



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

CNL-20-050

June 19, 2020

10 CFR 73.5

To: Michael Wentzel, Project Manager
ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

cc: NRC Regional Administrator - Region II
NRC Senior Resident Inspector - Browns Ferry Nuclear Plant
NRC Project Manager - Browns Ferry Nuclear Plant

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

Subject: **Browns Ferry Nuclear Plant, Units 1, 2, and 3, Request for Exemption from the Annual Force on Force Training Requirements of 10 CFR 73, Appendix B, Section VI, Due to the COVID-19 Public Health Emergency**

Reference: NRC Letter from H. Nieh and J. Lubinski to NEI, "U.S. Nuclear Regulatory Commission Planned Actions Related to the Requirements for Part 73, Appendix B, Section VI During the Coronavirus Disease 2019 Public Health Emergency," dated April 20, 2020

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 13, 2020, the Governor of the State of Alabama declared a state of emergency. In addition, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic and, on March 13, 2020, the President of the United States of America declared the Coronavirus (COVID-19) pandemic a national emergency. In response to these declarations and in accordance with the Tennessee Valley Authority (TVA) corporate pandemic response plan, TVA has postponed some site activities due to isolation activities (for example, social distancing, group size limitations, self-quarantining, and so on) and also anticipates the possibility of isolation of required station personnel to maintain necessary staffing levels.

In accordance with the provisions of 10 CFR 73.5, and consistent with the conditions specified in the Enforcement Guidance Memorandum 20-002 and the Reference letter, TVA BFN is requesting temporary exemption from the requirements of Appendix B to Part 73, Section VI, C.3.(I)(1). As a result of the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE), Tennessee Valley Authority (TVA), expects that Browns Ferry Nuclear Power Plant (BFN), Units 1, 2 and 3, will no longer 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 the enclosure to the referenced letter.

This temporary exemption supports the isolation restrictions (e.g., social distancing, group size limitations, self-quarantining, etc.) necessary to protect required site personnel in response to the COVID-19 virus. These restrictions are needed to ensure personnel are isolated from the COVID-19 virus and remain capable of maintaining plant security. BFN implemented proactive isolation restrictions for site personnel on March 23, 2020.

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." Additionally, because of the rigorous nature of BFN security personnel training programs, which consists of regularly scheduled training activities to include weapons training, contingency response drills and exercises, and demonstrated acceptable performance of day-to-day job activities (for example, detection and assessment, patrols, searches, and defensive operations), it is reasonable to conclude that security personnel will continue to maintain their proficiency, even though the requalification periodicity is temporarily exceeded.

BFN requests a temporary exemption from the following specific force-on-force (FOF) exercise requirements of 10 CFR 73, Appendix B, VI.C.3.(I)(1):

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) tactical response drill on a quarterly basis and one (1) force-on-force exercise on an annual basis.

BFN will implement the following controls to ensure impacted security personnel maintain the knowledge, skills, and abilities required to effectively perform assigned duties and responsibilities:

- BFN will maintain a list of the names of the individuals who will not meet the requalification requirements and will include the dates of the last qualification.
- BFN will ensure contingency response readiness of security personnel not participating in an annual FOF exercise, by conducting the following scenario-based evolution:
 - Continue to conduct quarterly tactical response drills, including tabletop exercises, to ensure the security force maintains response readiness.

- The FOF annual exercise will be completed within 90 days after the PHE is ended or by December 31, 2020, whichever occurs first. 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.

BFN will begin implementing its site-specific COVID-19 PHE controls for managing personnel performing Security Program duties at 0000 hours Eastern Daylight Time (EDT) on July 15, 2020, which is when the annual exercise grace period expires.

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:

- (1) The exemptions are authorized by law,
- (2) The exemptions will not endanger life or property or the common defense and security, and
- (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 is a one-time exemption to allow deferring of security training requalification requirements. TVA had scheduled these requalification activities to comply with the regulation. However, these activities must be rescheduled 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 as identified above. Therefore, granting the requested temporary one-time 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.

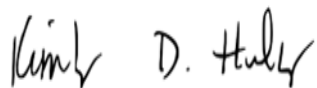
Keeping BFN in operation during the pandemic will help to support the public need for reliable electricity supply to cope with the pandemic. As the US Departments of Homeland Security and Energy have stated in their guidance, the electric grid and nuclear plant operation make up the nation's critical 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.

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.

The period during which the exemption is necessary is not currently known, but will be in effect until 90 days after the PHE is ended, or until December 31, 2020, whichever occurs first.

There are no new regulatory commitments associated with this submittal. Please address any questions regarding this request to Gordon Williams, Senior Manager, Fleet Licensing (Acting) at 423-751-2687.

Respectfully,

A handwritten signature in black ink, appearing to read "Kimberly D. Hulvey".

Kimberly D. Hulvey
Director, Nuclear Regulatory Affairs (Acting)

cc: See Page 1