



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

June 30, 2021

LICENSEE: Tennessee Valley Authority

FACILITY: Browns Ferry Nuclear Plant, Units 1, 2, and 3  
Sequoyah Nuclear Plant, Units 1 and 2  
Watts Bar Nuclear Plant, Units 1 and 2

SUBJECT: SUMMARY OF JUNE 11, 2021, CLOSED MEETING WITH TENNESSEE VALLEY AUTHORITY TO DISCUSS PLANNED REQUESTS FOR EXEMPTION FROM CERTAIN REQUIREMENTS OF 10 CFR PART 37 (EPID L-2021-LRM-0055)

On June 11, 2021, the U.S. Nuclear Regulatory Commission (NRC) staff held a closed meeting with representatives of Tennessee Valley Authority (the licensee) to discuss planned requests for exemption from certain requirements of Part 37, "Physical protection of category 1 and category 2 quantities of radioactive material," of Title 10 of the *Code of Federal Regulations* (10 CFR) at Browns Ferry Nuclear Plant, Units 1, 2, and 3 (Browns Ferry); Sequoyah Nuclear Plant, Units 1 and 2 (Sequoyah); and Watts Bar Nuclear Plant, Units 1 and 2 (Watts Bar). Specifically, the licensee intends to seek an exemption from certain requirements of 10 CFR 37.11(c) at Sequoyah, Watts Bar, and Browns Ferry. The meeting notice and agenda for this meeting, dated May 24, 2021, are available at ADAMS Accession No. ML21145A026. A list of attendees is enclosed. No regulatory decisions were made at this meeting.

The licensee's presentation described the purpose of and proposed approach to seeking exemption from certain requirements of 10 CFR 37.11(c). The licensee has been cited for violations for not meeting all of the requirements of 10 CFR 37.11(c) at all three sites. Consistent with Enforcement Guidance Memorandum 14-001, "Interim Guidance for Dispositioning 10 CFR Part 37 Violations with Respect to Large Components or Robust Structures Containing Category 1 or Category 2 Quantities of Material at Power Reactor Facilities Licensed under 10 CFR Parts 50 and 52 (RIN 3150-A112)" (ADAMS Accession No. ML14056A151), the NRC staff has exercised enforcement discretion and has not pursued any enforcement action for these violations. The licensee stated that the purpose of the exemption requests would be to forestall any future violations. Regarding its proposed approach, the licensee stated that the basis for the request will be the criteria identified in Enforcement Guidance Memorandum 14-001 for granting enforcement discretion and that the request would likely credit the sites' physical security plans.

The NRC staff asked the licensee why it would seek exemption given that the staff has exercised enforcement discretion. The licensee stated that it was seeking to resolve a non-compliance issue at the sites and that although enforcement discretion was granted, the non-compliance issue must be documented in each site's corrective action program and tracked to resolution, expending additional licensee resources. The licensee stated that it had considered making changes at the sites to comply with all of the requirements of 10 CFR 37.11(c) but determined that it was not viable due to financial and, in at least one case, technical limitations. Further, the licensee stated that while the Nuclear Energy Institute had

submitted a Petition for Rulemaking to attempt to resolve the issue generically through the rulemaking process, it was unclear what the status of the Petition was and that rulemaking would likely take several years to complete. Finally, the NRC staff asked the licensee what its timeline was for submitting its request. The licensee stated that it intended to submit its request by the end of July 2021, but that it would consider delaying the submittal based on NRC feedback.

Please direct any inquiries to me at 301-415-6459 or [Michael.Wentzel@nrc.gov](mailto:Michael.Wentzel@nrc.gov).

*/RA/*

Michael J. Wentzel, Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-259, 50-260, and 50-296  
50-327 and 50-328  
50-390 and 50-391

Enclosure: List of Attendees

cc: Listserv

LIST OF ATTENDEES

JUNE 11, 2021, CLOSED MEETING WITH TENNESSEE VALLEY AUTHORITY

REGARDING PLANNED REQUESTS FOR EXEMPTION FROM

CERTAIN REQUIREMENTS OF 10 CFR PART 37

<b>Name</b>	<b>Organization</b>
Angela Coggins	U.S. Nuclear Regulatory Commission (NRC)
Steve Garry	NRC
Paul Goldberg	NRC
Kevin Hsueh	NRC
David Jones	NRC
George Smith	NRC
Micheal Smith	NRC
Michael Wentzel	NRC
David Wrona	NRC
Patrick Asendorf	Tennessee Valley Authority
Sandra Koss	Tennessee Valley Authority
Russell Thompson	Tennessee Valley Authority

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CDeMessieres, NRR  
RRichardson, OEDO

**ADAMS Accession No.: ML21165A148**

OFFICE	NRR/DORL/LPL2-2/PM	NRR/DORL/LPL2-2/LA	NRR/DORL/LPL2-2/BC	NRR/DORL/LPL2-2/PM
NAME	MWentzel	RButler	DWrona (MMahoney for)	MWentzel
DATE	6/29/2021	6/28/2021	6/29/2021	6/30/2021

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