



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

December 18, 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: LASALLE COUNTY STATION, UNITS 1 AND 2 – TEMPORARY EXEMPTION FROM BIENNIAL ONSITE EMERGENCY PREPAREDNESS EXERCISE FREQUENCY REQUIREMENTS OF 10 CFR PART 50, APPENDIX E, SECTION IV.F.2.B (EPID-L-2020-LLE-0223 [COVID-19])

Dear Mr. Hanson:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has approved the requested 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.b, for LaSalle County Station, Units 1 and 2 (LSCS). This action is in response to the Exelon Generation Company, LLC (EGC, the licensee) application dated November 23, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20328A292), as supplemented by letter dated December 7, 2020 (ADAMS Accession No. ML20342A259), that requested a one-time exemption from the requirements in 10 CFR Part 50, Appendix E, Section IV.F.2.b, to postpone conducting the calendar year (CY) 2020 biennial onsite emergency preparedness (EP) exercise until CY 2021.

EGC holds Renewed Facility Operating License Nos. NPF-11 and NPF-18 for LSCS. These licenses are subject to the rules, regulations, and orders of the Commission. LSCS consists of two boiling-water nuclear reactors located in Brookfield Township, LaSalle County, Illinois.

The requirements in 10 CFR Part 50, Appendix E, Section IV.F.2.b, state, in part: “Each licensee at each site shall conduct a subsequent exercise of its onsite emergency plan every 2 years.”

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 On March 9, 2020, the Governor of the State of Illinois declared a state of emergency due to the COVID-19 outbreak activating the disaster response and recovery aspects of the Illinois Emergency Response Plan.² In response

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

² <https://www2.illinois.gov/sites/gov/Documents/CoronavirusDisasterProc-3-12-2020.pdf>

to these declarations, EGC has postponed some site activities due to isolation protocols (e.g., social distancing, group size limitations, maximum telework, and self-quarantining) and also has considered the possibility of isolation of required station personnel to maintain necessary staffing levels.

The licensee's application, as supplemented, provided the following information:

- EGC cannot effectively implement an onsite EP exercise at LSCS without risk to station personnel because the exercise would require suspending the station isolation protocols. Accordingly, EGC has determined that it needs an exemption from the biennial onsite EP exercise requirements in 10 CFR Part 50, Appendix E, Section IV.F.2.b, for LSCS, as meeting these requirements would conflict with practices recommended by the CDC to limit the spread of COVID-19.
- The biennial EP exercise for LSCS was scheduled for November 17, 2020. However, the exercise requirements for certain onsite functions at LSCS were not completed. The requirements in 10 CFR Part 50, Appendix E, Section IV.F.2.c, for the biennial offsite EP exercise were completed the week of November 16, 2020.
- The COVID-19 PHE continues to create special circumstances surrounding performance of the onsite emergency plan requirements in accordance with 10 CFR Part 50, Appendix E, Section IV.F.2.b, including the increase in reported COVID-19 cases in the State of Illinois along with LSCS continuing efforts to maintain the CDC guidelines regarding social distancing and isolation. These special circumstances, in the interest of personnel health and safety along with nuclear safety, preclude LSCS from having onsite participation during its biennial EP exercise. Due to insufficient time left in CY 2020 and LSCS continuing COVID-19 mitigation efforts, rescheduling of the onsite portion of the CY 2020 biennial EP exercise to meet 10 CFR Part 50, Appendix E, Section IV.F.2.b, requirements was unsuccessful.
- The last biennial EP exercise was conducted on August 7, 2018. Since that exercise, LSCS has conducted a number of training drills, exercises, and other training activities that have involved actual and/or simulated interface with the onsite personnel and exercised LSCS emergency response strategies, in coordination with offsite authorities. In addition, licensed operator training conducted dynamic scenarios evaluations.
- If the exemption is granted, then the onsite activities for the CY 2020 biennial EP exercise would be rescheduled for April 13, 2021, and would be completed no later than July 7, 2021. This date of the rescheduled biennial onsite EP exercise would fall within 35 months from the month of the previously evaluated biennial EP exercise conducted on August 7, 2018.
- The rescheduled biennial onsite EP exercise for LSCS has been and will continue to be coordinated with the applicable NRC Region. In addition, future biennial EP exercises (i.e., the full participation exercises) for LSCS will continue to be held 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.b, 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 onsite EP exercise from CY 2020 until CY 2021. Thus, the probability and consequences of postulated accidents are not increased. In addition, the requested exemption for a one-time change to the biennial onsite EP exercise schedule 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.b, requires licensees to conduct an exercise of their site emergency plan biennially. The purpose of this requirement is to ensure that the emergency organization personnel are familiar with their duties and to identify and correct any weaknesses that may exist in a licensee’s EP program. The licensee stated that it has conducted a number of training drills, exercises, and other training activities that have involved actual and/or simulated interface with the onsite personnel and exercised LSCS emergency response strategies, in coordination with offsite authorities. Based on the above, the NRC staff finds that the underlying purpose of this regulation is met by the licensee having conducted these preparedness activities and establishing an acceptable tentative date for the rescheduled biennial onsite EP exercise of April 13, 2021.

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

EGC has determined that the originally scheduled exercise date does not support continued implementation of the isolation protocols to protect required LSCS personnel in response to the ongoing COVID-19 PHE. These protocols are needed to ensure that emergency response organization personnel at LSCS are isolated from COVID-19 and remain capable of executing their emergency response functions, as described in the LSCS emergency plan. If the exemption is granted, the onsite activities for the CY 2020 biennial EP exercise would be rescheduled for April 13, 2021, and would be completed no later than July 7, 2021.

Therefore, the NRC staff finds that the requested exemption to conduct the biennial onsite EP exercise 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.

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 LSCS. 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 onsite EP exercise in 10 CFR Part 50, Appendix E, Section IV.F.2.b, for LSCS. This exemption expires on July 7, 2021.

If you have any questions, please contact the LSCS project manager, Bhalchandra K. Vaidya, at 301-415-3308 or Bhalchandra.Vaidya@nrc.gov.

Sincerely,

Caroline L. Carusone, Deputy Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-373 and 50-374

cc: Listserv

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ADAMS Accession No.: ML20346A014

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