



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

May 14, 2020

Dr. Jennifer L. Uhle
Vice President, Generation & Suppliers
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION PLANNED ACTIONS RELATED TO EMERGENCY PREPAREDNESS BIENNIAL EXERCISE REQUIREMENTS FOR ALL LICENSEES DURING THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH EMERGENCY

Dear Dr. Uhle:

As you know, 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). On March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization. As discussed during a public meeting held on March 20, 2020, with nuclear industry representatives and members of the public, this is an unprecedented time for our country, the U.S. Nuclear Regulatory Commission (NRC), and its regulated entities. In all of our actions, we are committed to following the NRC's Principles of Good Regulation (independence, openness, efficiency, clarity, and reliability) while performing our mission. In keeping with our principles, this letter provides information regarding the NRC's planned actions related to the requirements contained in Title 10 of the *Code of Federal Regulations* (10 CFR) for full participation biennial exercises during the COVID-19 PHE. This information is applicable to all NRC licensees under Parts 30, 40, 50, 52, 70, and 72 that have a radiological emergency plan.

Under the NRC's regulations in 10 CFR 30.11, 10 CFR 40.14, 10 CFR 50.12(a), 10 CFR 52.7, 10 CFR 70.17, 10 CFR 72.7, the Commission may grant exemptions from its regulations, subject to certain requirements in each of these sections. Exemption requests submitted in response to this letter would need to address the exemption requirements that apply to the applicable part of the NRC's regulations. Consistent with these regulations and as described in this letter, 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 30.32(i)(3)(xii), 10 CFR 40.31(j)(3)(xii), 10 CFR Part 50, Appendix E.IV.F, 10 CFR 70.22(i)(3)(xii), and 10 CFR 72.32(a)(12)(i) and (ii). 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-19.¹ Biennial exercises, particularly those that integrate onsite and offsite performance, typically require significant resources to schedule, perform, and evaluate (including NRC and the Federal Emergency Management (FEMA) evaluators (if applicable)). Limitations on the availability of those resources could require an exercise currently scheduled

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in calendar year (CY) 2020 to be postponed. The NRC expects a licensee to make a reasonable effort to reschedule the exercise date during CY 2020. But if the licensee cannot coordinate and reschedule the exercise date during CY 2020, then the licensee will need to submit an exemption request to conduct the exercise at some reasonable time in the future (e.g., CY 2021). The NRC notes the guidance in Regulatory Issue Summary (RIS) 2006-003, "Guidance on Requesting an Exemption from Biennial Emergency Preparedness Exercise Requirements," dated February 24, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML053390039), provides guidance for Part 50 licensees seeking exemptions in this area. While this RIS is applicable to Part 50 licensees, it may provide useful guidance for Part 30, 40, 52, 70, and 72 licensees. Additionally, a joint NRC and FEMA memorandum to their respective regions provided information in this area via "Guidance for Postponement of REP (Radiological Emergency Preparedness) Exercises Due to the COVID-19 Outbreak," dated March 27, 2020 (ADAMS Accession No. ML20085F705).

Requested Information

To receive expedited review of an exemption request, a licensee should submit a request that contains the following information:

- the licensee's last biennial exercise date;
- the licensee's current biennial exercise date;
- a statement that the licensee has made a reasonable effort to reschedule the exercise during CY 2020, but was unsuccessful;
- Per RIS 2006-03 and consistent with similar exemptions granted for issues like hurricanes that have impacted exercise scheduling, a statement that the licensee will reschedule the conduct of the biennial exercise within 35 months from the month in which the previously evaluated exercise was conducted in CY 2018;
- a statement that if an exemption is granted to allow the licensee to conduct the CY 2020 biennial exercise in CY 2021, that future biennial exercises will continue to be held in even years;
- a statement that the licensee conducted drills, exercises, and other training activities that exercised its emergency response strategies, in coordination with offsite authorities, since the previous biennial exercise; and
- a statement that the rescheduled biennial exercise has been, or will be, coordinated with the applicable offsite response organizations (if offsite response organization participation is required), the applicable NRC Region, and the applicable FEMA Region.

How to Submit Requests

Licensees should make every effort to submit timely exemption requests. Licensees should continue to follow 10 CFR 30.6, "Communications," 10 CFR 40.5, "Communications," 10 CFR 50.4, "Written communications," 10 CFR 52.3, "Written communications," 10 CFR 70.5, "Communications," or 10 CFR 72.4, "Communications," as appropriate. To ensure timely

receipt and review of these exemption requests, licensees should also send an email with the request to their facility's NRC project manager, in addition to submitting the application as provided in NRC regulations.

Review Process

The NRC will consider these requests on a case-by-case basis and, if the requirements for an exemption are met, will provide a written decision. Based upon its review, the NRC staff may condition any exemption approval, as appropriate. If sufficient time is not available for the NRC to provide a prior written decision for the exemption, then the NRC may provide a verbal decision that will be followed promptly with a letter documenting the approval or denial of the request.

Duration of Exemptions

Exemptions that are approved under this process would be in effect until the performance of the rescheduled biennial exercise per the specific direction of the NRCs approval of the exemption. Licensees must come back into compliance with the regulations or receive approval for an additional exemption period from the NRC before the end of each exemption period.

Alternative Approaches

This letter does not preclude requests for exemptions that take a different approach or present different rationales. The NRC will review such requests on a case-by-case basis.

If you have any further questions about the contents of this letter, please contact your facility's NRC project manager.

Paperwork Reduction Act Statement

This letter contains guidance for implementing the voluntary information collections related to requesting exemptions from requirements contained in 10 CFR Parts 30, 40, 50, 52, 70, and 72 that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et. seq.). These information collections were approved by the Office of Management and Budget under control numbers 3150-0017, -0020, -0011, -0151, -0009, and -0132, respectively. Estimated burden per response to comply with this voluntary information collection request is 24 hours. Send comments regarding these information collections to the Information Services Branch (T6-A10M), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to Infocollects.Resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Public Protection Notification

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Sincerely,

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Ho K. Nieh, Director
Office of Nuclear Reactor
Regulation

John W. Lubinski, Director
Office of Nuclear Material Safety
and Safeguards

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TO EMERGENCY PREPAREDNESS BIENNIAL REQUIREMENTS FOR ALL
LICENSEES DURING THE CORONAVIRUS DISEASE 2019 PUBLIC HEALTH
EMERGENCY MAY 14, 2020

Identical letters sent to:

Dr. Jennifer L. Uhle
Vice President, Generation & Suppliers
Nuclear Energy Institute
1201 F Street, NW, Suite 1100
Washington, DC 20004

Mr. Chris Bakken
Executive Vice President
Nuclear Operations & Chief Nuclear Officer
Entergy Nuclear
1340 Echelon Parkway
Jackson, MS 39213

Mr. Don Moul
Executive Vice President, Nuclear
Division and Chief Nuclear Officer
Florida Power & Light Company
Mail Stop: NT3/JW
15430 Endeavor Drive
Jupiter, FL 33478

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***via email**

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| DATE | 04/30/2020 | 05/01/2020 | 05/04/2020 | 05/04/2020 |
| OFFICE | NMSS/DFM/D* | NMSS/DUWP/D* | NRR/DORL/D* | OGC – NLO* |
| NAME | AKock | Holahan | CErlanger | TCampbell |
| DATE | 05/04/2020 | 05/01/2020 | 05/04/2020 | 05/06/2020 |
| OFFICE | NMSS/D* | NRR/D* | | |
| NAME | JLubinski (RLewis for) | HNieh | | |
| DATE | 05/14/2020 | 05/14/2020 | | |

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1340 Echelon Parkway
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Division and Chief Nuclear Officer
Florida Power & Light Company
Mail Stop: NT3/JW
15430 Endeavor Drive
Jupiter, FL 33478

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