

SAFETY EVALUATION REPORT

DOCKET NO.: 40-3392

LICENSEE: Honeywell Metropolis Works, Metropolis, IL

SUBJECT: LICENSE AMENDMENT 15, EXEMPTION FROM THE 2021 GRADED EMERGENCY RESPONSE EXERCISE REQUIRED BY 10 CFR 40.31(J)(3)(XII) (ENTERPRISE PROJECT IDENTIFIER L-2021-LLA-0080)

REQUEST

By letter dated April 30, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21131A008), as supplemented by letters dated May 7, 2021 (ADAMS Accession No. ML21139A047), July 9, 2021 (ADAMS Accession No. ML21190A271), and July 29, 2021 (ADAMS Accession No. ML2121211A588) Honeywell Metropolis Works (MTW), submitted a request for an exemption from certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Paragraph 40.31(j)(3)(xii), "Exercises." In particular, MTW requests a one-time exemption from the provisions in 10 CFR 40.31(j)(3)(xii), which require a biennial emergency plan exercise. MTW proposes to reschedule the conduct of the biennial exercise within 35 months from the date in which the previously evaluated exercise was conducted in calendar year (CY) 2019 to sometime in 2022. In addition, MTW also proposes performing future biennial exercises during even years, and it will coordinate with the applicable offsite response organizations (if offsite response organization participation is required) and the applicable NRC Region.

BACKGROUND

Currently, MTW is required by regulation to conduct emergency response drills biennially. As a result of the Coronavirus Disease 2019 (COVID-19) public health emergency and the current ready-idle state of the MTW facility, MTW has determined that an exemption is needed from the biennial emergency plan exercise requirements that are specified in 10 CFR 40.31(j)(3)(xii) because performance of this exercise when there is a rising number of cases of the Delta variant of COVID-19 and the community has a low vaccination rate (~20%) could expose MTW employees and emergency responders to COVID-19.

MTW's last biennial exercise was on May 12, 2019. MTW has stated that it has made a reasonable effort to reschedule the planned exercise in CY 2021 but has been unsuccessful. MTW stated that it will reschedule the conduct of the biennial exercise within 35 months from the date in which the previously evaluated exercise was conducted. MTW further requested that future biennial exercises be held in even years. MTW has conducted drills, exercises, and other training activities that exercised its emergency response strategies in coordination with offsite authorities since the previous biennial exercise.

MTW's emergency response plan states that MTW coordinates exercise activities with the NRC on a biennial basis. The coordination effort includes a provision that, at least 60 days prior to the planned exercise date, arrangements for participation or observation by NRC representatives must be made. MTW stated that it would coordinate the rescheduled biennial exercise with the applicable offsite response organizations (if required) and the applicable NRC Region.

Performance of the required emergency exercise may necessitate that the involved participants come in close contact with one another. Current guidance from the state of Illinois recommends that unvaccinated individuals wear masks and socially distance. As of July 9, 2021, MTW's requirements for people entering the site matched the Illinois guidelines. Further, conducting the exercise at this time could expose MTW employees and emergency responders to COVID-19 when there is a rising number of cases of the Delta variant of COVID-19 and the community has a low vaccination rate (~20%). All of these factors would add risk to Honeywell employees and diminish the effectiveness of the exercise.

DISCUSSION – NRC STAFF REVIEW PURSUANT TO 10 CFR 40.14(a)

The NRC issued a letter on May 14, 2020, to the Nuclear Energy Institute (ADAMS Accession No. ML20120A003) related to emergency biennial exercise requirements during the COVID-19 public health emergency for all licensees under Parts 30, 40, 50, 52, 70, and 72 that have a radiological emergency plan. This letter stated that the "NRC is prepared to consider on an expedited basis requests for exemptions, upon request from individual licensees, from the biennial emergency plan exercise requirements that are specified in . . . 10 CFR 40.31(j)(3)(xii). . . . These exemptions would, if granted, ensure that licensees engage in activities that do not conflict with practices recommended by the Centers for Disease Control and Prevention to limit the spread of COVID-19."

The NRC issued another letter on November 10, 2020, to the Nuclear Energy Institute (ADAMS Accession No. ML20261H515), which included discussion of emergency plan requirements, including 10 CFR 40.31(j)(3)(xii). The NRC stated that licensees seeking to move biennial exercises from calendar year 2021 to calendar year 2022 should continue to consider the guidance in the NRC's May 14, 2020, letter and should continue to provide the information requested in said letter.

Consistent with the November 10, 2020, letter and the section entitled "Requested Information" in the May 14, 2020, letter, MTW provided the following information:

- MTW's last biennial exercise date was on May 12, 2019.
- MTW's current biennial exercise date was scheduled to be held on May 17, 2021.
- MTW has made a reasonable effort to reschedule the planned exercise in calendar year (CY) 2021 but has been unsuccessful.
- MTW will reschedule the conduct of the biennial exercise within 35 months from the month in which the previously evaluated exercise was conducted in CY 2019.
- If this exemption is granted, MTW requests that future biennial exercises be held in even years.
- MTW stated that it had conducted drills, exercises, and other training activities that exercised its emergency response strategies, in coordination with offsite authorities, since the previous biennial exercise.

- MTW also stated that it will coordinate with the applicable offsite response organizations (if offsite response organization participation is required) and the applicable NRC Region.

The November 10, 2020, letter noted that licensees could continue to consider the guidance in the May 14, 2020 letter when moving exercises from calendar year 2021 to calendar year 2022. Per the May 14, 2020, letter, licensees needed to include a statement that future biennial exercises would continue to be held in even years in order to qualify for expedited review. For exercises originally scheduled for calendar year 2021, licensees would accordingly need to include a statement that they intend to continue to hold biennial exercises in odd years. Based on its submittal, as supplemented, MTW intends to hold future biennial exercises in even years rather than odd years. While this is different from the guidance in the May 14, 2020, letter, that letter and the November 10, 2020, letter applied to more than just Part 40 licensees. Because many entities are licensed under other Parts of the NRC's regulations, permitting those licensees to switch from even to odd years would create resource complications for the NRC. Attempting to resolve these resource complications while processing requests for expedited exemptions could delay the expedited process. However, given the small number of Part 40 licensees and the fact that the members of the NRC staff involved in Part 40 exercises do not do similar work for other categories of licensees, permitting MTW to perform exercises in even years going forward does not create these resource complications and is, therefore, not inconsistent with the expedited review process. Additionally, MTW notified the NRC on February 19, 2021, of its intent to resume full operation of the uranium conversion facility in 2023. Under these circumstances, changing MTW's biennial exercise schedule to even years would add efficiency to the NRC review schedule and will allow for a drill to occur in 2024 after the scheduled restart of the facility.

Pursuant to 10 CFR 40.14 (a), the NRC may grant an exemption from the requirements of 10 CFR Part 40 if the staff determines that 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.

The NRC staff has determined that granting the licensee's proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, other laws, or the Commission's regulations. Therefore, the requested exemption is authorized by law.

MTW is continuing to perform the following internal emergency response activities commensurate with the idle state status of the site: a) Monthly onsite and offsite siren tests; b) Emergency communication equipment functional tests; c) Census drills that test the time it takes for MTW employees and contractors to report to designated muster locations; d) Automated external defibrillator (AED) drills that test that an AED is available at the site of a medical emergency within five minutes; e) Confined space rescue training/drills; f) Patient packaging and high angle rescue training/drills; g) First aid/CPR/AED training/drills; h) Transient combustible audits; and i) Monthly fire extinguisher inspections. Thus, MTW will continue to perform internal emergency response exercises at the MTW facility per its approved emergency plan.

Additionally, the probability and consequences of postulated accidents as discussed in MTW's integrated safety analyses summary are not increased by the one-time change to the biennial EP exercise schedule. Further, the licensee will reschedule the exercise within 35 months from the month in which the previously evaluated exercise was conducted. Therefore, the staff finds that granting the exemption would not endanger life or property or the common defense and security.

Finally, granting this exemption request is otherwise in the public interest because it promotes public health and safety by following social distancing and assembly recommendations related to the COVID-19 public health emergency. MTW is located in the state of Illinois and current guidance in the state recommends that persons that are not vaccinated wear masks and social distance. The Honeywell requirements as of July 9, 2021, for persons entering the MTW site are the same as the current Illinois guidelines. Since MTW is still in an idle state, MTW would have to request that outside agencies play a key role in the graded exercise. Conducting the exercise at this time could expose MTW employees and emergency responders to COVID-19 when there is a rising number of cases of the Delta variant of COVID-19 and the community has a low vaccination rate (~20%). This would add risk to Honeywell employees and diminish the effectiveness of the exercise. Therefore, the NRC staff concludes that granting this exemption is in the public interest.

ENVIRONMENTAL REVIEW

Pursuant to 10 CFR 51.22(b) and 10 CFR 51.22(c)(25)(vi)(G), provided that there are no special circumstances, the granting of an exemption from the requirements of any regulation in Chapter I of 10 CFR is a categorical exclusion, provided that: (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve, as relevant here, scheduling requirements.

For the reasons described below, MTW's request meets the criteria for a 10 CFR 51.22(c)(25) categorical exclusion. There are no special circumstances here which require an environmental assessment or environmental impact statement. MTW is not a reactor and this exemption is limited to timing of an emergency exercise, so there are no significant hazards considerations. Because the request by MTW pertains to an exemption from conducting a biennial emergency exercise, there are no effluents or offsite releases or significant increase in radiation exposure to workers or members of the public associated with this request. There are no construction activities associated with this request, so there is no significant construction impact. There is no significant increase in the potential for any radiological accidents associated with this request because the request for exemption from performing an emergency exercise does not affect the facility's operations. Finally, given that the exemption concerns the scheduling of an emergency exercise, the exemption is related to a scheduling requirement. Therefore, pursuant to 10 CFR 51.22(b) and 10 CFR 51.22(c)(25)(vi)(G), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

CONCLUSION

Based on its review above, the NRC staff concludes that the postponement of the emergency exercises to be authorized by the issuance of this exemption is in compliance with the law and will not endanger life or property or the common defense and security. The staff also concludes that granting the exemption is in the public interest. Accordingly, the NRC hereby grants MTW an exemption, until 35 months from the previously evaluated exercise from the requirements in 10 CFR 40.31(j)(3)(xii) pertaining to the timeframe for biennial exercises.

A new License Condition 37 has been issued to reflect the exemption as follows:

37. The licensee is granted an exemption from performing the biennial exercise listed in 10 CFR 40.31(j)(3)(xii) in calendar year 2021 but must complete said exercise within 35 months of the previously evaluated exercise which occurred on May 12, 2019. Following that evaluated exercise, the licensee will conduct biennial exercises in even number years.

PRINCIPAL CONTRIBUTOR

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