

Pre-Submittal Meeting for:
COMANCHE PEAK NUCLEAR POWER PLANT
DOCKET NOS. 50-445 AND 50-446

April 7, 2021

**Request for a Temporary Exemption from
10 CFR 73, Appendix B, Section VI,
Subsection A.7 and Subsection C.3(l)(1)**

Participants

- Comanche Peak
 - Mike McNally, CPNPP Security Manager
 - Jim Barnette, CPNPP Licensing
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- NRC
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Purpose/Background Information

- On January 31, 2020, the U. S. Department of Health and Human Resources declared a public health emergency (PHE) for the United States in response 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.
- CPNPP continues to implement CDC recommendations advising “social distancing” to prevent the spread of the COVID-19 disease through implementation of CPNPP’s pandemic plan.
- Isolation activities such as self-quarantining (work from home), group size limitation, social distancing and a POD rotation strategy are in effect to protect required site personnel.

Purpose/Background Information

- CPNPP's pandemic plan impacts the ability to perform annual FOF exercises, for example:
 - The pandemic plan only allows critical, mission-essential personnel to come to the plant site, all others are required to work from home – support from other organizations to conduct the exercises are not currently available due to work from home restrictions.
 - Unable to conduct the necessary briefs and hot washes due to the limited spaces that can house the amount of people needed.
 - Current pandemic plan requirements do not allow visitors to the site without Senior Executive approval.
 - Travel restrictions within Luminant and other licenses inhibit the ability for industry peers to support FOF activities.

Purpose/Background Information

- Vistra Operations Company LLC (Vistra OpCo) will be requesting COVID-19 related temporary exemptions in accordance with 10 CFR 73.4 and pursuant to 10 CFR 73.5 to allow for completion of the Comanche Peak Nuclear Power Plant's (CPNPP) licensee-conducted annual force-on-force (FOF) exercises by September 30, 2021.
 - The current latest date for required completion of the CPNPP annual FOF exercises is June 15, 2021 - three months after the established March 15 schedule date.
- Applicable regulations:
 - 10 CFR 73, Appendix B, Section VI, Subsection A.7:

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.
 - 10 CFR 73, Appendix B, Section VI, Subsection C.3(l)(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. 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.

Purpose/Background Information

- Regulatory Basis - Extending the “complete-by” date of the annual FOF exercises will provide Vistra OpCo the opportunity to conduct the annual exercises with as few artificialities as practical considering the ongoing COVID-19 vaccination efforts and anticipated relaxation of COVID isolation protocols.
 - Conducting the annual exercises with minimal artificialities will provide CPNPP Security the opportunity to train personnel on an enhanced protective strategy and then verify/ optimize the protective strategy and assess the effectiveness of the physical protection program and contingency event response through the conduct of challenging and realistic annual FOF exercises.
 - Vistra OpCo has invested significant resources to upgrade the CPNPP protective strategy. Granting an exemption to allow for completion of the annual FOF exercises in the 3rd quarter of 2021 instead of the 2nd quarter, in order to implement the enhanced protective strategy, would not endanger life or property or the common defense and security and would otherwise be in the public interest.

Purpose/Background Information

- CPNPP FOF Information
 - Licensee-conducted annual exercises last completed – May 2019
 - A COVID-19 related exemption was approved to forego the 2020 annual FOF exercises
 - Triennial FOF Exercises completed – December 2019 (no Findings)

Purpose/Background Information

- CPNPP will continue to maintain contingency response readiness by ensuring impacted security personnel continue to maintain proficiency with knowledge, skills and abilities required to effectively implement the protective strategy through:
 - Review of OE and lessons learned from previous exercises
 - Quarterly tactical response drills (Tabletop drills)
 - Annual firearms familiarization and qualification
 - Weapons range activity (4-month periodicity)
 - Annual tactical course qualification
 - On-the-job training
 - Annual physical examination and fitness test
 - Annual written exam

Justification of Exemption

- Per 10 CFR 73.5, exemptions may be granted provided three conditions are met:
 1. The exemptions are authorized by law - The security training requalification requirements are not required by any statute. The requested exemptions are authorized by law in that no law precludes the activities covered by the proposed exemption request.
 2. The exemptions would not endanger life or property or the common defense and security -
 - Continuation of the Site's pandemic plan mitigation strategies serve the public interest by ensuring adequate staff isolation and maintaining staff health to perform their job functions during the ongoing COVID-19 pandemic.
 - The proposed exemptions relate only to the conduct of annual FOF exercises and do not change the physical security plans or the defensive strategy. Impacted security personnel continue to maintain proficiency with the knowledge, skills and abilities required to effectively implement the protective strategy through previously listed activities.
 3. The exemption is otherwise in the public interest -
 - Continuing the mitigation strategies helps to ensure the required personnel are available to continue operation of the nuclear plant - critical infrastructure.
 - Allowing for the completion of a comprehensive set of FOF exercises during the 3rd quarter of 2021 instead of during the 2nd quarter of 2021 will allow CPNPP to verify and implement an enhanced security protective strategy.

References

Vistra OpCo intends to develop the exemption request using recent industry submittals and also the below-listed documents:

- April 20, 2020 letter regarding 10 CFR 73 [ML20105A483] with:
 - Addendum letter dated October 13, 2020 [ML20273A058]
- November 10, 2020 letter updating requirements [ML20261H515]

Planned Exemption Schedule

- Submittal of Exemption by **April 15, 2021**
- Request approval by **June 1, 2021**

Questions?