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Ron Gaston
Director, Nuclear Licensing

10 CFR 50.12
10 CFR 50, Appendix E

PNP 2020-033

September 30, 2020

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

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

Palisades Nuclear Plant
Docket 50-255
Renewed Facility Operating License No. DPR-20

In accordance with 10 CFR 50.12, "Specific exemptions," Entergy Nuclear Operations, Inc. (Entergy) requests an exemption for Palisades Nuclear Plant, (PNP) from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c. Specifically, Entergy requests a one-time exemption to exclude the participation of the offsite response organizations (ORO) in the biennial emergency preparedness exercise for calendar year (CY) 2020.

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 and, on March 13, 2020, the President of the United States of America declared the COVID-19 pandemic a national emergency. In addition, the State of Michigan has issued directed health measures.

In response to these declarations, and in accordance with the corporate pandemic response plan, Entergy has modified site activities due to isolation protocols (for example, social distancing, group size limitations, self-quarantining, etc.). While the PNP biennial emergency preparedness exercise will be completed, the threat of COVID-19 spread has resulted in the inability to safely conduct the exercise, scheduled for October 27, 2020, with full ORO participation.

The State of Michigan has communicated to Entergy that they have concerns with supporting the biennial exercise and maintaining protection of their staff during the current COVID-19 pandemic response. Conducting the PNP biennial emergency preparedness exercise in CY 2020 without ORO participation places the exercise outside of the requirement of 10 CFR 50, Appendix E, Section IV.F.2.c. Consequently, Entergy requests a one-time exemption to exclude the participation of the ORO in the biennial emergency preparedness exercise in CY 2020.

In accordance with the provisions of 10 CFR 50.12, Entergy is requesting exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c, for PNP. Justification for the

issuance of an exemption is provided in Attachment 1 and is based on the guidance provided in the Nuclear Regulatory Commission (NRC) letter to Entergy dated September 2, 2020, "Addendum to U.S. Nuclear Regulatory Commission Planned Actions Related to Emergency Preparedness Biennial Exercise Requirements for Power Reactor Licensees During the Coronavirus Disease 2019 Public Health Emergency (Accession No. ML20223A152).

A letter of agreement from the State of Michigan is provided in Attachment 2.

The proposed exemption is requested by December 31, 2020. Entergy requests that the duration of the exemption is until December 31, 2022, or until the ORO biennial exercise is performed, whichever occurs first.

This letter makes no new commitments and revises no previous commitments. If you have questions regarding this information, please contact Daniel Malone, Emergency Planning Manager, 269-764-2463.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel Malone", with a long horizontal flourish extending to the right.

RWG / bed

Attachment 1: Request for One-Time Exemption from 10 CFR 50, Appendix E, Biennial
Emergency Preparedness Exercise Requirement

Attachment 2: Letter of Agreement from State of Michigan

cc: NRC Region III Regional Administrator
NRC Senior Resident Inspector - Palisades
NRC Project Manager - Palisades

ATTACHMENT 1

PNP 2020-033

**Request for One-Time Exemption from 10 CFR 50, Appendix E,
Biennial Emergency Preparedness Exercise Requirement**

Request for One-Time Exemption from 10 CFR 50, Appendix E,
Biennial Emergency Preparedness Exercise Requirement

1.0 SUMMARY DESCRIPTION

In accordance with 10 CFR 50.12, "Specific exemptions," Entergy Nuclear Operations, Inc. (Entergy) requests an exemption for the Palisades Nuclear Plant, (PNP) from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c. Specifically, Entergy requests a one-time exemption to exclude the participation of the offsite response organization (ORO) in the biennial emergency preparedness exercise for calendar year (CY) 2020.

The requested exemption supports the continued implementation of the isolation protocols (for example, social distancing, group size limitations, self-quarantining, etc.) to protect required ORO personnel in response to the Coronavirus Disease 2019 (COVID-19) pandemic. These activities are needed to ensure supporting state and local government personnel are isolated from the COVID-19 virus and remain capable of executing the functions of the emergency response organization, as described in the PNP Emergency Plan, as well as other non-nuclear health and safety functions for the benefit of the public.

2.0 BACKGROUND

10 CFR 50, Appendix E, Section IV.F.2.c states in part:

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.

The PNP CY 2020 biennial emergency preparedness exercise with ORO participation is scheduled for October 27, 2020.

A representative from the State of Michigan has expressed concerns to Entergy regarding their support of the biennial exercise and maintaining protection of offsite staff during the current COVID-19 pandemic response.

During discussions with the State of Michigan, rescheduling ORO participation was deemed to not be feasible during the two remaining months in CY 2020 due to the ongoing pandemic restrictions mandated by the State of Michigan as well as competing commitments within the ORO during that time.

Exemption from participation is preferred because it allows the ORO to continue responding to the current global health crisis and focus on protecting responders as well as the health and safety of the public.

Based on these concerns, the needed response to the pandemic, and consideration of the competing commitments, Entergy and the State of Michigan agree that the need to seek a one-time exemption regarding ORO participation in the CY 2020 exercise is determined to be the most appropriate action.

The State of Michigan acknowledges that the OROs will maintain their current Emergency Plans and will not be impacted in a manner that would adversely affect their ability to support emergency response activities in the event of an actual nuclear power plant radiological emergency.

3.0 TECHNICAL JUSTIFICATION OF ACCEPTABILITY

The U.S. Centers for Disease Control (CDC) has issued recommendations advising “social distancing” to prevent the spread of the COVID-19 Virus. Entergy has implemented isolation activities such as self-quarantining, group size limitations and social distancing to protect required site personnel. Ideally, this will limit the spread of the virus among the station staff. Similar isolation activities are also needed to limit the spread of COVID-19 among off-site personnel supporting state and local governments, so they remain capable of executing the functions of the emergency response organization, as described in the PNP Emergency Plan.

The last PNP offsite biennial emergency preparedness exercise was conducted on April 24, 2018. This exercise successfully demonstrated the capability of the OROs to respond to an event at the site.

Given the ongoing COVID-19 isolation actions and the inability to predict when the COVID-19 pandemic will end, in addition to competing commitments on behalf of the OROs in the last two months of CY 2020, it is not practicable at this time to reschedule ORO participation in a biennial emergency preparedness exercise in CY 2020. Therefore, an exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c is required to exclude the ORO from the October 27, 2020, biennial emergency preparedness exercise.

The ORO will maintain their current Emergency Plans and remain able to respond to an emergency during the pandemic. The exemption from participation in the exercise does not obviate the ability to respond should an actual emergency occur.

4.0 JUSTIFICATION OF EXEMPTION

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.

Entergy has evaluated the requested exemption for PNP against the criteria of 10 CFR 50.12 and determined the criteria are satisfied as described below.

1. This exemption is authorized by law.

The biennial emergency preparedness exercise for the emergency response organization specified in 10 CFR 50, Appendix E, Section 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. Granting of the request does not result in a violation of the Atomic Energy Act of 1954, as amended.

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

The underlying purpose of 10 CFR 50, Appendix E, Section IV.F.2.c requiring full participation by each offsite authority having a role under the radiological response plan to be exercised biennially is to ensure that offsite response organization (ORO) personnel are familiar with their duties and to test the adequacy of the Emergency Plan. Since the last biennial exercise Entergy has periodically engaged the ORO at PNP in various EP program elements, with no performance issues. Entergy plans to continue to periodically engage the ORO at PNP in various program elements for the remainder of 2020 and throughout 2021. Entergy considers the performance of the ORO to be at an acceptable level to satisfy the underlying purpose of the rule.

The ORO will maintain their current Emergency Plans and remain able to respond to an emergency during the pandemic. The exemption from participation in the exercise does not obviate the ability to respond should an actual emergency occur.

Exclusion of the ORO from the October 27, 2020, emergency preparedness exercise does not create any new accident precursors. The probability and consequences of postulated accidents are not increased, and an acceptable level of emergency preparedness is maintained. Therefore, there is no undue risk to public health and safety.

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

The requested exemption excludes the ORO participation in one emergency preparedness exercise to help protect individuals from the spread of COVID-19. This exemption has no relation to security issues. The common defense and Security are not impacted by this exemption.

In addition to the three conditions discussed above, 10 CFR 50.12(a)(2) states that the NRC will not consider granting an exemption unless special circumstances are present.

Under 10 CFR 50.12(a)(2)(iv), special circumstances are present whenever the exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from granting the exemption. Offsite organizations are currently dealing with COVID-19 in their daily duties. Participation in the biennial exercise presents a potential health risk for those concerned who may become exposed to COVID-19. Through this exposure, they could become unable to perform their duties during a real-life emergency.

Under 10 CFR 50.12(a)(2)(v), special circumstances are present whenever the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. The requested exemption to conduct the biennial emergency preparedness exercise for CY 2020 without ORO participation would grant only temporary relief from the applicable regulation. In addition, coordination of activities with current health restrictions, such as social distancing, is increasingly difficult. Based on discussion with ORO representatives, Entergy has concluded that a good faith effort has been made to comply with the regulation.

5.0 CONCLUSION

As demonstrated above, Entergy considers that this exemption request is in accordance with the criteria 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. A temporary exemption from the biennial emergency preparedness exercise requirements of 10 CFR 50, Appendix E, Section IV.F.2.c is required during the CY 2020 COVID-19 Pandemic.

6.0 ENVIRONMENTAL ASSESSMENT

Entergy is requesting an exemption from certain requirements of 10 CFR 50, Appendix E, for PNP. Specifically, Entergy is requesting a one-time exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.2.c, to exclude the participation of the ORO in the biennial emergency preparedness exercise for calendar year 2020. The following information is provided in support of an environmental assessment and finding of no significant impact for the proposed exemption.

Entergy 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. 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.

Attachment 2

Letter of Agreement from State of Michigan

2 Pages Follow



STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
LANSING

GRETCHEN WHITMER
GOVERNOR

COL. JOSEPH M. GASPER
DIRECTOR

September 16, 2020

Mr. Daniel Malone
Emergency Planning Manager
Palisades Nuclear Power Plant
27780 Blue Star Hwy
Covert, Michigan 49043

Dear Mr. Malone,

I am writing regarding the evaluated exercise at the Palisades Nuclear Power Plant slated to take place on October 27, 2020. Captain Sweeney, Command of the Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) has requested FEMA grant a cancellation of this evaluated exercise. The MSP/EMHSD, along with our state and local partners, Allegan, Berrien, and Van Buren counties, stand ready to respond to an incident at any of its power plants. The planning and extra activities surrounding an evaluated exercise in October presents many challenges such as the requirement of limited personnel in any single location and multiple training and evaluation platforms in place across the various agencies.

On March 10, 2020, Michigan Gov. Gretchen Whitmer declared a state of emergency in Michigan to address the COVID-19 pandemic. Governor Whitmer expanded her declaration to also include a state of disaster on April 1. At this time, the state of Michigan is still under states of emergency and disaster. In addition to the federal Public Health and National emergencies declared on January 31 and March 13 respectively, President Trump declared a Major Disaster (DR-4494) for all parts of Michigan that is still ongoing.

The COVID-19 response continues for all levels of government across the state and especially in the Palisades Nuclear Power Plant area. Overall, Michigan has been among the states hit hardest by COVID-19. As of September 14, 112,612 COVID-19 cases, and tragically 6,601 deaths, have been recorded for the state. As September continues with universities and schools returning students to instruction, Michigan is experiencing increased COVID-19 cases. Analysis from the University of Michigan Schools of Information and Public Health specifically shows the region around the Palisades Nuclear Power Plant currently at medium to high risk for spread, requiring increased vigilance and engagement of local and state officials. The uncertainty of COVID-19 leaves the future months in an unpredictable state.

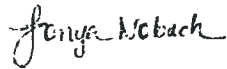
- Michigan Gov. Gretchen Whitmer has not changed the requirement for gatherings of less than 10 people in our region. Due to this order and the risks involved with COVID-19, it is not safe at this time to assemble the required personnel for an exercise, as we have done in the past and planned for at the time this exercise was scheduled.
- The MSP/EMHSD is currently developing a virtual response capability in Microsoft Teams. It is being tested to work with the integrated drills and dry run exercises. Although it works well for the state partners, it has limitation with our local and utility partners. We are currently working diligently to get our local and utility partners accounts and familiarity with the virtual system. To do this prior to October 27, 2020, will unnecessarily strain the process to ensure all involved are comfortable with Microsoft Teams.

Mr. Daniel Malone
Page 2
September 16, 2020

- MSP/EMHSD and the counties of Van Buren, Allegan and Berrien are committed to maintaining their radiological emergency plans and are not impacted in any manner that would adversely affect their ability to maintain response capability to support emergency response activities in the event of an actual nuclear power plant emergency

Thank you for your consideration of Michigan's request during this difficult and unprecedented time.

Sincerely,



Tonya Nobach
Training, Exercise and Radiological Unit Manager
Emergency Management
and Homeland Security