



September 17, 2020

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

Serial No. 20-274
NRA/SS R0
Docket Nos. 50-245
50-336
50-423
License Nos. DPR-21
DPR-65
NPF-49

DOMINION ENERGY NUCLEAR CONNECTICUT, INC.
MILLSTONE POWER STATION UNITS 1, 2 AND 3
REQUEST FOR EXEMPTION FROM BIENNIAL EMERGENCY PREPAREDNESS
EXERCISE REQUIREMENTS IN 10 CFR 50, APPENDIX E, SECTIONS IV.F.2.b AND
IV.F.2.c

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). Subsequently, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization on March 11, 2020. In addition, Connecticut declared a state of emergency on March 10, 2020, and on March 13, 2020, President Donald Trump declared the COVID-19 pandemic a national emergency.

Dominion Energy Nuclear Connecticut, Inc. (DENC) and the states of Connecticut, Rhode Island and New York initiated pandemic planning, which includes health measures such as social distancing, group size limitations, teleworking, and self-quarantine. The threat of COVID-19 spread has resulted in the inability to safely conduct the full-participation biennial emergency preparedness (EP) exercise that was scheduled for June 23, 2020. In addition, the states of Connecticut, Rhode Island, and New York have communicated to DENC and to the Federal Emergency Management Agency (FEMA) that the current COVID-19 pandemic response has impacted their ability to prepare for the exercise and that they would be significantly challenged to participate in the exercise before the end of calendar year (CY) 2020. In addition, participation could place MPS emergency response organization (ERO) personnel and state/local emergency responders, who are considered essential workers, at risk.

In accordance with 10 CFR 50.12, "Specific exemptions," DENC hereby requests a one-time schedular exemption from the provisions of 10 CFR 50, Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," Sections IV.F.2.b and IV.F.2.c, for Millstone Power Station Unit 1, Unit 2, and Unit 3 (MPS). Specifically, DENC requests postponement of the biennial EP exercise required to be performed in

CY 2020 for MPS. This exemption is requested to ensure that DENC continues to 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 full-participation biennial exercise integrates onsite and offsite performance, and requires significant resources to schedule, perform, and evaluate (including Nuclear Regulatory Commission (NRC) and FEMA evaluators). Based on the need to protect the health and safety of MPS ERO personnel and the state/local emergency responders, and limitations on the availability of these resources due to the COVID-19 PHE, DENC requests that this exercise be postponed.

This exemption request has been reviewed and approved by the Facility Safety Review Committee. This exemption request will not result in undue risk to the public health and safety, because DENC has determined that the activities performed since the last MPS biennial exercise (in March of 2018) demonstrate that the underlying purpose of conducting an exercise with participation from state and local authorities has been maintained.

Attachment 1 to this letter provides the detailed basis and justification for this exemption request and addresses the exemption requirements of 10 CFR 50.12 and the guidance contained in NRC's letter to the Nuclear Energy Institute (NEI) dated May 14, 2020, "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" (Accession No. ML20120A003). Attachments 2, 3, and 4 contain communications from Connecticut Division of Emergency Management & Homeland Security (CT DEMHS), New York State Division of Homeland Security & Emergency Services (NYS DHSES), and Rhode Island Emergency Management Agency (RIEMA), respectively, concerning the June 23, 2020, biennial EP exercise and their continued readiness in the unlikely event of an emergency at MPS.

DENC requests approval of the exemption by December 17, 2020, based on the requirements for biennial EP exercise participation expiring at the end of 2020. This exemption request contains no new regulatory commitments.

If you have any questions regarding this submittal, please contact Mr. Shayan Sinha at (804) 273-4687.

Sincerely,



Mark D. Sartain
Vice President – Nuclear Engineering and Fleet Support

Commitments made in this letter: None

Attachments:

1. Request for Exemption Related to 10 CFR 50, Appendix E, Sections IV.F.2.b and IV.F.2.c
2. Communication from the State of Connecticut Concerning the June 23, 2020 Millstone Biennial Emergency Preparedness Exercise, dated September 10, 2020
3. Communication from the State of New York Concerning the June 23, 2020 Millstone Biennial Emergency Preparedness Exercise, dated September 1, 2020
4. Communication from the State of Rhode Island Concerning the June 23, 2020 Millstone Biennial Emergency Preparedness Exercise, dated September 8, 2020

cc: U.S. Nuclear Regulatory Commission
Region I
2100 Renaissance Blvd
Suite 100
King of Prussia, PA 19406-2713

R. V. Guzman
Senior Project Manager – Millstone Power Station
U.S. Nuclear Regulatory Commission
One White Flint North, Mail Stop 08 C2
11555 Rockville Pike
Rockville, MD 20852-2738

NRC Senior Resident Inspector
Millstone Power Station

ATTACHMENT 1

**Request for Exemption from 10 CFR 50, Appendix E, Sections IV.F.2.b and
IV.F.2.c**

**DOMINION ENERGY NUCLEAR CONNECTICUT, INC.
MILLSTONE POWER STATION UNITS 1, 2 AND 3**

**Request for Exemption from Select Requirements of 10 CFR Part 50, Appendix E,
“Emergency Planning and Preparedness for Production and Utilization Facilities,”
Section IV.F.2.b and Section IV.F.2.c
Millstone Power Station (MPS) Units 1, 2 and 3**

1.0 Exemption Summary Description

In accordance with 10 CFR 50.12, “Specific exemptions,” DENC requests a one-time schedular exemption for Millstone Power Plant Units 1, 2, and 3 from the requirements to conduct a full-participation biennial emergency preparedness (EP) exercise, as specified in 10 CFR 50, Appendix E, “Emergency Planning and Preparedness for Production and Utilization Facilities,” Sections IV.F.2.b and IV.F.2.c during calendar year (CY) 2020. This one-time schedular exemption would allow DENC to conduct the full-participation biennial EP exercise in CY 2021. The proposed exemption is needed to support continued implementation of the isolation activities (e.g., social distancing, group size limitations, self-quarantining, etc.) to protect required MPS emergency response organization (ERO) personnel and state/local emergency responders in response to the ongoing Coronavirus Disease 2019 (COVID-19) public health emergency (PHE).

This request for exemption addresses the guidance contained in the letter from the Nuclear Regulatory Commission (NRC) to the Nuclear Energy Institute (NEI), dated May 14, 2020, “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,” (Reference 1).

2.0 Background

On January 31, 2020, the U.S. Department of Health and Human Services declared a PHE for the United States to aid the nation’s healthcare community in responding to COVID-19. Subsequently, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization on March 11, 2020. In addition, the state of New York declared a state of emergency on March 7, 2020, the state of Rhode Island declared a state of emergency on March 9, 2020 and the state of Connecticut declared a state of emergency on March 10, 2020. Subsequently on March 13, 2020, President Donald Trump declared the COVID-19 pandemic a national emergency.

This exemption is requested to ensure that DENC continues to engage in activities that do not conflict with practices recommended by the Centers for Disease Control and Prevention (CDC) to limit the spread of COVID-19. The full-participation biennial exercise integrates onsite and offsite performance, and requires significant resources to schedule, perform, and evaluate (including NRC and Federal Emergency Management Agency (FEMA) evaluators). Due to the need to protect the health and safety of MPS ERO personnel and state/local emergency responders, and limitations on the availability of these resources due to the COVID-19 PHE, it is requested that this exercise, required to be conducted in CY 2020, be postponed until CY 2021.

3.0 Detailed Description of the Proposed Exemption

10 CFR 50, Appendix E, Sections IV.F.2.b and IV.F.2.c state:

2. *The plan shall describe provisions for the conduct of emergency preparedness exercises as follows: Exercises shall test the adequacy of timing and content of implementing procedures and methods, test emergency equipment and communications networks, test the public alert and notification system, and ensure that emergency organization personnel are familiar with their duties.*
 - b. *Each licensee at each site shall conduct a subsequent exercise of its onsite emergency plan every 2 years. Nuclear power reactor licensees shall submit exercise scenarios under §50.4 at least 60 days before use in an exercise required by this paragraph 2.b. The exercise may be included in the full participation biennial exercise required by paragraph 2.c. of this section. In addition, the licensee shall take actions necessary to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities. The principal functional areas of emergency response include activities such as management and coordination of emergency response, accident assessment, event classification, notification of offsite authorities, assessment of the onsite and offsite impact of radiological releases, protective action recommendation development, protective action decision making, plant system repair and mitigative action implementation. During these drills, activation of all of the licensee's emergency response facilities (Technical Support Center (TSC), Operations Support Center (OSC), and the Emergency Operations Facility (EOF)) would not be necessary, licensees would have the opportunity to consider accident management strategies, supervised instruction would be permitted, operating staff in all participating facilities would have the opportunity to resolve problems (success paths) rather than have controllers intervene, and the drills may focus on the onsite exercise training objectives.*
 - c. *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. If two different*

licensees each have licensed facilities located either on the same site or on adjacent, contiguous sites, and share most of the elements defining co-located licensees,⁶ then each licensee shall:

- (1) Conduct an exercise biennially of its onsite emergency plan;*
- (2) Participate quadrennially in an offsite biennial full or partial participation exercise;*
- (3) Conduct emergency preparedness activities and interactions in the years between its participation in the offsite full or partial participation exercise with offsite authorities, to test and maintain interface among the affected State and local authorities and the licensee. Co-located licensees shall also participate in emergency preparedness activities and interaction with offsite authorities for the period between exercises;*
- (4) Conduct a hostile action exercise of its onsite emergency plan in each exercise cycle; and*
- (5) Participate in an offsite biennial full or partial participation hostile action exercise in alternating exercise cycles.*

The last biennial exercise date for MPS was March 20, 2018, and the scheduled biennial exercise date was June 23, 2020.

This proposed one-time schedular exemption would allow DENC to conduct the full-participation biennial EP exercise in CY 2021. The proposed exemption supports continued implementation of the isolation activities (e.g., social distancing, group size limitations, self-quarantining, etc.) in response to the ongoing COVID-19 pandemic. Postponing the full-participation exercise would afford protection to the MPS ERO personnel required for the onsite portion of the exercise (per 10 CFR 50, Appendix E, Sections IV.F.2.b), as well as the state/local emergency responders required to participate in the offsite portion of the exercise (per 10 CFR 50, Appendix E, Sections IV.F.2.c). It is understood by DENC and the states of Connecticut, New York, and Rhode Island that if this exemption is granted allowing MPS to conduct the CY 2020 biennial exercise in CY 2021, subsequent biennial exercises will continue to be held in even numbered years (i.e. 2022, 2024, etc.).

Special Circumstances for Onsite Exercise (10 CFR 50, Appendix E, Sections IV.F.2.b)

As discussed during a public meeting held on March 20, 2020, between nuclear industry representatives and members of the public, this is an unprecedented time for the U.S., the NRC, and its regulated entities. The COVID-19 PHE created special circumstances that precluded DENC from conducting a full participation exercise in June of 2020. This

exemption request further ensures that DENC maintains compliance with CDC guidelines for limiting the spread of COVID-19 (e.g., social distancing, group size limitations, self-quarantining, etc.), to protect MPS ERO and critical station personnel that would be required to participate in the onsite portion of the exercise (per 10 CFR 50, Appendix E, Sections IV.F.2.b).

Special Circumstances for Offsite Exercise (10 CFR 50, Appendix E, Sections IV.F.2.c)

The COVID-19 PHE also created special circumstances that precluded the states of Connecticut, New York, and Rhode Island from conducting a full participation exercise in June of 2020. Connecticut DEMHS, New York State Division of Homeland Security & Emergency Services (NYS DHSES), and Rhode Island Emergency Management Agency (RIEMA) have indicated to DENC that rescheduling the specific functions later in the calendar year 2020 is not considered feasible due to the need to protect the health and safety of the state/local emergency responders required to participate in the offsite portion of the exercise (per 10 CFR 50, Appendix E, Sections IV.F.2.c). The availability of these resources due to the COVID-19 PHE is also limited due to their involvement in ongoing pandemic response activities. The risks to Offsite Response Organizations (OROs) are also described in a letter from Conference of Radiation Control Program Directors, Inc. (CRCPD), to the NRC, dated July 24, 2020, "ORO Exemption Request for Exercises," (Reference 3).

Therefore, this exemption request seeks to reschedule the 2020 MPS Biennial Exercise to June 2021 in order to protect the health and safety of MPS ERO personnel and state/local emergency responders.

Exercise Rescheduling Considerations

Efforts were made in good faith to reschedule the exercise within CY 2020 but were unsuccessful. COVID-19 virus protocols were in place when the exercise was originally scheduled (June 2020) and remain in place. These protocols ensure DENC adheres to federal and state COVID-19 guidance and does not place Millstone station, local, state, or federal personnel at risk for potential exposure to the virus.

Scheduling conflicts for the timeframe through December presented numerous challenges for rescheduling. The following activities precluded rescheduling in 2020:

- Previously scheduled NRC inspection and Institute of Nuclear Power Operations (INPO) evaluations
- Fall 2020 refueling outage for Millstone Unit 3
- Previously scheduled biennial exercises at other nuclear stations, which require NRC participation
- Government holidays
- Conversion of emergency action levels (EAL) program from previous standards (NEI 99-01, Revision 4 for Millstone Unit 1 and Nuclear Utility Management and

Resource Council (NUMARC) / National Environmental Studies Project (NESP) report 007, Revision 2 for Millstone Units 2 and 3) to use NEI 99-01, Revision 6, and associated implementation of a new notification system (which is scheduled to be effective in December 2020)

In addition, the states of Connecticut, New York, and Rhode Island provided feedback that they were not able to reschedule offsite exercise activities until late spring or early summer of 2021. The basis for this feedback was that state and local resources would be involved with COVID-19 mitigation activities through the end of 2020, and did not want to put their emergency responders in a position of potential exposure to the virus through participation in an exercise. DENC and the states are also concerned about a possible resurgence of COVID-19 in the first three to four months of 2021, especially with the potential to coincide with the typical yearly flu season. Attachments 2, 3, and 4 contain communications from CT DEMHS, NYS DHSES, and RIEMA, respectively, concerning postponing the June 23, 2020, biennial EP exercise. These communications also reiterate that these agencies intend to remain aligned with the MPS ERO, and that the state and local communities will remain fully capable of providing reasonable assurance of the public's safety in the unlikely event of an emergency at MPS.

Therefore, DENC has made a reasonable effort to reschedule the exercise during CY 2020 but was unsuccessful. In coordination with these states, an agreement was reached that the MPS exercise could be supported in June of 2021. The date was also discussed verbally with the NRC Region I EP and the FEMA Region I National Preparedness Divisions to ensure the exercise could be supported by the regulators who will be involved, and these parties confirmed they would be able to participate in June of 2021.

Review of Applicable NRC Guidance

As discussed in Regulatory Issue Summary (RIS) 2006-03, "Guidance on Requesting an Exemption from Biennial Emergency Preparedness Exercise Requirements," dated February 24, 2006 (Reference 2), the underlying purposes for conducting a biennial exercise are to ensure that emergency response organization personnel are familiar with their duties, to test the adequacy of emergency plans, and to identify and correct weaknesses. To accommodate the scheduling of exercises, the NRC has allowed licensees the flexibility to schedule their exercises at any time during the biennial calendar year. As stated in RIS 2006-03, this flexibility provides a 13 to 35-month window to schedule exercises while still meeting the biennial requirement. The NRC's letter to NEI dated May 14, 2020 (Reference 1), cites RIS 2006-03 and reiterates that in order to receive an expedited review, licensees should include a statement in their exemption requests that they will reschedule the date of the biennial exercise within 35 months from the month in which the previously evaluated exercise was conducted in CY 2018.

Conducting the biennial exercise in June of 2021 is 39 months from the last exercise, which is outside of the 35-month timeframe referenced in the NRC guidance. The selection of this date allows a combined onsite/offsite exercise to be performed, which is the preference of DENC and the states of Connecticut, New York, and Rhode Island. Conducting a combined exercise protects the health of personnel at MPS and at the state and local levels more effectively than separate onsite/offsite exercises, since the number of interactions between these groups would be reduced. A combined exercise also maximizes the benefits of the biennial exercise by assuring mutual participation, which improves the effectiveness of communication among the interfacing groups.

DENC has conducted drills, exercises, and other training activities that exercised its emergency response strategies, in coordination with offsite authorities, since the previous biennial exercise. DENC has also proactively rescheduled the May 2021 MPS EP Program Inspection to the week of September 28, 2020. This provides the NRC with an opportunity to evaluate the MPS EP Program during CY 2020. Additionally, an off-year exercise was conducted in October of 2019, for which DENC had the full participation of the ERO. The scenario included activities applicable to all risk significant planning standards. A total of 18 onsite objectives were selected and all were fully demonstrated. There were a total of 8 drill and exercise performance opportunities and all were successful. Connecticut Division of Emergency Management & Homeland Security (CT DEMHS), Connecticut Department of Energy and Environmental Protection (DEEP), several other state agencies, and local emergency operations centers (EOCs) participated in varying degrees during plume phase activities. In addition, two large scale post-plume phase tabletops and out-of-sequence support activities were conducted. The state of Rhode Island tabletop included over 60 participants and the state of Connecticut tabletop included over 100 participants. FEMA was also in attendance to observe these two tabletop activities. It should be noted that FEMA is currently in the process of reviewing and evaluating the possibility of granting credit to the OROs in the states of Connecticut and Rhode Island for certain Post-Plume phase activities that occurred during the two large scale tabletop exercises conducted in October of 2019.

The level of training, drills, and exercises conducted by both DENC and state agencies, and EP program evaluation opportunities for the NRC and FEMA, ensure that exceeding the 35-month window in NRC guidance by four months does not pose a threat to the emergency response capabilities needed to protect public health and safety. This exemption request conforms to the remaining guidance provided in the NRC's letter to NEI, dated May 14, 2020 (Reference 1).

CRCPD Assessment of ORO Proficiency

In CRCPD's letter to NRC, dated July 24, 2020 (Reference 3), the Committee on

Emergency Response Planning (HS/ER-5) recommended that NRC grant exemptions to OROs from the biennial exercise requirement (10 CFR 50 Appendix E, IV.F2.c), in accordance with 10 CFR 50.12(a) for calendar years 2020 and 2021 due to the COVID-19 PHE. In this letter, CRCPD explains that:

The [FEMA] REP [Radiological Emergency Preparedness] Program has reached a level of maturity, where the nation's nuclear plants and associated OROs have consistently demonstrated a high-level of preparedness. Licensees and OROs maintain this high level through various efforts, of which exercises are only one. In other words, this one-time exemption of the biennial exercise requirements in no way detracts from the overall state of emergency preparedness.

The letter also states:

Given 40 years of successfully conducting numerous emergency exercises, it is felt that this exemption is warranted considering the low risk the exemption would entail versus the current ongoing risk associated with COVID-19.

This rationale is also considered applicable to the OROs that support MPS, which have successfully engaged with the station over the last 40 years.

Facilities Rescheduling their Participation to June 2021

Onsite: Facilities scheduled to participate in the CY 2020 Biennial Exercise will participate and be evaluated in the June of 2021 Biennial Exercise.

Offsite: Facilities scheduled to participate in the CY 2020 Biennial Exercise will participate and be evaluated in the June of 2021 Biennial Exercise. *

* Note: FEMA is currently in the process of reviewing and evaluating the possibility of granting credit to the OROs in the states of Connecticut and Rhode Island for certain Post-Plume phase activities that occurred during two large-scale tabletop exercises conducted in October of 2019.

Functions Rescheduled to June 2021

Onsite: Functions scheduled to be demonstrated in the CY 2020 Biennial Exercise will be demonstrated and evaluated in the June of 2021 Biennial Exercise.

Offsite: Functions scheduled to be demonstrated in the CY 2020 Biennial Exercise will be demonstrated and evaluated in the June of 2021 Biennial Exercise. *

* Note: FEMA is currently in the process of reviewing and evaluating the possibility of granting credit to the OROs in the states of Connecticut and Rhode Island for certain Post-Plume phase activities that occurred during two large-scale tabletop exercises conducted in October of 2019.

2018 MPS Exercise

The NRC evaluation of the Onsite portion of the March 20, 2018 exercise identified no findings or violations of more than minor significance (Reference 4).

The FEMA evaluation of the Offsite portion of March 20, 2018 exercise concluded that:

- The state and local organizations demonstrated knowledge of their emergency response plans and procedures and adequately implemented them.
- There were no Level 1 or Level 2 Findings or planning issues.
- There were three open planning issues from the August 16, 2016 evaluated exercise, and one planning issue from 2014 that was partially addressed in 2016. All prior open planning issues were fully addressed, successfully demonstrated, and closed as a result of the March 20, 2018 evaluated exercise.

Exercises/Drills/Training Activities 2018-2020

Numerous onsite and offsite activities have been conducted since the March 20, 2018 biennial exercise. Not all of the activities have exercised the proposed rescheduled functions; however, these activities show the continuing level of engagement in EP activities for MPS and the actual and/or simulated participation with the OROs from the applicable states. It is also noted that some activities were performed after the COVID-19 pandemic was declared in March 2020, and that future activities are scheduled to be performed in the timeframe leading up to the rescheduled MPS biennial exercise date of June 2021. Unlike the biennial EP exercise, the nature and scale of these activities allow them to be performed in a manner that adheres to the CDC-recommended practices, without significantly interfering with emergency responder responsibilities. These activities support the MPS onsite and offsite organizations in maintaining proficiency in EP functions during the extended timeframe between biennial exercises.

DENC has conducted drills, exercises, and other training activities that exercised its emergency response strategies, in coordination with offsite authorities, since the previous biennial exercise. The rescheduled biennial exercise date has been coordinated with the applicable offsite response organizations, NRC Region I, and FEMA Region I. Additional drills with participation by OROs and quarterly Emergency Management Director meetings, which include reviews of various radiological response concepts, will also be conducted prior to the June 2021 exercise.

4.0 Basis for Exemption Request

10 CFR 50.12, Specific exemptions, states that the NRC may grant exemptions from the requirements of the regulations of this part provided three conditions are met. They are:

- (1) The exemptions are authorized by law.
- (2) The exemptions will not present an undue risk to the public health and safety, and
- (3) The exemptions are consistent with the common defense and security.

The three conditions to allow an exemption to the provision of 10 CFR 50 Appendix E, Sections IV.F.2.b and IV.F.2.c at MPS are satisfied as described below.

1. This exemption is authorized by law

As provided by 10 CFR 50.12, the Commission may grant exemptions from the requirements in Part 50.

2. This exemption will not present an undue risk to the public health and safety.

Adequate emergency response capabilities have been maintained and demonstrated, including satisfactory performance during the last MPS biennial exercise in 2018 (March 20, 2018) and through the conduct of training and drill/exercise activities since the 2018 exercise. Since the last MPS biennial exercise in 2018, DENC has conducted numerous training drills, exercises, and demonstrations that have involved actual and/or simulated interface with the applicable state and local authorities. While these drills and training sessions did not exercise all of the proposed rescheduled functions, they do provide reasonable assurance that MPS personnel have maintained an adequate and continuing level of engagement and interface with the state and local authorities, and the MPS onsite and offsite organizations have remained proficient in EP functions since the last MPS biennial exercise.

3. This exemption is consistent with the common defense and security.

This exemption requests NRC approval to extend the schedule for performing the next required MPS biennial exercise until June of 2021 as a result of the COVID-19 PHE. The impact on the state's ORO resources and potential exposure risks due to COVID-19 have limited their availability and ability to participate in the MPS scheduled exercise until June of 2021.

Pursuant to 10 CFR 50.12(a)(2), the NRC will consider granting an exemption from the requirements of the Code of Federal Regulations when special circumstances are present. This exemption request meets this requirement since special circumstances involving the COVID-19 PHE are present. This exemption is requested to ensure that

DENC continues to 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 biennial exercises integrate onsite and offsite performance, and require significant resources to schedule, perform, and evaluate (including NRC and FEMA evaluators). Postponing the full-participation exercise would afford protection to the MPS ERO personnel required for the onsite portion of the exercise (per 10 CFR 50, Appendix E, Sections IV.F.2.b), as well as the state/local emergency responders required for the offsite portion of the exercise (per 10 CFR 50, Appendix E, Sections IV.F.2.c).

Efforts were made in good faith to reschedule the exercise within CY 2020 but were unsuccessful. Additionally, the exemption would provide only temporary relief from the 10 CFR 50, Appendix E, Section IV.F.2.b and IV.F.2.c requirements. Rescheduled functions will be evaluated during the 2021 MPS exercise.

Therefore, the common defense and security are not affected by this exemption request.

5.0 Conclusion

As stated above, DENC requests a one-time schedular exemption for Millstone Power Plant Units 1, 2, and 3 from the requirements to conduct a full-participation biennial EP exercise, as specified in 10 CFR 50, Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," Sections IV.F.2.b and IV.F.2.c, during CY 2020. This one-time schedular exemption would allow DENC to conduct the full-participation biennial EP exercise in CY 2021. As demonstrated above, the exemption request meets the three conditions of 10 CFR 50.12. Specifically, the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

6.0 Environmental Assessment

DENC is requesting an exemption from certain requirements of 10 CFR Part 50 for MPS. Specifically, DENC is requesting an exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.b and IV.F.2.c which require onsite and offsite emergency preparedness, respectively, to be tested biennially. The following information is provided in support of an environmental assessment and finding of no significant impact for the proposed exemption.

DENC has determined that the exemption involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite; that there is no significant increase in individual or cumulative public or occupational radiation exposure; that there is no construction impact; and there is no significant increase in the potential for or consequences from a radiological accident.

If the requested exemption is approved by the NRC, certain functions scheduled for the MPS 2020 biennial exercise would not have been conducted as originally scheduled on

June 23, 2020. The fact that these functions were not conducted on this date and will instead be conducted on a future date has no effect on the environment.

Accordingly, the proposed exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this proposed exemption request.

7.0 References

1. Letter from Ho K. Nieh and Robert Lewis, Nuclear Regulatory Commission (NRC), 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, NRC ADAMS Accession No. ML20120A003.
2. NRC Regulatory Issue Summary 2006-03, "Guidance on Requesting an Exemption from Biennial Emergency Preparedness Exercise Requirements," dated February 24, 2006, NRC ADAMS Accession No. ML053390039.
3. Letter from Ken Evans, Conference of Radiation Control Program Directors, Inc. (CRCPD), to Robert E. Kahler, NRC, "ORO Exemption Request for Exercises," dated July 24, 2020, NRC ADAMS Accession No. ML20206K859.
4. Millstone Power Station Evaluated Emergency Preparedness Exercise Inspection Report 05000336/2018501 and 05000423/2018501, dated April 17, 2018, NRC ADAMS Accession No. ML18108A030
5. Millstone Station Emergency Plan, Revision 61, Effective April 29, 2020.

Attachment 2

**Communication from the State of Connecticut Concerning the June 23, 2020
Millstone Biennial Emergency Preparedness Exercise,
dated September 10, 2020**

**DOMINION ENERGY NUCLEAR CONNECTICUT, INC.
MILLSTONE POWER STATION UNITS 1, 2 AND 3**



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES & PUBLIC PROTECTION
DIVISION OF EMERGENCY MANAGEMENT & HOMELAND SECURITY



September 10, 2020

Mr. Dean Rowe
Manager of Emergency Preparedness
Millstone Station
314 Rope Ferry Road
Waterford, CT 06385

Dear Mr. Rowe:

The State of Connecticut, Department of Emergency Services and Public Protection (DESPP)-Division of Emergency Management and Homeland Security (DEMHS), and the Department of Energy and Environmental Protection (DEEP)-Radiological Division (RD) fully endorse your 2020 NRC Exercise exemption request. As you are aware, the State is fully engaged in the COVID-19 Pandemic response. Preparations for a full-scale exercise would require planning and training activities that would pull personnel away from their pandemic duties. We would like to assure you that in the event of an unlikely emergency at the Millstone Power Station, the State remains fully capable of providing reasonable assurance of the public's safety.

While exercises are one tool that the NRC and FEMA use to assess reasonable assurance during a biennial period it is not the only tool. With the current state and nationwide emergency and the expectation that it may continue for an extended period of time, all Outside Response Organizations (ORO) resources are already at maximum capacity and should not be diverted for near term exercise activities. Aggregation of critical radiological expertise during such exercises represents a significant risk to infectious spread as well as to sustaining response capabilities for the duration of the current public health emergency. In addition, this national emergency has increased emergency preparedness in that partnerships among state, local and Federal organizations and the private sector are well established and practiced. Therefore, for any radiological emergency preparedness related emergencies, the State has demonstrated with a high degree of confidence that our OROs remain fully capable of protecting the environment and public health and safety.

In short, the State stands firmly with Dominion Energy and the Millstone Power Station in continuing to provide reasonable assurance of the public's safety in the interim while the pandemic runs its course and in demonstrating the necessary capabilities once again through future exercises and drills as required once the current pandemic has subsided.

Sincerely,

William J. Hackett
State Emergency Management Director

Serial No. 20-274
Docket No. 50-245/336/423

Attachment 3

**Communication from the State of New York Concerning the June 23, 2020
Millstone Biennial Emergency Preparedness Exercise,
dated September 1, 2020**

**DOMINION ENERGY NUCLEAR CONNECTICUT, INC.
MILLSTONE POWER STATION UNITS 1, 2 AND 3**



Homeland Security
and Emergency Services

Emergency
Management

ANDREW M. CUOMO
Governor

PATRICK A. MURPHY
Commissioner, DHSES

DAN O'HARA
Director

September 1, 2020

Mr. Dean Rowe
Manager of Emergency Preparedness
Millstone Station
314 Rope Ferry Road
Waterford, CT 06385

Dear Mr. Rowe:

The New York State Division of Homeland Security and Emergency Services, Office of Emergency Management (NYS DHSES, OEM) hereby supports the exercise exemption request made by The Dominion Millstone Power Station to reschedule their June 2020 Radiological Exercise to June 2021.

The State remains engaged in COVID-19 Pandemic response activities. In addition to the State's response activities to COVID-19, the State is also extensively engaged in planning for the Indian Point 2020 Federally Evaluated exercise in November 2020. Postponement of the Millstone exercise in no way impacts the capability to provide reasonable assurance of the public's safety in the unlikely of an emergency at the Millstone Power Station.

Please use this letter as documentation of concurrence by the NYS DHSES OEM and do not hesitate to contact me with any further questions at: (518) 292-2256 or gary.machina@dhses.ny.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Machina".

Gary Machina
REPP Chief

Attachment 4

**Communication from the State of Rhode Island Concerning the June 23, 2020
Millstone Biennial Emergency Preparedness Exercise,
dated September 8, 2020**

**DOMINION ENERGY NUCLEAR CONNECTICUT, INC.
MILLSTONE POWER STATION UNITS 1, 2 AND 3**



RIEMA RHODE ISLAND
EMERGENCY MANAGEMENT AGENCY

Gina M. Raimondo Governor
Marc R. Pappas Director

September 8, 2020

Dean Rowe
Manager, Emergency Preparedness
Millstone Station
314 Rope Ferry Rd
Waterford, CT 06385

Dear Mr. Rowe:

The Rhode Island Emergency Management Agency fully endorses your 2020 NRC exercise exemption request. The state of Rhode Island is still fully engaged in the COVID-19 pandemic response. Preparations for the ingestion pathway exercise would require planning and training activities that would pull personnel away from their pandemic duties as well as require large gatherings of people in enclosed spaces. RIEMA would like to assure you that in the event of an unlikely emergency at Millstone, the state remains fully capable of providing reasonable assurance of public safety. We understand that postponing the exercise may require ingestion pathway exercise criteria to be demonstrated in 2021. We are prepared to proceed with demonstrating any necessary criteria to satisfy federal requirements. The state of Rhode Island stands with the state of Connecticut in partnering with Dominion Energy on this issue.

Sincerely,

Marc R. Pappas
Director, Rhode Island Emergency Management Agency

cc: Thomas Caruolo, Rhode Island Department of Health