



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 22, 2020

Mr. Ken J. Peters
Senior Vice President and
Chief Nuclear Officer
Attention: Regulatory Affairs
Vistra Operations Company LLC
Comanche Peak Nuclear Power Plant
6322 N FM 56
P.O. Box 1002
Glen Rose, TX 76043

SUBJECT: COMANCHE PEAK NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2 –
EXEMPTION FROM ANNUAL FORCE-ON-FORCE EXERCISE REQUIREMENT
OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY
PERSONNEL,” SUBSECTION VI.C.3(I)(1) (EPID L-2020-LLE-0235 [COVID-19])

Dear Mr. Peters:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has approved the requested exemption from a specific requirement of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI, “Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties,” for Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2 (Comanche Peak or CPNPP), for calendar year (CY) 2020. This action is in response to the Vistra Operations Company LLC (the licensee) application dated December 10, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20345A341), that requested an exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), regarding the annual force-on-force (FOF) exercises for CY 2020 at Comanche Peak.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), state, in part:

Each member of each shift who is assigned duties and responsibilities required to implement the safeguards contingency plan and licensee protective strategy participates in at least . . . one (1) force-on-force exercise on an annual basis. Force-on-force exercises conducted to satisfy the NRC triennial evaluation requirement can be used to satisfy the annual force-on-force requirement for the personnel that participate in the capacity of the security response organization.

The purpose of the annual licensee-conducted FOF exercises is to ensure that the site security force maintains its contingency response readiness. Participation in these exercises also supports the requalification of security force members.

On January 31, 2020, the U.S. Department of Health and Human Services declared a Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) for the United States.

Subsequently, the Centers for Disease Control and Prevention (CDC) issued recommendations (e.g., social distancing, limiting assemblies) to limit the spread of COVID-19. On May 29, 2020, (ADAMS Accession No. ML20136A141), the NRC granted the licensee's previous request for temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1). That exemption is set to expire on December 31, 2020. As such, the licensee is required to conduct any missed annual licensee-conducted FOF exercises by December 31, 2020.

The licensee's application dated December 10, 2020, stated the following:

- CPNPP has implemented isolation activities such as self-quarantining, group size limitations, social distancing and rotation strategy to protect required site personnel in accordance with NEI 06-03, "Pandemic Threat Planning, Preparation, and Response Reference Guide." Ideally this will limit the spread of the virus among the station staff. This required CPNPP to request 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.
- The PHE has not ended and continues to impact CPNPP's ability to conduct annual FOF exercises.
- Specifically, CPNPP's pandemic plan has impacted the station's ability to perform annual FOF exercises safely due to the following:
 - CPNPP's current pandemic plan only allows critical, mission-essential personnel to come to the plant site, all others must work from home. This does not allow sufficient number of site personnel to support Security's ability to carry-out an FOF exercise.
 - Texas continues to be under a State of Disaster, and CDC guidelines regarding masks and social distancing requirements continue to impact CPNPP's ability to safely bring people within close proximity without risking the spread of the virus. Texas COVID cases have continued to climb.
 - Under current CPNPP pandemic plan and CDC restrictions, CPNPP is unable to conduct the necessary briefs and hot washes due to limited spaces that can house the amount of people needed.
 - Current pandemic plan social distancing requirements have not allowed CPNPP to put three people in a BRE [bullet resistance enclosure] (player/controller/safety) due to the size of the BREs.
 - Travel restrictions within Luminant [the licensee] and other licensees inhibit the ability for industry peers to support Force on Force activities. CPNPP depends on other licensee's adversary teams to conduct some annual exercises.

- Approval of this exemption will continue to support the isolation protocols necessary to protect essential site personnel.
- Impacted security personnel continue to maintain proficiency with the knowledge, skills and abilities required to effectively implement the protective strategy to protect the station against the design basis threat as described in 10 CFR 73.1, Purpose and Scope, because CPNPP has continued to conduct the following training/qualification requirements of Section VI of Appendix B to Part 73:
 - Quarterly tactical response drills (Tabletop drills)
 - Annual firearms familiarization
 - Annual daylight qualification course
 - Annual night fire qualification course
 - Annual tactical qualification course
 - On-the-job training
 - 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, CPNPP conducted tabletop exercises and reviewed lessons-learned of past exercises with all impacted security personnel. Additional Target Set training was completed in the 3rd Quarter of 2020.

This exemption is specific to CY 2020 and Comanche Peak security personnel who have previously demonstrated proficiency and are currently qualified in accordance with the requirements of 10 CFR Part 73, Appendix B, Section VI. The licensee stated that the proposed exemption does not change the physical security plans or the defensive strategy; security personnel impacted by this request were qualified on all required tasks at the time of the PHE; impacted security personnel continue to maintain proficiency with the knowledge, skills and abilities required to effectively implement the protective strategy to protect the station against the design basis threat because CPNPP has continued to conduct other training/qualification requirements as identified above; security personnel will continue to be monitored regularly by supervisory personnel and Comanche Peak has been subject to the controls as identified in the approved temporary exemption; therefore, granting the requested exemption will not endanger or compromise the common defense or security, or safeguarding CPNPP. Additionally, the December 10, 2020, request identified the site-specific actions listed above that will continue to occur at Comanche Peak to maintain contingency response readiness, consistent with the NRC staff's October 13, 2020, letter (ADAMS Accession No. ML20273A117).

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 73 when the exemptions are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 that is authorized by law. The NRC staff has reviewed the exemption request and finds that granting the proposed exemption will not result in a violation of the Atomic Energy

Act of 1954, as amended, or other laws. Therefore, the NRC staff finds that the exemption is authorized by law.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 when the exemption will not endanger life or property or the common defense and security. This exemption will only apply to licensee security personnel who are already satisfactorily qualified in accordance with the security requirements outlined in 10 CFR Part 73, Appendix B, Section VI. Based on this fact, and its review of the controls that the licensee will implement for the duration of the exemption, including continuing to conduct quarterly tactical response drills and other security qualification requirements, the NRC staff has reasonable assurance that the security force at Comanche Peak will maintain its proficiency and readiness to implement the licensee's protective strategy and adequately protect the site. Therefore, the NRC staff concludes that the proposed exemption would not endanger life or property or the common defense and security.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 when the exemption is in the public interest. The NRC staff finds that the exemption from the annual FOF exercise requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1), for CY 2020 would facilitate the licensee's efforts to maintain a healthy workforce capable of operating the plant safely and implementing the site's protective strategy by isolating security personnel from potential exposure to the COVID-19 virus. The NRC staff concludes that granting the exemption for CY 2020 is in the public interest because it allows the licensee to maintain the required security posture at Comanche Peak, while enabling the facility to continue to provide electrical power to the Nation.

Environmental Considerations

NRC approval of this exemption request is categorically excluded under 10 CFR 51.22(c)(25), and there are no special circumstances present that would preclude reliance on this exclusion. The NRC staff determined, per 10 CFR 51.22(c)(25)(vi)(E), that the requirements from which the exemption is sought involve education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff also determined that approval of this exemption request involves no significant hazards consideration because it does not authorize any physical changes to the facility or any of its safety systems, nor does it change any of the assumptions or limits used in the facility licensee's safety analyses or introduce any new failure modes. There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite because this exemption does not affect any effluent release limits as provided in the facility licensee's technical specifications or by the regulations in 10 CFR Part 20, "Standards for Protection Against Radiation." There is no significant increase in individual or cumulative public or occupational radiation exposure because this exemption does not affect limits on the release of any radioactive material, or the limits provided in 10 CFR Part 20 for radiation exposure to workers or members of the public. There is no significant construction impact because this exemption does not involve any changes to a construction permit; and no significant increase in the potential for or consequences from radiological accidents because this exemption does not alter any of the assumptions or limits in the facility licensee's safety analysis. In addition, the NRC staff determined that there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

Conclusions

Accordingly, the NRC has determined that pursuant to 10 CFR 73.5, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC hereby grants the licensee's request to exempt Comanche Peak from the annual FOF exercise requalification requirement of security personnel in subsection C.3.(l)(1) of 10 CFR Part 73, Appendix B, Section VI. This exemption applies only to those FOF exercises required during CY 2020.

If you have any questions, please contact Comanche Peak Project Manager, Dennis J. Galvin, at 301-415-6256 or via e-mail at Dennis.Galvin@nrc.gov.

Sincerely,

Craig G. Erlanger, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

cc: Listserv

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ADAMS Accession No. ML20350B666

***via e-mail**

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