



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

November 12, 2020

Mr. Bryan C. Hanson
Senior Vice President
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President and Chief Nuclear Officer (CNO)
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4300 Winfield Road
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SUBJECT: QUAD CITIES NUCLEAR POWER STATION, UNITS 1 AND 2 – TEMPORARY EXEMPTION FROM THE EXERCISE FREQUENCY REQUIREMENTS OF 10 CFR PART 50, APPENDIX E, SECTION IV.F.2.C (EPID L-2020-LLE-0152) [COVID-19]

Dear Mr. Hanson:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has approved the below temporary exemption from specific requirements of Appendix E to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Section IV.F.2.c, for Quad Cities Nuclear Power Station, Units 1 and 2 (QCNPS). This action is in response to your application dated September 24, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20269A392), that requested a one-time exemption from offsite participation in the calendar year (CY) 2020 biennial emergency preparedness (EP) exercise required by Appendix E, Section IV.F.2.c., specifically to allow postponement of the remaining EP evaluations for the offsite response organizations (OROs) in the State of Iowa to be completed in CY 2021.

Exelon Generation Company, LLC (Exelon, the licensee) holds Facility Operating License Nos. DPR-29 and DPR-30, which authorize operation of QCNPS. These licenses are subject to the rules, regulations, and orders of the NRC. The facility consists of two boiling-water reactors located in Rock Island County in Cordova, Illinois.

The requirements in 10 CFR Part 50, Appendix E, Section IV.F.2.c state, in part:

Offsite plans for each site shall be exercised biennially with full participation by each offsite authority having a role under the radiological response plan.

In Appendix E to 10 CFR Part 50, the NRC defines the term “full participation,” when used in conjunction with EP exercises for a particular site, to mean appropriate offsite local and State authorities and licensee personnel physically and actively take part in testing their integrated capability to adequately assess and respond to an accident at a commercial nuclear power plant. Full participation includes testing major observable portions of the onsite and offsite emergency plans and mobilization of State, local, and licensee personnel and other resources in sufficient numbers to verify the capability to respond to the accident scenario. While desirable,

full participation exercises are not required to be performed simultaneously with exercises required by 10 CFR Part 50, Appendix E, Section IV.F.2.b.

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). Subsequently, the Centers for Disease Control and Prevention (CDC) issued recommendations (e.g., social distancing, limiting assemblies) in an attempt to limit the spread of COVID-19.¹

In your application, you provided the following information:

- Exelon is requesting a one-time exemption for certain offsite functions of the QCNPS biennial EP exercise that would have normally been performed as part of the exercise conducted on August 11, 2020. The licensee requested this exemption due to specific State and county OROs being unable to complete required demonstration activities before December 31, 2020 as a result of the COVID-19 PHE.
- On July 10, 2020 (provided in Enclosure 2a to the licensee's September 24, 2020 letter), the Iowa Department of Homeland Security and Emergency Management (HSEMD) requested that Federal Emergency Management Agency (FEMA) Region VII provide relief to both the State and counties from participation in any radiological EP biennial exercise activities for the remainder of CY 2020 based, in part, on the increasing trend in the number of COVID-19 cases in Iowa coupled with the resource impacts from the ongoing PHE response. The State of Iowa stated that it could protect the public health and safety if a radiological emergency were to occur at the QCNPS.
- Exelon was notified that the State of Iowa and both Clinton and Scott County OROs would be unable to participate in the August 11, 2020, QCNPS biennial radiological EP exercise or complete required out of sequence evaluations before the end of CY 2020. These OROs are unable to participate due to the magnitude of the activation of the Governor of the State of Iowa's March 9, 2020, disaster response of the Iowa Emergency Response Plan² and the corresponding impact on the ORO resources, and in order to allow continued focus on essential COVID-19 PHE response efforts,
- The State of Iowa has requested relief from FEMA Region VII from participation in any radiological emergency preparedness activities for the remainder of 2020, made commitments regarding maintenance of their emergency plans and ability to respond to an actual radiological event, and requested deferral of additional required EP demonstrations until CY 2021. Deferral of additional EP demonstrations requires an exemption from Appendix E, Section IV.F.2.c for the State of Iowa and Clinton and Scott Counties. Exelon provided a table in Attachment 1, "Request for Exemption Related to 10 CFR 50, Appendix E, Section IV.F.2.c," of its application that provides the EP functions for the State of Iowa and Clinton and Scott Counties that are requested to be exempt and deferred until CY 2021. This one-time schedular exemption to allow for the performance of certain CY 2020 offsite biennial EP exercise functions to be deferred for the State of Iowa and Clinton and Scott Counties and performed in CY 2021 would support ORO personnel in their response efforts to the COVID-19 PHE.

¹ CDC, "How to Protect Yourself and Others," April 18, 2020 (ADAMS Accession No. ML20125A069).

² See <https://governor.iowa.gov/sites/default/files/documents/202003100818.pdf>

- The last biennial EP exercise with full ORO participation was conducted on December 4, 2018. Since that time, the licensee has conducted numerous drills, exercises, and other training activities that have exercised its emergency response strategies. Exelon provided a table in Attachment 1 of its application that demonstrates the continuing level of engagement in EP activities for QCNPS and the actual and/or simulated participation with the State of Iowa and Clinton and Scott Counties, since the December 4, 2018, biennial EP exercise. Attachment 1 also provided a table that listed training that has been accomplished with the State of Iowa, Clinton and Scott Counties, and supporting organizations in addition to exercises/drills performed since the December 4, 2018, biennial EP exercise.
- QCNPS conducted its biennial exercise on August 11, 2020, without State of Iowa or Clinton and Scott County ORO participation. On September 14, 2020, the Iowa OROs obtained a FEMA Region VII approval for an exemption from 44 CFR 350.9(c) allowing the State of Iowa and Clinton and Scott Counties to defer the QCNPS biennial EP exercise and associated out of sequence evaluations until CY 2021.
- The date of the rescheduled evaluation of the outstanding CY 2020 biennial EP exercise functions for the State of Iowa and Clinton and Scott Counties, which is no later than November 30, 2021, falls within 35 months from the month of the previously evaluated biennial EP exercise with full ORO participation conducted on December 4, 2018. This exemption would defer the performance of the outstanding CY 2020 biennial EP exercise functions for the State of Iowa and Clinton and Scott Counties to be completed in CY 2021. Because QCNPS conducted its biennial exercise as scheduled, the exemption would not alter QCNPS's current schedule to conduct future biennial EP exercises in even-numbered years.

Pursuant to 10 CFR 50.12, "Specific exemptions," the NRC may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions 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; and (2) special circumstances are present.

The NRC staff determined that the requested exemption is permissible under the Atomic Energy Act of 1954, as amended, and that no other prohibition of law exists to preclude the activities that would be authorized by the exemption. Therefore, the NRC staff finds that the requested exemption is authorized by law.

The regulations in 10 CFR Part 50, Appendix E, Section IV.F.2.c concern requirements for licensees to conduct biennial EP exercises at their facilities. No new accident precursors are created by allowing the licensee to postpone the biennial EP exercise offsite functions from CY 2020 until CY 2021. Thus, the probability and consequences of postulated accidents are not increased. In addition, the requested exemption to perform CY 2020 State of Iowa and OROs biennial EP functions has no relation to security issues. Therefore, the NRC staff finds that the requested exemption will not present an undue risk to the public health and safety and is consistent with the common defense and security.

Special circumstances, per 10 CFR 50.12, that apply to the requested exemption include:

- a. 10 CFR 50.12(a)(2)(ii): “Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.”

The regulation in 10 CFR Part 50, Appendix E, Section IV.F.2.c requires offsite plans for each site to be exercised biennially with full participation by each offsite authority having a role under the plan. The underlying purpose of these requirements is to ensure that the emergency organization personnel are familiar with their duties and to identify and correct any weaknesses that may exist in the licensee’s EP Program. The underlying purpose of Section IV.F.2.c is also to test and maintain interfaces among affected State and local authorities and the licensee. The licensee stated that it has conducted training and drills exercising functional areas of emergency response since the last evaluated biennial EP exercise with full ORO participation. Based on the above, the NRC staff finds that the underlying purposes of these regulations are met by the licensee having conducted the August 11, 2020, biennial EP exercise and establishing an acceptable tentative date for the rescheduled State of Iowa and ORO biennial EP exercise offsite functions of November 2021.

- b. 10 CFR 50.12(a)(2)(v): “The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation.”

The State of Iowa notified the licensee that they were no longer able to support the originally scheduled biennial EP exercise in the interest of continuing to focus on essential COVID-19 PHE response efforts. Conducting full-scale exercises for QCNPS during this pandemic could put exercise participants at risk of contracting COVID-19. HSEMD requested that FEMA Region VII provide relief for both the State of Iowa and counties from participation in any radiological EP activities for the remainder of CY 2020. FEMA approved the request for relief to postpone the QCNPS biennial emergency preparedness exercise, and the associated out-of-sequence evaluations, until no later than November 2021.

Therefore, the NRC staff finds that the requested exemption to conduct the biennial EP exercise exempted functions in CY 2021 instead of CY 2020 would provide only temporary relief from the applicable regulation and that the licensee has made good faith efforts to comply with the regulation by trying to reschedule the offsite biennial EP exercise for the State of Iowa and Clinton and Scott Counties during CY 2020.

Based on the above, the NRC staff finds that the special circumstances of 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(v) are present.

NRC approval of the requested exemption is categorically excluded under 10 CFR 51.22(c)(25) and there are no extraordinary circumstances present that would preclude reliance on this exclusion. The NRC staff determined, per 10 CFR 51.22(c)(25)(vi)(E), that the requirements from which the exemption is sought involve education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff also determined that approval of this exemption involves no significant hazards consideration because it does not authorize any physical changes to the facility or any of its safety systems, change any of the assumptions or limits used in the licensee’s safety analyses, or introduce any new failure

modes. There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite because this exemption does not affect any effluent release limits as provided in the licensee's technical specifications or by the regulations in 10 CFR Part 20, "Standards for Protection Against Radiation." There is no significant increase in individual or cumulative public or occupational radiation exposure because this exemption does not affect limits on the release of any radioactive material, or the limits provided in 10 CFR Part 20 for radiation exposure to workers or members of the public. There is no significant construction impact because this exemption does not involve any changes to a construction permit. There is no significant increase in the potential for or consequences from radiological accidents because the exemption does not alter any of the assumptions or limits in the licensee's safety analysis. In addition, the NRC staff determined that there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of the requested exemption.

Granting the requested exemption does not impact NRC findings of reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at QCNPS. In the statement of considerations for the standards to be applied when considering whether to grant exemptions ("Specific Exemptions; Clarification of Standards, Final Rule," 50 FR 50764, dated December 12, 1985), the Commission stated:

While compliance with all NRC regulations provides reasonable assurance of adequate protection of the public health and safety, the converse is not correct, that failure to comply with one regulation or another is an indication of the absence of adequate protection, at least in a situation where the Commission has reviewed the noncompliance and found that it does not pose an "undue risk" to the public health and safety. Furthermore, the Commission has never defined the concept of "defense-in-depth" to preclude the granting of an exemption from a regulation as long as the applicable exemption criteria are met. In fact, the Commission has recognized that its regulations may provide for the possibility of exemptions when an appropriately high level of safety is in fact achieved and the public interest is served.

The NRC staff has determined that in accordance with 10 CFR 50.12, the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security; and that special circumstances are present. Therefore, the NRC hereby grants the licensee's request for a one-time schedular exemption from the requirements for the biennial EP exercise in 10 CFR Part 50, Appendix E, Section IV.F.2.c.

This exemption expires at midnight on November 30, 2021.

B. Hanson

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If you have any questions, please contact the QCNPS project manager, Robert Kuntz, at 301-415-3733 or via e-mail at Robert.Kuntz@nrc.gov.

Sincerely

Craig G. Erlanger, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-254 and 50-265

cc: Listserv

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