

RS-21-027

February 21, 2021

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001LaSalle County Station, Units 1 and 2
Renewed Facility Operating License Nos. NPF-11 and NPF-18
NRC Docket Nos. 50-373 and 50-374

Subject: Response to Request for Additional Information Regarding Request for Exemption from Pre-Access Drug and Alcohol Testing Requirements in 10 CFR 26.65

References:

1. Letter from D. Murray (Exelon Generation Company, LLC) to NRC (Nuclear Regulatory Commission), "Request for Exemption from Pre-Access Drug and Alcohol Testing requirements in 10 CFR 26.65," dated February 20, 2021 (ML21051A006)
2. Email from B. Vaidya (NRC) to J. Taken (Exelon Generation Company, LLC), "Request for Additional Information (RAIs) for LaSalle Request for Exemption from Pre-Access Drug and Alcohol Testing requirements in 10 CFR 26.65," dated February 20, 2021

In Reference 1, Exelon Generation Company, LLC (EGC) requested U.S. Nuclear Regulatory Commission (NRC) approval of a one-time exemption from the requirements of 10 CFR 26.65, "Pre-access drug and alcohol testing," subsection (d)(1)(ii), "Authorization reinstatement after an interruption of more than 30 days," and subsection (e)(2)(iii)(B), "Authorization reinstatement after an interruption of 30 or fewer days," for LaSalle County Station (LSCS).

Specifically, EGC requested a one-time exemption from the 5 business days requirements outlined in 10 CFR 26.65(d)(1)(ii) and 10 CFR 26.65(e)(2)(iii)(B) that require licensees to verify drug test results are negative within 5 business days of specimen collection or administratively withdraw authorization until the drug test results are received. EGC requested an additional 10 business days, thus extending the 5 business days requirement to 15 business days. EGC requested the exemption due to specimen shipments being affected by regional delays due to winter storms which have caused substantial service disruptions at the FedEx Express service hub in Memphis, Tennessee. Following collection, EGC shipped the specimens in a timely manner, however, the service disruption, which is outside of EGC's and our testing laboratory's control, prevents the delivery of the specimens to the laboratory for testing within the required 5 business days.

In Reference 2, the NRC requested additional information to complete its review. The attachment to this letter provides the responses to the requested information.

EGC requests approval of the exemption by February 22, 2021. EGC requests that the exemption be valid for the specimen shipments currently in transit and any subsequent shipments made through February 26, 2021 to allow time to arrange alternative shipping, if possible. There are no new regulatory commitments contained within this letter.

Should you have any questions or require additional information regarding this letter, please contact Mr. Jason Taken at (630) 806-9804.

Respectfully,



Dwi Murray
Sr. Manager – Licensing
Exelon Generation Company, LLC

Attachment: Response to Request for Additional Information

cc: Regional Administrator – NRC Region III
NRC Senior Resident Inspector – LaSalle County Station
NRC Project Manager, NRR – LaSalle County Station
Illinois Emergency Management Agency – Division of Nuclear Safety

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LaSalle County Station, Units 1 and 2
Docket Nos. 50-373 and 50-374

Response to Request for Additional Information

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NRC Request for Additional Information (RAI)

By letter dated February 20, 2021 (ADAMS Accession No. ML21051A006), Exelon Generation Company, LLC (EGC) requested Exemption from Pre-Access Drug and Alcohol Testing requirements in 10 CFR 26.65.

In a subsequent follow-up clarification call between EGC and NRC staff on February 20, 2021, the NRC staff discussed the draft RAI to ensure that the questions were understandable, the regulatory basis was clear. During the call, EGC stated that it would respond by February 21, 2021 and NRC found this timeframe acceptable.

The NRC staff identified the following additional information needed to complete its review:

Administrative

RAI-1. What is Exelon's justification for the 10 additional business days (14 calendar days) for each event?

EGC RESPONSE:

EGC determined that an additional 10 business days is necessary to ensure all required testing can be completed. The additional 10 business days is based on allowing 5 business days to allow delivery of the delayed shipments. If within these first 5 business days of the requested exemption the shipments do not progress to their destination, the remaining 5 additional business days allows EGC to conduct re-testing of the affected individuals and ship the new specimen to the laboratory for testing.

RAI-2. Explain whether Exelon explored alternative shipping options and the use of a back-up U.S. Department of Health and Human Services' (HHS)-certified laboratory?

EGC RESPONSE:

EGC has explored alternative shipping options and the use of a back-up U.S. Department of Health and Human Services' (HHS)-certified laboratory. EGC determined that use of an alternate shipping courier is not feasible because the affected shipments are delayed in-transit as described in Reference 1.

EGC determined that use of a back-up laboratory for the delayed shipments would not resolve the noncompliance with 10 CFR 26.65(d)(1)(ii) and 10 CFR 26.65(e)(2)(iii)(B) because the capabilities of the primary laboratory are unaffected by the shipment delays. EGC has confirmed with the primary laboratory that the shipment delay will not result in delayed specimen processing once specimen shipments are received.

EGC continues to maintain communication with FedEx regarding the delayed shipments to gain efficiencies in the affected shipments delivery time.

RAI-3. Explain whether there is a drop dead date from the point of specimen collection from which Exelon will cancel the initial test and retest individuals prior to their requested 10-

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day extension to help ensure these individuals are fit for duty and trustworthy and reliable?

EGC RESPONSE:

EGC determined that should the initial shipments not be received by the testing laboratory by Friday, February 26, 2021, EGC will re-test the affected individuals and send new specimens for testing such that their results would be received by EGC by the end of the requested 10 additional business days. The current situation does not require the Medical Review Offer (MRO) to cancel the tests in accordance with 10 CFR 26.129(b)(2). EGC will consider results of both the initial specimens analyzed by the laboratory, and the re-test results should a re-test be conducted for the affected individuals.

RAI-4. What are Exelon plans if an individual has completed assigned work activities and is no longer onsite, but the individual's test result comes back and its positive or invalid?

EGC RESPONSE:

EGC will address this scenario consistent with current procedures. The MRO will address positive confirmatory test results from the laboratory in accordance with 10 CFR 26.185. If EGC received a confirmed positive test result from the MRO, the individual will be denied unescorted access and the denial will be entered into the industry shared database. If the MRO received invalid test results from the laboratory, the results would be addressed in accordance with 10 CFR 26.185(f).

Should the MRO determine that a retest is required and the individual is no longer maintaining unescorted access, EGC will place the individual on administrative hold in the industry shared database to assure retesting is conducted as soon as possible, and prior to receiving unescorted access at another nuclear facility.

Quantifying Risk

RAI-5. What is Exelon's qualitative assessment of the size of the group of affected individuals that are reinstates less than 30 days and those who are greater than 30 days but less than 365 days? Contrast this assessment to the size of the outage worker population.

EGC RESPONSE:

EGC confirms that all of the affected individuals who were granted access on a collected specimen are reinstatements of greater than 30 days but less than 365 days. The individuals who have delayed specimens represent approximately 30 percent of the total population of supplemental workers who have been or will be in-processed to support LaSalle County Station (LSCS).

All of the affected individuals have previously been granted Unescorted Access Authorization (UAA) or Unescorted Access (UA) within nuclear facilities and are still considered trustworthy and reliable. The affected individuals have completed all of the required training and had previously and currently maintain and meet access authorization requirements.

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As stated in Reference 1, a majority of the affected individuals are contracted through General Electric, BHI, Tesco, and Allied Power Services. These are companies that EGC frequently works with and have previously provided EGC with supplemental workers.

Therefore, EGC concludes that the 10 additional business days to receive the specimen results presents a low risk to the integrity of the Fitness for Duty (FFD) program at LSCS.

RAI-6. What is Exelon's qualitative assessment of the number of affected individuals in follow-up testing?

EGC RESPONSE:

EGC reviewed the affected individuals in the follow-up testing program. There are currently two individuals in the follow-up testing program that were approved by the Substance Abuse Expert (SAE) to maintain unescorted access, based on previous self-identification. EGC assesses that these individuals present a low risk to the FFD program integrity and the on-going procedural safeguards provide additional risk mitigation strategies while these individuals complete the follow-up testing program requirements.

Mitigating Risk

RAI-7. Does Exelon plan to implement any mitigative strategies above that required by the regulations to ensure that the affective population is fit for duty and trustworthy and reliable during the interim period?

EGC RESPONSE:

EGC will initiate a communication to its fleet regarding the importance of the Behavioral Observation Program (BOP) re-emphasizing the importance of "see something, say something." Site-wide communications will occur and be reinforced by department managers or designees at LSCS to reinforce the understanding of the BOP and FFD program requirements.

Additionally, to mitigate the impact of the current shipments delay, EGC has begun to re-collect specimens from the affected individuals and arrange for shipment to the testing laboratory.

EGC will document the implementation and completion of the requested exemption within the EGC Corrective Action Program (CAP).

References:

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