporary exemption expires December 31, 2020.

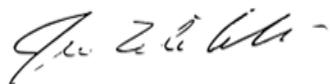
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In the request for exemption, TVA stated that any missed FOF exercises within the time period in that request, when isolation restrictions are ended, would be completed. At the time of submittal for the exemption request the duration of the PHE was discussed as “not currently known,” and therefore an action was added to complete the exercises 90 days after the PHE is ended, or by December 31, 2020, whichever occurs first. However, the PHE has not ended and continues to affect BFN’s ability to conduct annual FOF exercises. Because the temporary exemption expires December 31, 2020, TVA requests for BFN, a one-time exemption from conducting 2020 annual FOF exercises as required by 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1). This one-time exemption would supersede the action in the previously approved exemption to complete the annual FOF exercise within the time period in that request, when isolation restrictions are ended. Approval of this exemption will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are necessary to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.

The proposed one-time exemption will apply specifically to security personnel that the temporary approved exemption applied.

There are no new regulatory commitments associated with this submittal. If you should have any questions regarding this submittal, please contact Kimberly Hulvey, Senior Manager, Fleet Licensing, at 423-751-3275.

Respectfully,



James T. Polickoski  
Director, Nuclear Regulatory Affairs

Enclosure:

Security 2020 Annual Force-on-Force Exercise One-Time Exemption Request

cc: (Enclosure)

NRC Regional Administrator - Region II  
NRC Senior Resident Inspector - Browns Ferry Nuclear Plant  
NRC Project Manager – Browns Ferry Nuclear Plant  
State Health Officer, Alabama State Department of Health

## **Security 2020 Annual Force-on-Force Exercise One-Time Exemption Request**

### **1.0 SUMMARY DESCRIPTION**

Tennessee Valley Authority (TVA) requests a one-time exemption from conducting the calendar year (CY) 2020 annual force-on-force (FOF) exercises as required by 10 *Code of Federal Regulations* (10 CFR 73), Appendix B, Section VI, Subsection C.3.(I)(1) for the Browns Ferry Nuclear Plant (BFN), Units 1, 2, and 3. This one-time exemption would supersede the action described in the previously approved exemption to complete any missed FOF exercises, within the time period in that request, when isolation restrictions are ended within CY 2020. Approval of this exemption will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are necessary to ensure personnel are isolated from the Coronavirus Disease 2019 (COVID-19) and remain capable of maintaining plant security.

### **2.0 BACKGROUND**

By letter dated July 6, 2020, TVA was approved a temporary exemption from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1) regarding annual FOF exercises (Reference 1). The exemption was in response to the COVID-19 public health emergency (PHE) and was necessary because isolation protocols (e.g., social distancing, group size limitations, self-quarantining, etc.) restrict activities associated with conducting annual FOF exercises and was necessary to maintain a healthy workforce during the pandemic. The approved temporary exemption expires December 31, 2020.

### **3.0 EXEMPTION DETAILS**

In the previous request for exemption, TVA stated that any missed FOF exercises, within the time period in that request, when isolation restrictions are ended, would be completed. At the time of submittal for the exemption request, the duration of the PHE was discussed as “not currently known,” and therefore a statement was added to complete the exercises 90 days after the PHE is ended, or by December 31, 2020, whichever occurs first. However, the PHE has not ended and continues to affect BFN’s ability to conduct annual FOF exercises. Because the temporary exemption expires December 31, 2020, TVA requests for BFN, a one-time exemption from conducting CY 2020 annual FOF exercises as required by 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1). This one-time exemption would supersede the action stated in the previously approved exemption to complete any missed FOF exercises, within the time period in that request, when isolation restrictions are ended. Approval of this exemption will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are necessary to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.

BFN has implemented various security-specific safety measures in efforts to minimize potential COVID-19 exposure and mitigate consequences that would result from exposure within a

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security shift and to the adjacent alternating shifts' staffing levels. In addition to the efforts to maintain social distancing and wearing of protective face coverings, BFN Security Officers are:

- Utilizing alternative methods to conduct shift briefings
- Maintaining shift and job rotations to reduce the potential for exposures within and across shifts
- Tracking close contact situations to eliminate conditions and track potential exposures
- Conducting additional cleaning of post during rotations and post turnover

In addition, examples of physical measures taken to limit opportunities for security officer exposures to the COVID-19 disease include:

- Training classes were reduced to maximize social distancing
- Training equipment and facilities are cleaned and disinfected after each training evolution

The proposed one-time exemption will apply specifically to security personnel that the temporary approved exemption applied.

### **4.0 TECHNICAL JUSTIFICATION OF ACCEPTABILITY**

The U.S. Centers for Disease Control (CDC) has issued recommendations advising "social distancing" to prevent the spread of the COVID-19 disease (Reference 2). BFN has implemented isolation activities such as self-quarantining, group size limitations and social distancing to protect required site personnel in accordance with NEI 06-03, "Pandemic Threat Planning, Preparation, and Response Reference Guide" (Reference 3). Ideally, this will limit the spread of the virus among the station staff. This required TVA to request for BFN a temporary exemption from annual FOF exercises because these isolation protocols restrict certain activities associated with the conduct of annual FOF exercises. Maintaining a healthy workforce is preferable to having a sick workforce that is unavailable during a pandemic. Specifically, the BFN pandemic plan has affected the station's ability to perform annual FOF exercises safely due to the following:

- Most recent information is that 165 BFN personnel have tested positive for the virus and 330 BFN personnel quarantined since inception of the pandemic
- Current data shows an increasing trend in COVID-19 positives in the county where and around BFN is located
- A review of impacted security positions and other locations necessary for briefings and critiques has determined that annual exercises cannot be conducted due to the limited space available in most locations to allow for appropriate social distancing
- Support needs from outside the site (i.e., staff needed from other sites/fleet) to conduct exercises are not available due to travel restrictions

Not conducting annual FOF exercises due to the reasons listed in this request are consistent with the requirement of Appendix B to Part 73, Section VI, C.3.(1)(5); "Tactical response drills and force-on-force exercises are conducted safely and in accordance with site safety plans."

The proposed one-time exemption will apply specifically to security personnel that the temporary approved exemption applied. Impacted security personnel continue to maintain proficiency with the knowledge, skills and abilities required to effectively implement the

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protective strategy to protect the station against the design basis threat as described in 10 CFR 73.1, Purpose and Scope, because BFN has continued to conduct the following training requalification requirements of Section VI. of Appendix B to Part 73:

- Annual firearms familiarization
- Annual daylight qualification course
- Annual night fire qualification course
- Annual tactical qualification course
- Annual physical examination
- Annual physical fitness test
- Weapons range activity (4-month periodicity)
- Annual written exam

In addition, and in accordance with the approved temporary exemption, BFN conducted tactical response drills, including tabletop exercises with all impacted security personnel. Therefore, BFN continues to maintain a physical protection program that provides high assurance that this exemption will not be inimical to the common defense and security, and does not constitute an unreasonable risk to public health and safety.

BFN is scheduled to conduct CY 2021 FOF annual exercises beginning in April of 2021, and completing no later than June 30, 2021, provided the PHE has ended. However, should unforeseen circumstances arise that would inhibit resuming these activities, TVA will provide an updated request for exemption with as much advance notice as practicable, and as provided for in Enclosure 4 of the NRC updated guidance letter dated November 10, 2020 (Reference 4).

As a result of the COVID-19 PHE, TVA's assessment is that BFN will not be able to comply with the requirements of the specified regulation, and will implement site-specific COVID-19 PHE training requalification controls consistent with those conditions outlined in References 2 and 3. Specifically, TVA has evaluated each BFN security position to identify appropriate COVID-19 personnel protection measures to maximize the controls necessary to minimize the potential spread of the virus. These evaluations determined that annual exercises cannot be conducted due to the limited space available in most security positions to allow for appropriate social distancing while taking into consideration maintaining safety and site security requirements, and then introducing necessary exercise control measures.

In summary, this exemption is specific to security personnel who have previously demonstrated proficiency and are currently qualified in accordance with 10 CFR Part 73, Appendix B, Section VI, "Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties." Because of the rigorous nature of BFN security personnel training programs, which consist of regularly scheduled training activities to include weapons training, contingency response drills and exercises, and demonstrated acceptable performance of day-to-day job activities (e.g., detection and assessment, patrols, searches, and defensive operations), it is reasonable to conclude that BFN security personnel will continue to maintain their proficiency, even though the requalification periodicity is exceeded for CY 2020.

## 5.0 REGULATORY JUSTIFICATION OF ACCEPTABILITY

Part 73.5 of 10 CFR, Specific exemptions, states that the NRC may grant exemptions from the requirements of the regulations of this part provided three conditions are met. They are as follows:

- (1) The exemptions are authorized by law.
- (2) The exemptions will not endanger life or property or the common defense and security.
- (3) The exemptions are otherwise in the public interest.

TVA has evaluated the requested exemption against the criteria of 10 CFR 73.5 and determined the criteria are satisfied as described below.

1. This exemption is authorized by law.

The requested exemption is authorized by law in that no law precludes the activities covered by this exemption request. Granting of the request does not result in a violation of the Atomic Energy Act of 1954, as amended.

2. This exemption will not endanger life or property or the common defense and security.

The requested exemption will not endanger life or property or the common defense and security. The requested exemption allows the cancellation of certain security training requalification requirements during calendar year (CY) 2020. TVA had scheduled these requalification activities to comply with the regulation. However, these activities must be cancelled for CY 2020 to allow implementation of the TVA pandemic plan mitigation strategies. These strategies serve the public interest by ensuring adequate staff isolation and maintaining staff health to perform their job function actions during the COVID-19 pandemic.

The proposed exemption is related to training requalification and does not change physical security plans or the defensive strategy. Security personnel impacted by this exemption are currently satisfactorily qualified on all required tasks. In addition, security personnel are monitored regularly by supervisory personnel and have implemented controls and conducted the other training requalification requirements as identified above. Therefore, granting the requested exemption will not endanger or compromise the common defense or security, or safeguarding of BFN.

3. This exemption is otherwise in the public interest.

The TVA pandemic response plan is based on NEI 06-03, "Nuclear Sector Coordination Council, Influenza Pandemic Threat Summary and Planning, Preparation, and Response Reference Guide," which recommends isolation strategies such as sequestering, use of super crews or minimum staffing as well as social distancing, group size limitations and self-quarantining, in the event of a pandemic, to prevent the spread of the virus to the plant. NEI 06-03 provides other mitigation strategies that serve the public interest during a pandemic by ensuring adequate staff is isolated from the pandemic and remains healthy to perform their job function.

Keeping BFN in operation during the pandemic will help to support the public need for reliable electricity supply to cope with the pandemic. As the U.S. Departments of

Homeland Security and Energy have stated in their guidance, the electric grid and nuclear plant operation make up the nation's critical infrastructure similar to the medical, food, communications, and other critical industries. If the plant operation is impacted because it cannot comply with the security training requalification requirements while isolation activities are in effect for essential crew members, the area electrical grid would lose this reliable source of baseload power. In addition, BFN personnel could face the added transient challenge of shutting down their respective plant and possibly not restarting it until the pandemic passes. This does not serve the public interest in maintaining a safe and reliable supply of electricity.

## **6.0 CONCLUSION**

As demonstrated above, TVA considers that this one-time exemption request to be in accordance with the criteria of 10 CFR 73.5. Specifically, the requested exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. A one-time exemption for the conduct of 2020 annual FOF exercises at BFN is required during and recovery from the COVID-19 Pandemic. The period during which the exemption is necessary will be in effect until the end of CY 2020.

## **7.0 ENVIRONMENTAL ASSESSMENT**

TVA is requesting a one-time exemption from the conduct of 2020 annual FOF exercises. Specifically, TVA is requesting a one-time exemption from the requirements of Section VI.C.3.(I)(1) of Appendix B of Part 73, regarding the conduct of annual FOF exercises. The following information is provided in support of an environmental assessment and finding of no significant impact for the proposed exemption.

TVA has determined that the exemption involves no significant increase in the amounts, and no significant change in the types of any effluents that may be released offsite; that there is no significant increase in individual or cumulative public or occupational radiation exposure; that there is no construction impact; and there is no significant increase in the potential for or consequences from a radiological accident. Furthermore, the requirements for which an exemption is being requested involve security training requalification requirements. Accordingly, the proposed exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this proposed exemption request.

## **8.0 REFERENCES**

1. NRC Letter to TVA, "Browns Ferry Nuclear Plant, Units 1, 2 and 3 – Exemption Request from Certain Requirements of 10 CFR Part 73, Appendix B, "General Criteria for Security Personnel," Section VI (EPID L-2020-LLE-0105 [COVID-19])" dated October 14, 2020 (ML20175A198)
2. "Interim Guidance for Businesses and Employers", retrieved from <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>, on November 25, 2020.
3. NEI 06-03, "Pandemic Threat Planning, Preparation, and Response Reference Guide," Revision 2, February 2020.

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4. NRC Letter from H. Nieh and J. Lubinski to NEI, "U.S. Nuclear Regulatory Commission Updated Planned Actions Related to Certain Requirements for Operating and Decommissioning Reactor Licensees During the Coronavirus Disease 2019 Public Health Emergency," dated November 10, 2020 (ML20261H515)