



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

December 11, 2020

Mr. Bryan C. Hanson
Senior Vice President
Exelon Generation Company, LLC
President and Chief Nuclear Officer (CNO)
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: CLINTON POWER STATION, UNIT NO. 1 – EXEMPTION FROM ANNUAL FORCE-ON-FORCE EXERCISE REQUIREMENTS OF 10 CFR PART 73, APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,” SUBSECTION VI.C.3(I)(1) (EPID L-2020-LLE-0200 [COVID-19])

Dear Mr. Hanson:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has approved the requested exemption from a specific requirement of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI, “Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties,” for Clinton Power Station, Unit No. 1 (Clinton), for calendar year (CY) 2020. This action is in response to the Exelon Generation Company, LLC (the licensee) application dated November 13, 2020 (Agencywide Documents Access and Management System (ADAMS) Package Accession No. ML20318A287; non-public, withheld under 10 CFR 2.390), that requested an exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), regarding the annual force-on-force (FOF) exercises for CY 2020 at Clinton.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), state, in part:

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) 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.

The purpose of the annual licensee-conducted FOF exercises is to ensure that the site security force maintains its contingency response readiness. Participation in these exercises also supports the requalification of security force members.

On January 31, 2020, the U.S. Department of Health and Human Services declared a Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) for the United States. Subsequently, the Centers for Disease Control and Prevention (CDC) issued recommendations

(e.g., social distancing, limiting assemblies) to limit the spread of COVID-19. On August 13, 2020 (ADAMS Accession No. ML20209A000), the NRC granted the licensee's previous request for temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1). That exemption is set to expire on December 31, 2020. As such, the licensee is required to conduct any missed annual licensee-conducted FOF exercises by December 31, 2020.

The licensee's application dated November 13, 2020, states the following, in part:

- The Governor of the State of Illinois issued restrictions in response to the spread of COVID-19 and imposed isolation and other limitations throughout the State. The COVID-19 PHE has not ended and continues to impact Clinton's ability to conduct annual FOF exercises.
- Conducting the 2020 annual FOF exercise training as required by 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1), would require the use of a significant number of additional staff (e.g., multiple shifts of staff and personnel from other sites, etc.) to support and effectively implement the annual training exercise for 2020. Holding the 2020 FOF exercise would locate drill participants and drill controllers in close quarters (e.g., bullet resistant enclosures, defensive fighting positions, Central Alarm Station, etc.), making it difficult and impractical to meet CDC recommendations regarding assembly practices and social distancing restrictions during this continuing COVID-19 PHE. Since many of the functions required to conduct the training exercise would place plant staff and other participants in close proximity to one another as noted, it could increase the likelihood of plant Security personnel and other participants exposure to the COVID-19 virus.
- Approval of this exemption will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.
- Impacted security personnel continue to maintain proficiency with the knowledge, skills, and abilities required to effectively implement the protective strategy to protect the station against the design basis threat as described in 10 CFR 73.1, "Purpose and scope," because Clinton has continued to conduct the following training requalification requirements of 10 CFR 73, Appendix B, Section VI:
 - Quarterly tactical response drills (Tabletop drills, Timeline drills, Limited-scope tactical response drills)
 - Annual firearms familiarization
 - Annual daylight qualification course
 - Annual night fire qualification course
 - Annual tactical qualification course
 - On-the-job training
 - Annual physical examination
 - Annual physical fitness test
 - Weapons range activity (4-month periodicity)
 - Annual written exam
 - Annual thermal sight qualification course
 - Controller training
 - Less than lethal force training
 - Annual protective mask training

- Clinton has also conducted quarterly tabletops along with a review of FOF lessons learned in order to maintain proficiency during the COVID-19 pandemic. Quarterly tabletop exercises were completed on February 15, May 15, and August 15, 2020, and fourth quarter tabletops are in progress. The review of lessons learned from FOF exercises was conducted, which included the CY 2017 triennial exercises, CY 2018 and 2019 annual exercises, and the 2020 Inspection Procedure (IP) limited scope tactical response drills. The lessons learned review was completed on August 12, 2020, and the 2020 IP 92707 lessons learned review is in-progress. Clinton completed the NRC IP 71130.02 inspection on February 14, 2020, the NRC IP 71130.04 inspection on November 11, 2020, the NRC IP 71130.08 inspection on November 11, 2020, and the NRC IP 92707 inspection on October 22, 2020. In addition, Clinton has conducted the following training activities:
 - Adversary training, completed between September 8-11, 2020
 - Three tabletop exercises for Defensive Strategy Optimization project, completed January 19, February 19, and April 9, 2020
 - FOF Ramp Up Training that included Controller, Deadly Force, and tabletop training, completed August 7, 10, 11, and 12, 2020
 - Tabletop rehearsals for IP 92707, completed on September 11, 18, and 25, 2020, and October 16, 2020
 - Limited scope tactical response drills, completed on September 10 and 24, 2020
 - Dress Rehearsal, completed on October 8, 2020

This exemption is specific to CY 2020 and Clinton security personnel who have previously demonstrated proficiency and are currently qualified in accordance with the requirements of 10 CFR Part 73, Appendix B, Section VI. The licensee stated that “[b]ecause of the rigorous nature of nuclear Security personnel training programs, which consist of regularly scheduled training activities to include weapons training, limited scope tactical response drills, and demonstrated acceptable performance of day-to-day job activities (e.g., 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 2020 annual FOF exercise is not conducted for the exemption being requested.” Additionally, the November 13, 2020, request identified the site-specific actions listed above that have occurred, or will continue to occur, at Clinton to maintain contingency response readiness, consistent with the NRC staff’s October 13, 2020, letter (ADAMS Accession No. ML20273A117).

Pursuant to 10 CFR 73.5, “Specific exemptions,” the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 73 when the exemptions are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 that is authorized by law. The NRC staff has reviewed the exemption request and finds that granting the proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or other laws. Therefore, the NRC staff finds that the exemption is authorized by law.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 when the exemption will not endanger life or property or the common defense and security. This exemption will only apply to licensee security personnel who are already

satisfactorily qualified in accordance with the security requirements in 10 CFR Part 73, Appendix B, Section VI. Based on this fact, and its review of the controls that the licensee has or will implement to ensure contingency response readiness for the duration of the exemption, including continuing to conduct quarterly tactical response drills and other security requalification requirements, the NRC staff has reasonable assurance that the security force at Clinton will maintain its proficiency and readiness to implement the licensee's protective strategy and adequately protect the site. Therefore, the NRC staff concludes that the proposed exemption would not endanger life or property or the common defense and security.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 when the exemption is in the public interest. The NRC staff finds that the exemption from the annual FOF exercise requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1), for CY 2020 would facilitate the licensee's efforts to maintain a healthy workforce capable of operating the plant safely and implementing the site's protective strategy by isolating security personnel from potential exposure to the COVID-19 virus. The NRC staff concludes that granting the exemption for CY 2020 is in the public interest because it allows the licensee to maintain the required security posture at Clinton, while enabling the facility to continue to provide electrical power to the Nation.

Environmental Considerations

NRC approval of this exemption request is categorically excluded under 10 CFR 51.22(c)(25), and there are no special 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 this exemption is sought involve education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff also determined that approval of this exemption request involves no significant hazards consideration because it does not authorize any physical changes to the facility or any of its safety systems, nor does it change any of the assumptions or limits used in the facility 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 facility 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; and no significant increase in the potential for or consequences from radiological accidents because this exemption does not alter any of the assumptions or limits in the facility 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 this exemption request.

Conclusions

Accordingly, the NRC has determined that pursuant to 10 CFR 73.5, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC hereby grants the licensee's request to exempt Clinton from the annual FOF exercise requalification requirement of security personnel

in subsection C.3.(I)(1) of 10 CFR Part 73, Appendix B, Section VI. This exemption applies only to those FOF exercises required during CY 2020.

If you have any questions, please contact the Clinton, Unit No. 1 project manager, Joel S. Wiebe, at (301) 415-6606 or Joel.Wiebe@nrc.gov.

Sincerely,

David J. Wrona, Acting Deputy Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-461

cc: Listserv

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