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0CAN031002

March 18, 2010

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555-0001

**SUBJECT:** Exemption from the Requirements of 10 CFR 50.36a(a)(2)  
Submittal Date for the Radioactive Effluent Release Report  
Arkansas Nuclear One, Units 1 and 2  
Docket Nos. 50-313 and 50-368  
License No. DPR-51 and NPF-6

**REFERENCE:**

1. Indiana Michigan Power Company Letter to the NRC, dated October 21, 2008, "Request for License Amendment to Technical Specification 5.6.3 Radioactive Effluent Release Report, and One-Time Exemption from 10 CFR 50.36a(a)(2)" (DC Cook Nuclear Power Plant, Units 1 and 2)
2. NRC Letter to Indiana Michigan Power Company, dated March 30, 2000, "Donald C. Cook Nuclear Power Plant, Units 1 and 2 – One-Time Exemption from the Requirements of 10 CFR 50.36a(a)(2), Submittal Date for the 2008 Radioactive Effluent Release Report (TAC NOS. ME00002 and ME00003)"

Dear Sir or Madam:

Pursuant to 10 CFR 50.12, Entergy Operations, Inc. (Entergy) requests an exemption from the requirements of 10 CFR 50.36a(a)(2) with regards to the submittal date for the Radioactive Effluent Release Report for Arkansas Nuclear One, Units 1 and 2 (ANO-1 and 2). The proposed exemption is administrative in nature and requests a change to the submittal date of the report to that of the Technical Specification (TS) date of "prior to May 1" of each year.

ANO-1 TS 5.5.1 and ANO-2 TS 6.5.1 require the Radioactive Effluent Release Report to be submitted prior to May 1 of each year in accordance with 10 CFR 50.36a. 10 CFR 50.36a(a)(2) states that the interval between submittals of the Radioactive Effluent Release Report must not exceed 12 months. Originally, both units' TSs required this report be submitted either prior to March 1 or within 60 days after January 1 of each year. Later, through several TS changes, the requirement became prior to May 1 of each year.

While the TS changes revised the submittal date, they did not address the 12-month interval between submittals that is required by 10 CFR 50.36a(a)(2). As a result, the actual submittal date remained at the end of February of each year. Because of this, a period of only two months is available to prepare and submit the report. This presents an undue administrative burden on ANO personnel due to the compressed schedule for data collection, report preparation, and internal review following the closure of the reporting period. The proposed exemption allows an additional two months for these activities to match the current submittal date stated in the TS.

The proposed exemption alters the required submission date for the Radioactive Effluent Release Report. It does not change the information in the report and does not change the physical plant or affect plant operation.

This letter contains no new commitment.

This request is essentially the same as that made in Reference 1 and approved by the NRC in Reference 2.

The Radioactive Effluent Release Report for ANO for the Calendar Year 2009 has been submitted. Entergy requests that this exemption be approved by February 1, 2011. This is prior to the submittal of the ANO Radioactive Effluent Release Report for the Calendar Year 2010.

If you have any questions or require additional information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'DBB', with a long horizontal stroke extending to the right.

DBB/rwc

Attachment: Exemption From the Requirements of 10 CFR 50.36a(a)(2) Submittal Date for the Radioactive Effluent Release Report

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**ATTACHMENT TO**

**0CAN031002**

**Exemption From the Requirements of 10 CFR 50.36a(a)(2)  
Submittal Date for the Radioactive Effluent Release Report**

### **Exemption From the Requirements of 10 CFR 50.36a(a)(2) Submittal Date for the Radioactive Effluent Release Report**

10 CFR 50.36a(a)(2) requires each licensee to submit a report to the NRC annually that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous 12 months, including any other information as may be required by the NRC to estimate maximum potential annual radiation doses to the public resulting from effluent releases. The report must be submitted as specified in 10 CFR 50.4, and the time between report submittals must be no longer than 12 months.

Arkansas Nuclear One, Unit 1 (ANO-1) Technical Specification (TS) 5.5.1 and ANO-2 TS 6.5.1 require the Radioactive Effluent Release Report covering the operation of each unit in the previous year to be submitted prior to May 1 of each year in accordance with 10 CFR 50.36a.

10 CFR 50.36a(a)(2) states that the interval between submittals of the Radioactive Effluent Release Report must not exceed 12 months. Originally, both units' TSs required this report be submitted either prior to March 1 or within 60 days after January 1 of each year. Later, during the ANO-1 TS conversion, the submittal date for ANO-1 became May 1. ANO continued to send one submittal for the site as allowed by the TSs. The conservative date of the end of February was used. Entergy proposed to reorganize Section 6 of the ANO-2 TS in 2003. The proposed changes were to make the ANO-2 requirements consistent with the ANO-1 TS requirements. These changes were subsequently approved by the NRC and the submittal date became "prior to May 1" of each year for both units.

While the submittal dates were consistent again between the two units' TS, the 12-month interval between submittals was not addressed. The actual submittal date remained at the end of February of each year. As a result, a period of only two months is available to prepare and submit the report. This presents an undue administrative burden on ANO personnel due to the compressed schedule for data collection, report preparation, and internal review following the closure of the reporting period.

ANO has recognized this undue burden and is requesting an exemption from the 12-month reporting criteria specified in 10 CFR 50.36a(a)(2) for its submittal of the Radioactive Effluent Release Report. The proposed exemption allows an additional two months for the activities described above. Future submittals will be made in accordance with the units' TSs, i.e., each year prior to May 1. Approving the exemption will relieve ANO of unnecessary burden while continuing to ensure the subject report is submitted on an annual basis.

It should be noted that this exemption request does not affect the information to be submitted or the time period the report covers, only the date the report is submitted.

### **10 CFR 50.12 DISCUSSIONS**

Pursuant to 10 CFR 50.12, the Commission 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 public health or safety, and are consistent with the common defense and security, and (2) when special circumstances are present. These circumstances include the special circumstances that would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

#### Authorized by Law

This exemption would allow the licensee to submit the Radioactive Effluent Release Report for subsequent calendar years prior to May 1 of each year, in accordance with TSs. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR Part 50. The NRC staff in the past has determined that granting a similar request for another licensee does not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulation. The exemption will continue to ensure the subject annual report is submitted to the NRC in a timely manner each year. Based on the above, the exemption is authorized by law.

#### No Undue Risk to Public Health and Safety

The underlying purpose of the reporting requirements specified in 10 CFR 50.36a(a)(2) is to report to the Commission annually the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents during the previous 12 months, including any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. This exemption request does not affect the information required to be submitted or the time period the report covers or the frequency of the report, but only the date by which the report must be submitted. Based on the above, no new accident precursors are created by extending the submittal date for the Radioactive Effluent Release Report to "prior to May 1." The probability of postulated accidents is not increased. Also, based on the above, the consequences of postulated accidents are not increased. Therefore, there is no undue risk to public health and safety.

#### Consistent with Common Defense and Security

The proposed exemption has no relation to security issues. The common defense and security is, therefore, not impacted by this exemption.

#### Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(v), are present whenever application of the regulation would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation. As noted above, the purpose of this reporting requirement is to submit a report to the Commission annually that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and gaseous effluents, including any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. The proposed exemption does not affect the information required to be submitted or the time period the report covers, but only the date by which the report must be submitted. The requested exemption provides relief from the regulation in that it affords slightly more time for report preparation and establishes a consistent report due date in compliance with the units' TSs. The current TSs require future reports be submitted on an annual basis as required by 10 CFR 50.36a(a)(2). Therefore, since the underlying purpose of 10 CFR 50.36a(a)(2) is achieved, the special circumstances of 10 CFR 50.12(a)(2)(v) for the granting of an exemption from 10 CFR 50.36a(a)(2) exists.

As demonstrated above, the requested exemption is authorized by law, does not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Based on this, Entergy believes the requested exemption should be granted for ANO.

### **ENVIRONMENTAL IMPACT**

The proposed action does not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no significant increase in the amount of any effluent released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed actions.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Based on the above, there are no significant environmental impacts associated with the proposed exemption.