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10 CFR 50.12
10 CFR 50, Appendix E

OCAN072003

July 13, 2020

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Subject: Request for One-Time Exemption from 10 CFR 50, Appendix E Biennial
Emergency Preparedness Evaluated Exercise Requirements due to
COVID-19 Pandemic

Arkansas Nuclear One, Units 1 and 2
NRC Docket Nos. 50-313, 50-368, and 72-13
Renewed Facility Operating License Nos. DPR-51 and NPF-6

Pursuant to 10 CFR 50.12(a)(1), Entergy Operations, Inc. (Entergy) is submitting this request for an one-time exemption to the requirements of 10 CFR 50, Appendix E, Section IV.F.2.b and IV.F.2.c for Arkansas Nuclear One, Units 1 and 2 (ANO-1 and ANO-2). Specifically, Entergy is requesting a one-time schedular exemption to postpone the current scheduled biennial emergency preparedness exercise until 2021. Special circumstance 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(v) are applicable to this request in accordance with Reference 1, "Regulatory Issue Summary 2006-03, "Guidance on Requesting an Exemption from Biennial Emergency Preparedness Exercise Requirements."

On January 31, 2020, the U. S. Department of Health and Human Services declared a public health emergency 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. In addition, the State of Arkansas has issued Directed Health Measures.

In response to these declarations, ANO initiated its site pandemic plan which includes protective health measures such as social distancing, group size limitations, and self-quarantine, on March 2, 2020. In addition, the Arkansas Department of Health (ADH) informed ANO that they were no longer able to support the subject biennial exercise, in the interest of protecting their staff, state and local partners, and federal evaluators. The threat of COVID-19 spread has resulted in the uncertainty to safely conduct the full-participation biennial emergency

preparedness exercise that was scheduled for September 15 and 16, 2020. Conducting the ANO biennial exercise in calendar year (CY) 2021, rather than CY 2020, places the exercise outside the required biennium. Consequently, ANO requests a schedular exemption to postpone the biennial emergency preparedness exercise until CY 2021. ANO has tentatively scheduled this exercise for March 2021.

A similar request has been made by the Nebraska Public Power District in Reference 2.

Enclosed is the exemption request and the justification for the request. The request and justification are based on the guidance provided in Reference 3.

Entergy requests authorization by December 31, 2020, to avoid 10 CFR 50, Appendix E, non-compliance.

No new regulatory commitments are included in this submittal.

If there are any questions or if additional information is needed, please contact Riley Keele, Manager, Regulatory Assurance, Arkansas Nuclear One, at (479)858-7826.

Respectfully,

ORIGINAL SIGNED BY RON GASTON

Ron Gaston

RWG/rwc

Enclosure: Exemption Request from 10 CFR 50, Appendix E, Biennial Emergency Preparation Exercise Requirements.

- References:
1. Regulatory Issue Summary 2006-03, "Guidance on Requesting an Exemption from Biennial Emergency Preparedness Exercise Requirement," dated February 25, 2006 (ML053390039)
 2. Letter from Nebraska Public Power district to the NRC, "Temporary Exemption Request from 10 CFR 50, Appendix E Biennial Emergency Preparedness Exercise Requirements due to COVID-19 Pandemic (NLS2020034)," dated June 16, 2020
 3. Letter from Ho K. Nieh and Robert Lewis, U. S. Nuclear Regulatory Commission, to Dr. Jennifer L. Uhle, Nuclear Energy Institute, 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," dated May 14, 2020 (ML20120A003)

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cc: NRC Region IV Regional Administrator
NRC Senior Resident Inspector – Arkansas Nuclear One
NRC Project Manager – Arkansas Nuclear One
Designated Arkansas State Official

ENCLOSURE

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**REQUEST FOR EXEMPTION FROM 10 CFR 50, APPENDIX E
BIENNIAL EMERGENCY PREPAREDNESS EXERCISE REQUIREMENTS**

REQUEST FOR EXEMPTION FROM 10 CFR 50, APPENDIX E BIENNIAL EMERGENCY PREPAREDNESS EXERCISE REQUIREMENTS

1 REQUEST FOR EXEMPTION

Pursuant to 10 CFR 50.12, "Specific exemptions," Entergy Operations, Inc. (Entergy), requests an one-time exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.b and IV.F.2.c for Arkansas Nuclear One, Units 1 and 2 (ANO-1 and ANO-2). The proposed exemption would allow a full participation evaluated biennial emergency preparedness (EP) exercise to be postponed until the calendar year (CY) 2021.

The request to move this exercise to 2021 stems from the current ANO pandemic situation resulting from the Coronavirus Disease (COVID-19) response. As a result of this response, Entergy has determined that ANO will remain in a conditional state of response due to various travel restrictions and administrative controls. These controls at the utility and the governmental level do not allow for an adequate means to effectively implement a fully integrated exercise without risk to host counties and station personnel. The unique situation is that this exercise will include other federal, state, and local organizations which will be involved in an Ingestion Pathway Exercise (IPX), expanding involvement and thus, expanding risk.

The proposed exemption supports the continued implementation of the isolation activities (e.g., social distancing, group size limitations, use of personal protective equipment, self-quarantining, etc.) to protect required Emergency Response Organization (ERO) personnel in response to COVID-19. These activities are needed to ensure ERO personnel are isolated from the COVID-19 virus and remain capable of executing the functions of the ERO, as described in the ANO Emergency Plan.

2. BACKGROUND

10 CFR 50, Appendix E, Section IV.F.2.b states, "Each licensee at each site shall conduct a subsequent exercise of its onsite emergency plan every 2 years." 10 CFR 50, Appendix E, Section IV.F.2.c states, "Offsite plans for each site shall be exercised biennially with full participation by each offsite authority having a role under the radiological response plan. Where the offsite authority has a role under a radiological response plan for more than one site, it shall fully participate in one exercise every two years and shall, at least, partially participate in other offsite plan exercises in this period."

Entergy conducted a teleconference with the Federal Emergency Management Agency (FEMA) and Arkansas Department of Health (ADH) on June 10, 2020. This call was used to discuss the need to seek an exemption and the activities planned for the successful completion of the IPX regardless of it being completed in 2020 or 2021. The ADH is aligned with, and has requested that, Entergy strongly consider requesting a deferral of the IPX to 2021, based on the needed response to the pandemic and the uncertainty of the future in this matter. The ADH letter to ANO is paraphrased below:

Even with the worldwide COVID-19 pandemic, both the State of Arkansas and the counties around Arkansas Nuclear One continue to maintain the ability to protect the public health and safety. In an actual emergency, ad hoc procedures for staffing emergency facilities such as county EOCs, the State EOF and other critical functions would either be accomplished either physically or virtually.

A wide array of options is being discussed with FEMA to develop alternate measures to demonstrate various evaluation criteria, without compromising safety concerns. However, there comes a point where the benefits of extraordinary measures to complete as exercise may outweigh the benefits.

Arkansas has an almost forty-year history of successful demonstration of the ability to provide reasonable assurance of the ability to implement plans to protect the public in the event of an emergency at Arkansas Nuclear One.

Due to the continuing uncertainty of the course of the COVID-19 pandemic, particularly moving into the fall, it may be wise to consider postponing the Ingestion Pathway Exercise.

Among considerations are:

- Additional burden to the ADH Public Health Lab
- Additional burden to the Epidemiology program
- Exposure risks inherent in co-locating at the SEOF
- Compromise of the ability to practice social distancing at county EOCs and in field team vehicles
- Additional burden on public health nurses from Local Health Units who assist at Reception Centers.

Additionally, even though schools used for Reception Centers remain available for emergency use, it is unclear how efforts to mitigate virus spread in the fall as public schools reopen, might impact the availability of such facilities and staff for exercise purposes.

3 TECHNICAL EVALUATION

The U.S. Centers for Disease Control (CDC) has issued recommendations advising "social distancing" to prevent the spread of the COVID-19 Virus. ANO and the State of Arkansas have implemented pandemic plans which include social distancing, group size limitations and self-quarantine. Ideally, this would limit the spread of the virus among the station staff and off-site personnel.

ANO's last biennial EP exercise was conducted July 17, 2018. ANO has conducted drills, exercises, and other training activities with respect to its emergency response strategies, in coordination with offsite authorities since the last biennial exercise. The following lists the drills, exercises, and other training opportunities that have occurred since July 17, 2018, including those activities planned through FEMA and the ADH.

- August 15, 2018 – Tabletop Drill (All Emergency Response Facilities (ERFs))
- September 5, 2018 – Full-Scale Drill

- December 14, 2018 – Tabletop Drill (All ERFs)
- January 8, 2019 – Tabletop Drill (All ERFs)
- February 6, 2019 – Full-Scale Drill
- April 17, 2019 – Tabletop Drill (All ERFs) – Including Health Physics (HP) Element
- May 15, 2019 – Full-Scale Drill
- July 24, 2019 – Tabletop Drills (All ERFs)
- August 21, 2019 – Full-Scale Drill
- September 5, 2019 – Tabletop Drill (All ERFs)
- December 11, 2019 – Tabletop Drill (All ERFs)
- February 5, 2020 – Full-Scale Drill
- May 13, 2020 – Virtual Tabletop Drill (All ERFs)

A Full-Scale Drill is a drill that is integrated with the state and local governments and includes all of the ERFs. A tabletop drill is for the ANO ERFs with no state or local participation.

In addition to the drills identified above, ANO also conducted Medical Drills with its health care partners in Russellville, Arkansas (St Mary's Regional Medical Facility), and in Little Rock, Arkansas (University of Arkansas Medical Sciences (UAMS)), in 2018 and 2019. Staffing drills on a quarterly basis, HP, and Sampling Drills as well as fire drills and focused area drills in the ANO Emergency Operations Facility (EOF) have been performed during this time frame as well. These elements are driven by ANO procedural guidance to ensure ANO and Entergy continue to demonstrate completion of essential elements of the ANO Emergency Plan and applicable regulatory requirements. In addition to the required drills and exercises, ANO continues to seek efforts to build proficiency as demonstrated in the use of the Virtual Tabletop Drill on May 13, 2020.

With the other drills and demonstration opportunities discussed above, ANO has partnered with local agencies to conduct training elements on access controls and radiological concerns at the power plant for workers. These training opportunities largely extend to the public through the ADH via Arkansas State law governing the Nuclear Planning and Response organization which is implemented through the ADH.

In preparation for the IPX, ANO has partnered with the ADH and FEMA to conduct additional training with the site and local and state agencies. These training sessions are scheduled for July 14, 2020, to be conducted by FEMA, as well as the training plan developed by ADH through FEMA, and will be documented in the Annual Certification Letter. The training that has already been completed was the Radiological Emergency Preparedness (REP) Core Concepts Course (RCCC) and REP Exercise Controller Course (RECC) held on October 22-24, 2019, in Little Rock, Arkansas. This was attended by multiple agencies, including ADH and ANO.

Entergy understands that future biennial exercises at ANO will continue to be held in even years. In addition to this exercise requirement, Entergy understands that a program inspection will be conducted in 2020, to be determined through the regional inspectors. Completion of the IPX in 2021 will continue to require the biennial full participation exercise to occur in 2022.

Additionally, the 10 CFR 50.54(hh)(1) element to be demonstrated will be submitted in an exercise within the current 8-year cycle. It is important to note that the 8-year cycle at ANO ends in 2021.

4 REGULATORY EVALUATION

10 CFR 50.12(a), "Specific exemptions," states:

- (a) The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are
 - (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.
 - (2) The Commission will not consider granting an exemption unless special circumstances are present.

(1) Proposed exemption is authorized by law, presents no undue risk to the public health or safety, and is consistent with the common defense and security

10 CFR 50.12 was issued by the NRC under the authority granted to it pursuant to the Atomic Energy Act of 1954, as amended (68 Stat. 919), and Title II of the Energy Reorganization Act of 1974 (88 Stat. 1242), to provide for the licensing of production and utilization facilities. Section 50.12 allows the NRC to grant specific exemptions from the requirements of 10 CFR 50. The biennial EP exercise for the emergency response organization specified in 10 CFR 50, Appendix E, Sections IV.F.2.b and IV.F.2.c is not required by any statute. The requested exemption is authorized by law in that no law precludes the activities covered by this exemption request.

The underlying purpose of 10 CFR 50, Appendix E, Section IV.F.2.b requiring licensees to conduct a biennial EP exercise is to ensure that emergency response organization personnel are familiar with their duties and to test the adequacy of the emergency plan. In addition, 10 CFR 50, Appendix E Section IV.F.2.b also requires licensees to maintain adequate emergency response capabilities during intervals between biennial EP exercises by conducting drills to exercise the principal functional areas of emergency response. Entergy has conducted training and drills that have exercised the principle functional areas of emergency response since the last evaluated biennial EP exercise and has activated all onsite emergency response facilities during those drills, with State participation. Entergy plans to conduct additional training with State agencies later this year. Entergy considers that these measures will maintain an acceptable level of emergency preparedness during the exemption period in order to satisfy the underlying purpose of the rule.

This requested exemption does not create any new accident precursors. The probability and consequences of postulated accidents are not increased. The list provided above establishes a basis for the assurance that ANO has regularly exercised its emergency response strategies and personnel in coordination with offsite authorities; therefore, postponing the biennial exercise will not pose an undue risk to public health and safety.

The proposed exemption would allow rescheduling of the onsite portion of the biennial EP

exercise from the previously scheduled date of September 2020, to March 2021. This change to the EP exercise schedule has no relation to security issues. The common defense and security is not impacted by this exemption.

(2) Special Circumstances

Under 10 CFR 50.12(a)(2) there is a list of special circumstances for which the NRC will consider for granting an exemption. In this request, 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(v) are applicable special circumstances. 10 CFR 50.12(a)(2)(ii) states:

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; or

10 CFR 50.12(a)(2)(v) states:

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.

The underlying purposes for conducting a biennial exercise are to ensure that ERO personnel are familiar with their duties, to test the adequacy of emergency plans, and to identify and correct weaknesses. To accommodate the scheduling of the exercises, the NRC has allowed licensees the flexibility to schedule their exercises at any time during the biennial calendar year. This provides a 13 to 35-month window to schedule exercises while still meeting the biennial requirement. A one-time change in the exercise schedule increases the interval between biennial exercises, but, in most cases the postponed exercise still falls within the 35-month window, thus meeting the intent of the regulation. As discussed above, the exercise currently scheduled for September 2020, is being proposed to be performed in March 2021. This remains within the 35-month window from the last exercise.

The proposed exemption is a one-time request to postpone the required biennial EP exercise. As stated above, the exercise for CY 2020, is proposed to be executed in CY 2021. After the IPX, the ANO schedule for biennial exercises will return to the previous schedule to conduct the exercise in even years. This will result in conducting the next scheduled biennial exercise in CY 2022.

5 ENVIRONMENTAL CONSIDERATION

The proposed exemption meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(25). A review of this request has determined that the proposed exemption does not involve:

- (i) a significant hazards consideration,
- (ii) a significant change in the types or a significant increase in the amounts of any effluents that may be released offsite,
- (iii) a significant increase in individual or cumulative occupational radiation exposure,
- (iv) a construction impact;
- (v) an accident initiator therefore 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:
 - (C) Inspection or surveillance requirements, and
 - (G) Scheduling requirements

Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed exemption.

6. SUMMARY

In conclusion, Entergy requests approval for exempting ANO-1 and ANO-2, from the requirements of 10 CFR 50, Appendix E, Sections IV.F.2.b and IV.F.2.c for the biennial EP exercise. As discussed previously, this exemption has low nuclear safety significance, will not pose an undue risk to public health and safety, and is consistent with the common defense and security.

Entergy requests authorization by December 31, 2021, in order to avoid potential non-compliance with the requirements of 10 CFR 50, Appendix E, Sections IV.F.2.b and IV.F.2.c.