



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

November 10, 2020

Dr. Jennifer L. Uhle
Vice President, Generation & Suppliers
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION UPDATED PLANNED ACTIONS
RELATED TO CERTAIN REQUIREMENTS FOR OPERATING AND
DECOMMISSIONING REACTOR LICENSEES DURING THE CORONAVIRUS
DISEASE 2019 PUBLIC HEALTH EMERGENCY

Dear Dr. Uhle:

As you know, 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) PHE. On March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization. This continues to be an unprecedented time for the U.S. Nuclear Regulatory Commission (NRC) and its regulated entities. In all our actions, we are committed to following the NRC's Principles of Good Regulation (independence, openness, efficiency, clarity, and reliability) while performing our mission. In keeping with these principles, the NRC issued letters in seven topical areas that describe the informational needs to facilitate expedited NRC review of anticipated exemption and relief requests that are related to the PHE. The letters covered the topical areas of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26,¹ 10 CFR 50.55a,² 10 CFR Part 55,³ 10 CFR Part 73,⁴ 10 CFR Part 20,⁵ emergency preparedness,⁶ and fire protection.⁷ On October 15, 2020,⁸ the NRC staff held a public meeting to discuss these topics.

The purpose of this letter is to provide guidance on the continued use of expedited processes beyond December 31, 2020. Due to the varied topical areas covered by the earlier letters, this letter contains individual enclosures for each subject-matter area. Enclosures 1 through 7 address informational needs to facilitate the continued licensee use of the NRC's expedited review process, such as providing justifications for the hardships that have resulted from the COVID-19 PHE and information related to the potential cumulative effects of these exemptions.

¹ March 28, 2020, letter regarding 10 CFR Part 26 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20087P237, with addendum letter dated April 8, 2020 (ADAMS Accession No. ML20098B333))

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⁸ October 15, 2020, public meeting notice (ADAMS Accession No. ML20269A175)

How to Submit Requests

Licensees should make every effort to submit timely exemption requests (including online submission, where available) and continue to follow the applicable regulations for submission. If possible, licensees should contact their assigned project manager in advance of submitting a request to address any pre-submittal questions and provide for efficient planning and management of NRC staff resources. To ensure timely receipt and review of these requests, licensees should also send an e-mail with the request to their facility's NRC project manager. Each request should provide a licensed facility and situation-specific justification for why the licensee's response to the PHE necessitates the exemption or relief.

Review Process

The NRC staff will consider these requests on a case-by-case basis and will provide a written decision. The NRC staff may condition any exemption approval, as appropriate, based upon its review. If sufficient time is not available for the NRC staff to provide a written decision, the NRC may provide a verbal decision that will be followed promptly by a letter documenting the approval or denial of the request.

Duration of Exemptions

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Alternative Approaches

This letter does not preclude licensees from requesting licensing actions that take different approaches, rationales, or time periods from those provided in the enclosures to this letter. The NRC will review these requests on a case-by-case basis.

Paperwork Reduction Act

This letter contains guidance for implementing voluntary information collections related to requesting exemptions from requirements contained in the online form for Requests for Alternatives under 10 CFR 50.55a(z)(1) and 10 CFR 50.55a(z)(2) and 10 CFR Parts 20, 26, 30, 40, 50, 52, 55, 70, 72, and 73, which are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et. seq.). These information collections were approved by the Office of Management and Budget under control numbers 3150-0244, 3150-0014, 3150-0146, 3150-0017, 3150-0020, 3150-0011, 3150-0151, 3150-0018, 3150-0009, 3150 0132, 3150-0002 respectively. The average estimated burden per response to comply with this voluntary information collection request is 20 hours. Send comments regarding these information collections to the FOIA, Library, and Information Collections Branch, T6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 or by e-mail to Infocollects.Resource@nrc.gov and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB 10202 (3150-0244, 3150-0014, 3150-0146, 3150-0017, 3150-0020, 3150-0011,

3150-0151, 3150-0018, 3150-0009, 3150 0132, 3150-0002), Office of Management and Budget, Washington, DC 20503.

Public Protection Notification

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If you have any questions regarding this letter, please contact your facility's assigned NRC project manager.

Sincerely,

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John W. Lubinski, Director
Office of Nuclear Material Safety
and Safeguards

Ho K. Nieh, Director
Office of Nuclear Reactor
Regulation

Enclosures:

1. 10 CFR Part 26 Informational Needs
2. 10 CFR 50.55a Informational Needs
3. 10 CFR Part 55 Informational Needs
4. 10 CFR Part 73 Informational Needs
5. 10 CFR Part 20 Informational Needs
6. Emergency Preparedness
Informational Needs
7. Fire Protection Informational Needs

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION UPDATED PLANNED ACTIONS RELATED TO CERTAIN REQUIREMENTS FOR OPERATING AND DECOMMISSIONING REACTOR LICENSEES DURING THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH EMERGENCY DATED NOVEMBER 10, 2020

DISTRIBUTION:

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RidsNrrDraAplb Resource	RidsNrrOd Resource
RidsNsirOd Resource	RidsOeMailCenter Resource
RidsOgcMailCenter Resource	RidsOpaMail Resource
RidsRgn1MailCenter Resource	RidsRgn2MailCenter Resource
RidsRgn3MailCenter Resource	RidsRgn4MailCenter Resource

ADAMS Accession No.: ML20261H515 ***by e-mail** **(NRR-106)**

OFFICE	NRR/DORL/LPL2-1*	NRR/DORL/LPL1/LA*	NRR/DORL/LPL1/BC*	NRR/DORL/D*
NAME	GEMiller	LRonewicz	JDanna	CErlanger
DATE	10/26/2020	10/26/2020	10/29/2020	10/29/2020
OFFICE	NRR/DNRL/D*	NRR/DRO/D*	NRR/DRA/D*	NSIR/DPR/D*
NAME	ABradford	CMiller	MFranovich	KBrock
DATE	10/27/2020	10/28/2020	10/28/2020	10/27/2020
OFFICE	NSIR/DPCP/D*	NRR/DANU/D*	OGC (NLO)*	QTE*
NAME	SHelton	MShams (BSmith for)	TCampbell	JDougherty
DATE	10/27/2020	10/28/2020	11/3/2020	11/4/2020
OFFICE	NSIR/D*	NMSS/D*	NRR/D*	
NAME	BHolian	JLubinski (KWilliams for)	HNieh	
DATE	11/5/2020	11/6/2020	11/10/2020	

OFFICIAL RECORD COPY

Identical letters sent to:

Dr. Jennifer L. Uhle
Vice President, Generation & Suppliers
Nuclear Energy Institute
1201 F Street, NW, Suite 1100 Washington,
DC 20004

Mr. A. Christopher Bakken
Executive Vice President
Nuclear Operations & Chief Nuclear Officer
Entergy Nuclear
1340 Echelon Parkway
Jackson, MS 39213

Mr. Don Moul
Executive Vice President, Nuclear
Division and Chief Nuclear Officer Florida
Power & Light Company
Mail Stop: NT3/JW
15430 Endeavor Drive
Jupiter, FL 33478



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Mr. A. Christopher Bakken
Executive Vice President
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1340 Echelon Parkway
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Mr. Don Moul
Executive Vice President, Nuclear
Division and Chief Nuclear Officer
Florida Power & Light Company
Mail Stop: NT3/JW
15430 Endeavor Drive
Jupiter, FL 33478

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Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26 Requirements Related to Work
Hour Controls

10 CFR 26.9, "Specific Exemptions," states that, upon application of any interested person or on its own initiative, the Commission may grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

10 CFR 26.205(d)(1)-(d)(7) provide requirements for licensee work hour controls. 10 CFR 26.205(d)(1) addresses individual work hours. 10 CFR 26.205(d)(2) addresses breaks. 10 CFR 26.205(d)(3) addresses days off. 10 CFR 26.205(d)(4) addresses unit outages. 10 CFR 26.205(d)(5) addresses unit outages, security system outages, and increased threat conditions for security personnel. 10 CFR 26.205(d)(6) addresses extensions of the provisions of (d)(4) and (d)(5). 10 CFR 26.205(d)(7) addresses an alternative to the day off requirements.

All licensee requests for exemptions from 10 CFR 26.205(d)(1)-(d)(7) will be considered on a case-by-case basis and should be submitted in accordance with 10 CFR 26.11. If the requirements for an exemption are met, the NRC will provide written approval of an exemption for a period of up to 60 days. Licensees may use the online Part 26 exemption request¹ to provide the requested information. If the licensee wants to include information related to the request not covered by the other questions in the form, they can use the additional information section of the form to provide that information.

All requests for expedited review should provide the following information:

- a statement that explains how, and for which covered groups, the COVID-19 public health emergency (PHE) impacts the licensee's ability to meet the work hour control requirements of 10 CFR 26.205(d)(1)-(d)(7);
- a statement that describes how an exemption from the 10 CFR 26.205 (d)(1)-(d)(7) work hour control requirements would be used to manage the impact of the COVID-19 PHE on maintaining plant operational safety and security;
- a list of positions for which the licensee is requesting exemption from the current work hour controls under 10 CFR 26.205(d)(1)-(7);
- the date and time when the licensee will begin implementing its site-specific COVID-19 PHE fatigue-management controls; and
- a statement of the alternative controls that the licensee will use for the management of fatigue during the exemption period. At a minimum, these controls should ensure that, for individuals subject to the controls:
 - (1) not more than 16 work hours in any 24-hour period and not more than 86 work hours in any 7-day period, excluding shift turnover;
 - (2) a minimum 10-hour break is provided between successive work periods;

¹ The online Part 26 exemption request can be found on the NRC's website at <https://www.nrc.gov/about-nrc/covid-19/reactors/part-26-work-hour-req-form.html>.

- (3) 12-hour shifts are limited to not more than 14 consecutive days;
- (4) a minimum of 6 days off is provided in any 30-day period;
- (5) The calculation of work hours and days off includes all work hours and days off during the applicable calculation periods, including those work hours and days off preceding initiation of the exemption period; and
- (6) requirements are established for behavioral observation and self-declaration during the period of the exemption.

Subsequent Requests

All requests for expedited review of subsequent exemption requests where the licensee is requesting an exemption period to begin less than 14 days following the last day of a preceding exemption period should provide the information requested above and the following additional information:

- the requested duration of the subsequent exemption period, and
- a technical basis for why the NRC would continue to have reasonable assurance that cumulative fatigue during the subsequent exemption period from 10 CFR 26.205(d)(1)-(d)(7) work hour controls will not compromise plant safety or security due to impaired worker fitness for duty.

At a minimum, the technical basis should address:

- the number of days, if any, immediately preceding the initial exemption period that the work hours of personnel specified in 10 CFR 26.4(a) were controlled in accordance with neither 10 CFR 26.205(d)(3) nor (d)(7) (e.g., during a unit outage);
- actual hours worked during the initial exemption period (i.e., shift duration, whether the shift is fixed or rotating, shift start and end times, pattern of days on and off, and average number of hours worked per week) of each work group for which the licensee is requesting an exemption from the work hour controls;
- self-declarations and behavioral observations of fatigue or impaired alertness, if any, during the initial exemption period;
- the site-specific administrative controls that will be used to manage worker fatigue during the subsequent exemption period; and
- the scheduled modes of operation for the reactor unit(s) during the subsequent exemption period.

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.55a Requirements Related to
Submittal of the Owner's Activity Report

Under 10 CFR 50.55a(z), "Alternatives to codes and standards requirements," alternatives to the requirements of paragraphs (b) through (h) of 10 CFR 50.55a may be used when authorized by the Director, Office of Nuclear Reactor Regulation, if the applicant or licensee demonstrates that the proposed alternative would provide an acceptable level of quality and safety or compliance with the specified requirements of § 50.55a would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.

10 CFR 50.55a(b)(2)(xxxii) requires the Owner's Activity Report (OAR-1) described in IWA-6230 of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section XI, to be submitted within 90 days of the completion of each refueling outage.

Licensee requests for deferral of the Owner's Activity Report beyond December 31, 2020, will be considered on a case-by-case basis and should be submitted in accordance with 10 CFR 50.4 and 10 CFR 50.55a(z)(2). Licensees may use the online request for alternative under 10 CFR 50.55a¹ to provide the requested information. If the licensee wants to include information related to their request not covered by the other questions in the form, they can use the additional information section of the form to provide that information.

In addition to the information discussed in the NRC's April 9, 2020, letter (ADAMS Accession No. ML20098D975), licensees should provide a site- and situation-specific justification for the hardship. As stated in the April 9, 2020, letter, in the expedited review process, the NRC staff will consider granting deferrals of Form OAR-1 for up to 90 days after the public health emergency is ended but in no case later than the beginning of the subsequent refueling outage.

¹ The online request for alternative under 10 CFR 50.55a can be found on the NRC's website at <https://www.nrc.gov/about-nrc/covid-19/reactors/codes-standards-form.html>.

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 55 Requirements Related to Operator Licensing

10 CFR 55.11, "Specific exemptions," states that, upon application by an interested person or upon its own initiative, the Commission may grant such exemptions from the requirements of the regulations in 10 CFR Part 55 as it determines are authorized by law and will not endanger life or property, and are otherwise in the public interest.

The NRC will continue to consider expedited exemption requests for facility licensees from the "not to exceed two years" requirement for the requalification program in 10 CFR 55.59(c)(1) for operators and senior operators from the requirements in 10 CFR 55.59(a)(1) (requiring the operators and senior operators to successfully complete the Commission-approved requalification program) and for 10 CFR 55.59(a)(2) (requiring the operators and senior operators to pass a comprehensive requalification written examination and an annual operating test). These exemptions would allow delaying these requalification program requirements. To receive expedited review from the NRC, these exemption requests should include the following:

- a request for exemption for the facility licensee from the "not to exceed two years" requirement for the requalification program in 10 CFR 55.59(c)(1) and/or a request for exemption for the operators and senior operators from the requirements in 10 CFR 55.59(a)(1) and in 10 CFR 55.59(a)(2) for the purpose of allowing delay in meeting these requalification program requirements;
- the specific impacts of the COVID-19 PHE that necessitate the request(s);
- the scheduled end date of the current requalification program and the date that the facility licensee requests to extend it to and the dates of the most recently administered annual operating tests and comprehensive requalification written examinations, as applicable, and the date by which the facility licensee will complete administration of the annual operating tests and comprehensive written examination;
- a statement that the facility licensee has modified or will, prior to the effective date of any exemption that is granted, modify its requalification program so that it will provide for training and evaluations of operator knowledge, skills, and abilities during the time when the annual operating tests and comprehensive requalification written examinations would have been scheduled to occur; and
- a statement that the facility licensee, in conjunction with the training program, will continue to evaluate operator performance in the facility and control room to identify and correct operator performance issues in a timely manner. If such a program does not exist, then provide a statement that the facility licensee will implement, prior to the effective date of any exemption that is granted, a program to evaluate operator performance in the facility and control room to identify and correct operator performance issues in a timely manner.

The NRC will also continue to consider expedited exemption requests for operators and senior operators from the requirements in 10 CFR 55.21 and 10 CFR 55.53(i), which require licensed operators to have a medical examination biennially, and from the requirement in 10 CFR 55.57(a)(6), which requires applicants seeking renewal of an operator's license to provide certification by the facility licensee of the applicant's medical condition and general health. Under 10 CFR 55.55(b), operator license renewal applications filed at least 30 days before the expiration of the existing license will be considered to be in timely renewal, notwithstanding the absence of the medical examination certification during, and due to, the

COVID-19 PHE. To receive expedited review from the NRC, these exemption requests should include the following:

- a request for exemption from 10 CFR 55.21, 55.53(i), and, if applicable, 55.57(a)(6), and the names and docket numbers of the operators and senior operators for whom the exemption is being requested;
- the specific impacts of the COVID-19 PHE that necessitate the request;
- the date of the last biennial medical examination for the licensed operator and the date when compliance will be restored;
- a description of the interim compensatory measures that the facility licensee is using to address delay in receipt of recommendations from a licensed physician concerning the licensed operators' health. For example, the facility licensee, in coordination with the licensed operators, might elect to have the operators partially examined (e.g., an assessment of the operators' responses on an ANSI-standard-based questionnaire about medical history without an in-person examination).

For research and test reactors, the NRC will also continue to consider expedited exemption requests from the licensed operator active status requirements in 10 CFR 55.53(e). To receive expedited review from the NRC, these exemption requests should include the following:

- a request for exemption from the requirement to actively perform the functions of an operator or senior operator for a minimum of four hours per calendar quarter that is normally needed to maintain active status under 10 CFR 55.53(e);
- the specific impacts of the COVID-19 PHE that necessitate the request;
- the end date of the calendar quarter in which the active status for the licensed operator(s) expires and the date when compliance will be restored;
- a description of the alternative measures (e.g., refresher training on operating procedures) being used for the hours under the four-hour minimum of 10 CFR 55.53(e); and
- a statement that an authorized representative of the facility licensee will certify completion of alternative measures.

All requests for exemptions from 10 CFR 55.59(a)(1), 55.59(a)(2), 55.59(c)(1), 55.21, 55.53(i), 55.57(a)(6), and 55.53(e) will be considered on a case-by-case basis and should be submitted in accordance with 10 CFR 55.5 and pursuant to 10 CFR 55.11. Licensees may use the online Part 55 exemption request for ¹ to provide the requested information. If the licensee wants to include information related to their request not covered by the other questions in the form, they can use the additional information section of the form to provide that information.

¹ The online Part 55 exemption request can be found on the NRC's website at <https://www.nrc.gov/about-nrc/covid-19/reactors/part-55-operators-licenses.html>.

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73 Requirements Related to Security Qualification

10 CFR 73.5, "Specific Exemptions," states that, upon application of any interested person or on its own initiative, the Commission may grant such exemptions from the requirements of the regulations in Part 73 as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

At the NRC's October 15, 2020, public meeting (meeting details are available under ADAMS Package Accession No. ML20293A539), industry representatives stated that licensees may need to seek exemptions from the licensee-conducted annual force-on-force (FOF) exercise requirement in 10 CFR Part 73, Appendix B, Section VI.

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. The NRC staff understands that certain COVID-19 mitigation measures may result in increased numbers of drill artificialities and simulations during annual FOF exercises. Licensees may review Regulatory Guide 5.75, "Training and Qualification of Security Personnel at Nuclear Power Reactor Facilities," for guidance related to FOF exercise conduct specific to artificialities and simulations associated with personnel safety. Artificialities or simulations implemented due to COVID-19 should be identified in one of the following documents: planning guide; event matrix; or after-action report or summary reports, which can be provided to the NRC during inspection activities.

All licensee requests for exemptions from 10 CFR Part 73, Appendix B, Section VI, will be considered on a case-by-case basis and should be submitted in accordance with 10 CFR 73.4 and pursuant to 10 CFR 73.5.

To receive expedited review from the NRC, requests related to Subsection C.3.(l)(1) with exercise deadlines in CY 2020 should provide the information identified in the October 13, 2020 (ADAMS Accession No. ML20273A058), letter.

Licensees who have scheduled annual FOF exercises as required by 10 CFR Part 73, Appendix B, Section VI, subsection A.7, in the first quarter of CY 2021 and determine that they will not be able to conduct this exercise by the anniversary date, should submit a written exemption request as soon as practicable. A site-specific exemption for expedited consideration from the CY 2021 first quarter anniversary date, as required by 10 CFR Part 73, Appendix B, Section VI, subsection A.7 related to the annual FOF exercise requirement, if granted, would provide the licensee additional scheduling flexibility within CY 2021 to plan and conduct the required annual FOF exercises at a later date within CY 2021 and by June 30, 2021. The staff believes that providing this flexibility (the period between Jan. 1 and June 30) for licensees scheduled in Q1 of CY 2021 affords these licensees with a window (i.e., 6 months) to plan and conduct their 2021 exercises that is equivalent to the window for those licensees with anniversary dates later in the year. If such an exemption were granted, licensees would, however, still be required by 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1) to conduct annual FOF exercises during CY 2021. Licensees who have exercises scheduled beyond the first quarter of CY21 should have sufficient flexibility as identified in subsection A.7 and Regulatory Guide 5.75 to plan, conduct and complete their exercise within a three-month window after the scheduled date without the need for a regulatory exemption.

To receive expedited review from the NRC, requests related to subsection A.7 with exercise deadlines in CY 2021 should provide:

- a description of site-specific COVID-19-related impacts that challenge their ability to conduct their annual FOF exercises;
- a description of how they intend to maintain contingency response readiness;
- a revised schedule for when the annual FOF exercises will be complete; and
- a statement that the licensee will maintain a list of the names of the individuals who will not meet the requirements of 10 CFR Part 73, Appendix B, Section VI, subsection A.7.

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 20 Requirements Related to
Respiratory Protection

10 CFR 20.2301, “Applications for exemptions,” states that the Commission may, upon application by a licensee or upon its own initiative, grant an exemption from the requirements of the regulations in Part 20 if it determines the exemption is authorized by law and would not result in undue hazard to life or property.

10 CFR 20.1703 addresses requirements for the use of respiratory protection equipment.

10 CFR 20.1703(c)(5)(iii) addresses the frequency of medical evaluations.

10 CFR 20.1703(c)(6) addresses fit-testing requirements.

All licensee requests for exemptions from 10 CFR 20.1703 will be considered on a case-by-case basis and should be submitted in accordance with 10 CFR 20.1007 and pursuant to 10 CFR 20.2301. Licensees may use the online Part 20 exemption request¹ to provide the requested information. If the licensee wants to include information related to their request not covered by the other questions in the form, they can use the additional information section of the form to provide that information.

All such requests should provide a facility- and case-specific justification for the requested exemption. The information needs listed in the April 27, 2020, letter regarding this topic may be of use in determining what information to provide.

¹ The online Part 20 exemption request can be found on the NRC’s website at <https://www.nrc.gov/about-nrc/covid-19/reactors/part-20-respiratory-protection-req.html>.

Title 10 of the *Code of Federal Regulations* (10 CFR) Emergency Plan Requirements

10 CFR 30.11, 10 CFR 40.14, 10 CFR 50.12, 10 CFR 52.7, 10 CFR 70.17, and 10 CFR 72.7 allow that, upon application of any interested person or on its own initiative, the Commission may grant exemptions from its regulations, subject to certain requirements in each of these sections. Exemption requests submitted in response to this letter would need to address the exemption requirements that apply to the applicable part of the NRC's regulations.

10 CFR 30.32(i)(3)(xii); 10 CFR 40.31(j)(3)(xii); 10 CFR Part 50, Appendix E, Section IV.F; 10 CFR 70.22(i)(3)(xii); and 10 CFR 72.32(a)(12)(i) and (ii) address requirements of biennial emergency plan exercises.

All licensee requests for expedited review of request for exemptions from the biennial emergency plan exercise requirements will be considered on a case-by-case basis and should be submitted in accordance with 10 CFR 30.6, 10 CFR 40.5, 10 CFR 50.4, 10 CFR 52.3, 10 CFR 70.5, 10 CFR 72.4, as appropriate, and pursuant to 10 CFR 30.11, 10 CFR 40.14, 10 CFR 50.12, 10 CFR 52.7, 10 CFR 70.17, and 10 CFR 72.7, as appropriate.

All requests for expedited review should provide the following information:

1. For 10 CFR Part 50 licensees:

- Requests for exemptions to move the onsite (Appendix E, Section IV.F.2.b) and/or offsite (Appendix E, Section IV.F.2.c), biennial exercise to the year following the year in which it is currently required should provide the information requested in the May 14, 2020 letter (ADAMS Accession No. ML20120A003). Licensees may continue to consider the guidance in the May 14, 2020, letter for those biennial exercises impacted by the PHE in calendar year (CY) 2021 when considering submission of a request for an exemption from onsite and/or offsite biennial exercises to move these exercises to calendar year (CY) 2022 (from CY 2021).
- Requests for exemptions from the offsite biennial exercise requirement for CY 2020 that would return the licensee to regulatory compliance by the end of CY 2022 (as currently scheduled for licensees with even-year biennial exercise frequencies) should provide the information requested in the September 2, 2020, letter (ADAMS Accession No. ML20223A152). Licensees may continue to consider the guidance in the September 2, 2020, letter for those biennial exercises impacted by the PHE in CY 2021 (e.g., those licensees with odd-year biennial exercise frequencies) when considering submission of a request for an exemption from offsite biennial exercises restores the licensee to regulatory compliance during the next scheduled exercise cycle (i.e., CY 2023).
- Requests for exemptions from other exercise requirements from Appendix E to 10 CFR Part 50 (i.e., Appendix E, Section IV.F.2.d or Appendix E, Section IV.F.2.j) should provide the information requested in the May 14, 2020, letter (ADAMS Accession No. ML20120A003) applicable to the specific 8-year exercise cycle requirement impacted by the PHE in CY 2021.

2. For 10 CFR Part 30, 40, 70, or 72 licensees:

- Exemptions to move the onsite biennial exercise to the following year from when it was required should continue to provide the information requested in the May 14, 2020, letter (ADAMS Accession No. ML20120A003). Licensees may continue to consider the guidance in the referenced letter for those biennial exercises impacted by the PHE in CY 2021 when considering submission of an exemption from onsite biennial exercises to move these exercises to CY 2022 (from CY 2021).

Title 10 of the *Code of Federal Regulations* (10 CFR) Fire Protection Requirements

The NRC's regulations in 10 CFR 50.12, "Specific exemptions," state at Section 50.12(a)(1) that the Commission may, upon application of any interested person or on its own initiative, grant such exemptions from the requirements of the regulations which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. However, per 10 CFR 50.12(a)(2), the Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are present whenever one of the factors listed in 10 CFR 50.12(a)(2)(i)-(vi) is met.

All licensees have approved fire protection programs that meet either a fire protection Branch Technical Position (BTP) (such as Appendix A to BTP Auxiliary and Power Conversion Systems Branch (APCSB) 9.5-1 or BTP Chemical Engineering Branch (CMEB) 9.5-1); National Fire Protection Association (NFPA) 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition"; or 10 CFR Part 50, Appendix R. All approved fire protection programs are listed as a license condition in each facility's license. Compliance with the fire protection program is governed by the license condition and the regulatory requirements in 10 CFR 50.48.

All licensee requests for exemptions from the requirements to perform periodic fire brigade drills, annual practice in actual fire extinguishment or live firefighting exercises, and periodic fire brigade member physical examinations will be considered on a case-by-case basis and should be submitted in accordance with 10 CFR 50.4 and pursuant to 10 CFR 50.12.

All such requests should provide a site- and case-specific justification for the requested exemption along with a description of the special circumstances that exist. The information needs listed in the May 14, 2020, letter regarding this topic may be of use in determining what information to provide.

For some licensees, the exemption process may not be the appropriate mechanism to request relief from their fire protection requirements. Some licensees may need to request a license amendment to effect changes to their fire protection programs.