

From: Lee, Samson
Sent: Wednesday, July 6, 2022 3:30 PM
To: Thatipamala, Ramakrishna
Cc: 'Richardson, Michael'
Subject: Request for additional information: Diablo Canyon exemption request for Part 73 force-on-force training due to COVID-19 (EPID: L-2022-LLE-0023)

By letter dated June 29, 2022 (Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML22180A298; non-public, security-related), Pacific Gas and Electric Company (PG&E, the licensee) submitted an exemption request for Diablo Canyon Power Plant, Units 1 and 2 (Diablo Canyon), from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(l)(1) and Subsection A.7, regarding annual force-on-force exercises, due to the Coronavirus Disease 2019 (COVID-19) pandemic. PG&E stated that the time period during which the exemption is required will be through October 1, 2022. The NRC staff has reviewed the exemption request and determined that additional information is required to complete the review. The NRC staff's request for additional information (RAI) is listed below. The staff may have additional RAIs. The PG&E staff determined that a draft RAI clarification call was unnecessary. The PG&E staff requested, and NRC staff agreed, to a RAI response by July 7, 2022.

The NRC staff considers that timely response to RAIs help ensure sufficient time is available for staff review and contribute toward the NRC's goal of efficient and effective use of staff resources. If circumstances result in the need to revise the agreed upon response date, please contact me at (301) 415-3168 or via e-mail Samson.Lee@nrc.gov.

NRC Staff RAIs:

1. Describe the attempt(s) that the licensee made to satisfy the calendar year (CY) 2022 annual force-on-force exercise requirement at Diablo Canyon within the required timeframe (i.e., no later than July 11, 2022). Provide the CY 2022 annual force-on-force exercise schedule for each shift; this should include all normally scheduled dates and any make-up dates for CY 2022. Describe any increased artificialities or simulations the site implemented or considered in an effort to conduct its CY 2022 annual force-on-force exercise(s) prior to requesting an exemption and provide a basis as to why the site determined that implementing those increased artificialities or simulations was not achievable.

Basis

Enclosure 4 to the NRC's November 10, 2020, guidance letter (ML20261H515) states, in part, "Licensees who have annual force-on-force exercises scheduled beyond the first quarter of CY 2021 should have sufficient flexibility as identified in [Appendix B to Part 73,] Subsection A.7 and Regulatory Guide [(RG)] 5.75, ["Training and Qualification of Security Personnel at Nuclear Power Reactor Facilities,"] to plan, conduct, and complete their exercise within a three-month window after the scheduled date without the need for a regulatory exemption." The licensee should explain why it waited until after its CY 2022 scheduled annual exercise date to request its exemption.

Enclosure 4 to the NRC's November 10, 2020, guidance letter further states, in part, "The NRC staff expects that before requesting an exemption, a licensee will make reasonable attempts to meet regulatory requirements, including considering ways to conduct annual

exercises with increased drill artificialities and simulations.” On December 3, 2020, the NRC staff hosted a public meeting to discuss challenges associated with licensee conducted annual exercises scheduled for CY 2021 (ML20337A023). During that meeting, participants discussed the importance of the annual exercise for assuring contingency response readiness, because it enables site security force personnel to gain experience in tactics, protective strategy, and assigned duties within the contingency response plan. The NRC staff recommended that, as necessary, licensees benchmark with licensees who successfully conducted annual exercises during the COVID-19 public health emergency (PHE) to identify and implement measures that would facilitate the conduct of CY 2022 annual exercises. Measures discussed during the public meeting included:

- compensatory measures for bullet resistant enclosures;
- use of facial coverings where social distancing cannot be achieved;
- limit time spent in groups (e.g., perform safety briefings via individual study or conduct small-group briefings);
- prepositioning responders; and
- using increased artificialities and simulations described in Section 5.7 of RG 5.75, “Training and Qualification of Security Personnel at Nuclear Power Reactor Facilities,” dated July 2009 (ML091690037), as needed, to help protect against the spread of the COVID-19 virus.

2. Describe the site-specific COVID-19-related impacts that challenge the licensee’s ability to conduct the annual exercise(s) at Diablo Canyon within the required timeframe (i.e., no later than July 11, 2022). Information should include the number or percentage of required site personnel who currently have confirmed or suspected cases of COVID-19, or who are under quarantine; why that circumstance(s) places an unreasonable burden on the site’s ability to conduct the CY 2022 annual force-on-force exercise(s); and why increasing the artificialities or simulations for the CY 2022 annual exercise(s) would not mitigate the risk to personnel safety to a level that conducting the exercise can be achieved. Specifically, what impacts has COVID-19 had on Diablo Canyon security staffing levels over the course of the past 180 days? Please provide specific numbers related to your security staff and the site’s absentee rates over the past 180 days and any other challenges related to staffing/manpower. Describe the minimum required number of site security on shift personnel and support staff needed to conduct annual force-on-force exercises (i.e., X armed response personnel, X armed security officers to include alarm station operators, X adversary complement, X controllers). This number should include utilization of increased simulations and artificialities. Please explain what COVID-19 protocols are currently being implemented onsite and how they differ from the protocols implemented in CY 2021. Additionally, describe how the variations in protocols, if any, impact the site’s ability to perform annual force-on-force exercises.

Basis

The licensee’s request states that COVID-19 trends at Diablo Canyon are improving (i.e., Security Department averaging approximately 25 employees per day as of June 24, 2022, and 10 employees per day as of June 28, 2022, who were unavailable due to COVID-19 impacts). California Governor Gavin Newsom rescinded the majority of statewide COVID-19-related restrictions effective June 15, 2021 (e.g., requirement that groups be spaced six feet apart, masking, and social distancing requirements). As of June 30, 2022, the Centers

for Disease Control and Prevention (CDC) COVID-19 Community Level for San Luis Obispo County was at a "Medium." According to CDC guidance, recommended actions based on the current Community Level for your county include: (1) Stay up to date with COVID-19 vaccines; (2) Get tested if you have symptoms; and (3) If you are at high risk for severe illness, talk to your healthcare provider about whether you need to wear a mask and take other precautions (<https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html>). Information indicating that Diablo Canyon is experiencing actual adverse operational impacts from site personnel who have contracted, or are suspected of contracting, the COVID19 virus would aid the NRC in evaluating Diablo Canyon's assertion that the COVID-19 PHE is challenging the site's ability to conduct its CY 2022 annual exercise(s), as scheduled.

3. Include information describing (and examples demonstrating) how Diablo Canyon will identify and correct any deficiencies, particularly those associated with knowledge, skills, and abilities typically tested during an annual force-on-force exercise, as described in RG 5.75. Additionally, describe how Diablo Canyon will assess the effectiveness of their onsite physical protection program and protective strategy in lieu of conducting annual force-on-force exercises.

Basis

The NRC staff understands that the COVID-19 PHE has made it difficult for licensees to conduct some performance-based security training and testing using their normal methods. The NRC staff also considers armed site security personnel's perishable skills to be key elements in a site's ability to maintain contingency response readiness. It would be helpful if the licensee provided information concerning any alternative method(s) to the annual force-on-force exercise that was established or maintained during the COVID-19 PHE for assessing armed security personnel's perishable skills, and then identifying and correcting deficiencies in a timely manner. The licensee should focus on skills typically tested during an annual force-on-force exercise, such as individual and team tactics, adversary engagements (including moving targets), and contingency response duties. Providing information on an alternative method(s) could demonstrate that armed security personnel's performance is the result of maintaining and applying adequate knowledge and perishable skills versus relying on their familiarity with a particular training or testing activity. Examples of such alternative methods could include changing the form of at least some quarterly tactical response drills from tabletop drills to limited-scope tactical response drills, modifying the order or content for firearms requalification courses (e.g., including incorporating moving targets), and conducting command and control or communications exercises with fast-paced scenarios that simulate the stress of an attack and forced disruptions that simulate the loss of communications equipment or its functionality.

4. Provide information for these uncertainties associated with the licensee's requested exemption:
 - a) If the licensee continues to experience significant absenteeism due to COVID-19 infection and quarantines, describe the licensee's plan for conducting the CY 2022 annual force-on-force exercise(s) by October 1, 2022.
 - b) Please confirm Diablo Canyon's baseline qualification date(s) for the annual force-on-force exercise and when the last annual force-on-force exercise was conducted.

- c) Provide a table/spreadsheet of when and how many security officers will fall out of their annual requalification requirements during the timeframe of the requested exemption (i.e., July 11, 2022, through October 1, 2022).
- d) Confirm that if the NRC grants the licensee's request to extend its CY 2022 annual force-on-force exercise completion date to no later than October 1, 2022, the licensee will continue to use the previously scheduled date for completing future annual force-on-force exercises. In other words, the licensee should confirm that the next annual training must be scheduled at a nominal twelve (12) months from the previously scheduled date rather than the date the training was completed in CY 2022.

Basis

The NRC understands the ongoing public health concerns associated with the COVID-19 PHE, and it is clear that infection rates will fluctuate for the foreseeable future. The NRC staff would like to understand whether and how the licensee would exercise the flexibilities identified in Appendix B to Part 73, Subsection A.7 and RG 5.75 to plan, conduct, and complete their annual force-on-force exercise(s) within the exemption window.

Consistent with Section VI, paragraphs A.7 and D.1.(a) of Appendix B to 10 CFR Part 73, annual requirements must be scheduled at a nominal twelve (12) month periodicity. Annual requirements may be completed up to three (3) months before or three (3) months after the scheduled date. However, the next annual training must be scheduled twelve (12) months from the previously scheduled date rather than the date the training was actually completed. NRC staff is looking to confirm the dates that the licensee conducted their last annual exercises. Additionally, the submittal was unclear on how many security staff would fall out of qualification status during the requested exemption timeframe, therefore supplemental information is requested.

Docket Nos. 50-275 and 50-323

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