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10 CFR 73.5

PNP 2020-037

November 12, 2020

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

Subject: Request for a One-Time Exemption from 10 CFR 73, Appendix B,  
Section VI, Subsection C.3.(I)(1) Regarding Annual Force-on-Force (FOF)  
Exercises, Due to COVID 19 Pandemic

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

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 and, on March 13, 2020, President Donald Trump declared the Coronavirus (COVID-19) pandemic a national emergency. In addition, Governor Gretchen Whitmer declared a state of emergency in Michigan on March 10, 2020.

In response to these declarations, and in accordance with the Entergy Nuclear Operations, Inc. (Entergy) Pandemic Response plan, Entergy submitted for Palisades Nuclear Plant (PNP), a temporary exemption request from; 10 CFR Part 73, Appendix B, Section VI, *Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties*, Subsection C.3.(I)(1), regarding annual force-on-force (FOF) exercises. The temporary exemption request was granted by letter dated August 21, 2020 (Reference 1). The exemption was necessary because isolation protocols (e.g., social distancing, group size limitations, self-quarantining, etc.) restrict activities associated with conducting annual FOF exercises and was necessary to maintain a healthy workforce during the pandemic. The granted temporary exemption (Reference 1) expires December 31, 2020.

In the request associated with the granted temporary exemption (Reference 1) Entergy stated that it would:

- Maintain a list of the names of the individuals who will not meet the requalification requirements for the annual FOF exercises and will include the dates of the last quarterly drill and annual FOF exercise in which the individual participated.
- Ensure contingency response readiness of security personnel not participating in an annual FOF exercise by conducting one of the following scenario-based evolutions during quarterly tactical response drills: a tabletop exercise, a communications-based exercise, a lessons-learned review of a past exercise, or a walkdown of previous exercise route travel.
- Conduct any missed annual licensee-conducted FOF exercises within 90 days after the PHE ends or by December 31, 2020, whichever occurs first.
- Begin implementing COVID-19 PHE training requalification controls at Palisades for managing personnel performing Security Program duties.

At the time of submittal for the exemption request the duration of the PHE was discussed as "not currently known," and therefore a statement was added to complete the exercises 90 days after the PHE is ended, or until December 31, 2020, whichever occurs first. However, the PHE has not ended and continues to impact PNP's ability to conduct annual FOF exercises. Because the temporary exemption expires December 31, 2020, Entergy requests a one-time exemption from conducting calendar year (CY) 2020 annual FOF exercises as required by 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1). This one-time exemption would supersede the statement in the previously granted exemption to conduct any missed annual licensee-conducted FOF exercises within 90 days after the PHE ends or by December 31, 2020, whichever occurs first.

The updated NRC guidance issued in the October 13, 2020 letter (Reference 2), was used as the basis of the attached exemption request.

Granting this exemption will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.

The proposed one-time exemption will apply specifically to security personnel that the granted temporary exemption (Reference 1) applied.

Entergy expects that it will not be able to meet the CY 2020 requirements for the annual FOF exercises by December 31, 2020 as granted in the temporary exemption (Reference 1). Therefore, Entergy requests granting of this one-time exemption by December 31, 2020.

This letter contains no new regulatory commitments.

Should you have any questions or require additional information, please contact Jim Miksa, Regulatory Assurance Engineer, at 269-764-2945.

Respectfully,



Ron Gaston

RWG/jpm

Enclosure: Security Calendar Year (CY) 2020 Annual Force-on-Force Exercise One-Time Exemption Request

- References:
- 1) U. S. Nuclear Regulatory Commission (NRC) letter to Entergy Nuclear Operations, Inc. (Entergy), *Palisades Nuclear Plant – Temporary Exemption from 10 CFR Part 73, Appendix B, "General Criteria for Security Personnel," Section VI, Requirements for Force-On-Force Exercise (EPID L-2020-LLE-0126 [COVID-19])*, (ADAMS Accession No. ML20219A156), dated August 21, 2020
  - 2) U. S. Nuclear Regulatory Commission (NRC) letter to Mr. A Christopher Bakken, *Updated Guidance for Licensees that Request Exemptions from the Calendar Year 2020 Annual Licensee-Conducted Force on Force Requirement in Part 73, Appendix B, Section VI During the Coronavirus Disease 2019 Public Health Emergency*, (ADAMS Accession No. ML20273A120), dated October 13, 2020

cc: NRC Region III Regional Administrator  
NRC Senior Resident Inspector – Palisades Nuclear Plant  
NRC Project Manager – Palisades Nuclear Plant

**Enclosure**

**PNP 2020-037**

**Security Calendar Year (CY) 2020 Annual Force-on-Force Exercise  
One-Time Exemption Request**

**TABLE OF CONTENTS**

|     |  |   |
|-----|--|---|
| 1.0 | SUMMARY DESCRIPTION .....                      | 2 |
| 2.0 | BACKGROUND .....                               | 2 |
| 3.0 | EXEMPTION DETAILS .....                        | 2 |
| 4.0 | TECHNICAL JUSTIFICATION OF ACCEPTABILITY ..... | 3 |
| 5.0 | JUSTIFICATION OF EXEMPTION .....               | 4 |
| 6.0 | CONCLUSION .....                               | 5 |
| 7.0 | ENVIRONMENTAL ASSESSMENT .....                 | 6 |
| 8.0 | REFERENCES.....                                | 6 |

## SECURITY CALENDAR YEAR (CY) 2020 ANNUAL FORCE-ON-FORCE EXERCISE ONE-TIME EXEMPTION REQUEST

### 1.0 SUMMARY DESCRIPTION

Entergy Nuclear Operations, Inc. (Entergy) requests a one-time exemption from conducting calendar year CY 2020 annual force-on-force (FOF) exercises as required by 10 CFR Part 73 (10 CFR 73), Appendix B, Section VI, *Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties*, Subsection C.3.(1)(1) at the Palisades Nuclear Plant, (PNP). This one-time exemption would supersede the statement in the previously granted exemption (Reference 3) to conduct any missed annual licensee-conducted FOF exercises within 90 days after the public health emergency (PHE) ends or by December 31, 2020, whichever occurs first. Granting of this exemption will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.

### 2.0 BACKGROUND

By letter dated August 21, 2020, Entergy was granted a temporary exemption from 10 CFR 73, Appendix B, Section VI, Subsection C.3.(1)(1) regarding annual FOF exercises at PNP (Reference 3). The exemption was in response to the COVID-19 PHE and was necessary because isolation protocols (e.g., social distancing, group size limitations, self-quarantining, etc.) restrict activities associated with conducting annual FOF exercises and was necessary to maintain a healthy workforce during the pandemic. The granted temporary exemption expires December 31, 2020.

Subsequently, on October 13, 2020, the NRC issued a letter titled, *Updated Guidance for Licensees that Request Exemptions from the Calendar Year 2020 Annual Licensee-Conducted Force on Force Requirement in Part 73, Appendix B, Section VI During the Coronavirus Disease 2019 Public Health Emergency* (Reference 4). This updated guidance was used to prepare this exemption request.

### 3.0 EXEMPTION DETAILS

In the request associated with the granted temporary exemption (Reference 3) Entergy stated that it would:

- Maintain a list of the names of the individuals who will not meet the requalification requirements for the annual FOF exercises and will include the dates of the last quarterly drill and annual FOF exercise in which the individual participated.
- Ensure contingency response readiness of security personnel not participating in an annual FOF exercise by conducting one of the following scenario-based evolutions during quarterly tactical response drills: a tabletop exercise, a communications-based exercise, a lessons-learned review of a past exercise, or a walkdown of previous exercise route travel.

- Conduct any missed annual licensee-conducted FOF exercises within 90 days after the PHE ends or by December 31, 2020, whichever occurs first.
- Begin implementing COVID-19 PHE training requalification controls at Palisades for managing personnel performing Security Program duties.

At the time of submittal for the exemption request the duration of the PHE was discussed as "not currently known," and therefore a statement was added to complete the exercises 90 days after the PHE is ended, or by December 31, 2020, whichever occurs first. However, the PHE has not ended and continues to impact PNP's ability to conduct annual FOF exercises. Because the currently granted temporary exemption expires December 31, 2020, Entergy requests a one-time exemption from conducting CY 2020 annual FOF exercises as required by 10 CFR 73, Appendix B, Section VI, Subsection C.3.(I)(1). This one-time exemption would supersede the statement in the previously granted exemption (Reference 3) to conduct any missed annual licensee-conducted FOF exercises within 90 days after the PHE ends or by December 31, 2020, whichever occurs first.

The PHE is still in effect and will be for an unknown period of time. It is also unknown when vaccinations will be available to the general public or what impact the virus will have this winter. The number of COVID-19 cases in the State of Michigan and in the local health district are on an upward trend. Entergy has not relaxed their requirements for social distancing, minimizing group size, self-quarantining, etc., since the onset of the PHE.

PNP Security has had officers off duty in COVID-19 protocols due to either being symptomatic or having been in contact with a symptomatic or confirmed positive COVID-19 individual. Adjustments to face coverings, social distancing and other protective measures are being used to minimize potential COVID-19 exposure risks. This is especially important in space limited areas, such as, bullet resistant enclosures.

The annual FOF exercises require three security teams to be onsite and within close proximity during briefings, conduct of the drills and critiques. The bullet resistant enclosures don't lend themselves to adequate social distancing for the on-duty officer, drill play officer and the controller.

Granting of this exemption will continue to support the isolation protocols necessary to protect essential site personnel. These restrictions are needed to ensure personnel are isolated from the COVID-19 disease and remain capable of maintaining plant security.

The proposed one-time exemption will apply specifically to security personnel that the granted temporary exemption (Reference 3) applied.

#### **4.0 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 disease (Reference 1). PNP has implemented isolation activities such as self-quarantining, group size limitations and social distancing to protect required site personnel in accordance with NEI 06-03, "Pandemic Threat Planning, Preparation, and Response Reference Guide" (Reference 2). Ideally this will limit the spread of the virus among the station staff. This required Entergy to request a temporary exemption from annual FOF exercises because these isolation protocols restrict certain

activities associated with the conduct of annual FOF exercises. Maintaining a healthy workforce is preferable to having a sick workforce that is unavailable during a pandemic.

The proposed one-time exemption will apply specifically to security personnel that the granted temporary exemption (Reference 3) applied. Impacted security personnel continue to maintain proficiency with the knowledge, skills and abilities required to effectively implement the protective strategy to protect the station against the design basis threat as described in 10 CFR 73.1, *Purpose and Scope*, because PNP has continued to conduct the following training requalification requirements of Section VI. of Appendix B to Part 73.

- Quarterly tactical response drills (Tabletop drills, Timeline drills, Limited-scope tactical response drills)
- Annual firearms familiarization
- Annual daylight qualification course
- Annual night fire qualification course
- Annual tactical qualification course
- On-the-job training
- Annual physical examination
- Annual physical fitness test
- Weapons range activity (4-month periodicity)
- Annual written exam

In addition, and in accordance with the granted temporary exemption (Reference 3), PNP conducted tabletop exercises and reviewed lessons-learned of past exercises with all impacted security personnel. Therefore, PNP continues to maintain a physical protection program that provides high assurance that the health and safety of the public will not be inimical to the common defense and security and does not constitute an unreasonable risk to the public health and safety.

## **5.0 JUSTIFICATION OF EXEMPTION**

10 CFR 73.5, *Specific exemptions*, states that the Nuclear Regulatory Commission 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 endanger life or property or the common defense and security, and
- (3) The exemptions are otherwise in the public interest.

Entergy has evaluated the requested exemption against the criteria of 10 CFR 73.5 and determined the criteria are satisfied as described below.

### 1. This exemption is authorized by law

The security training requalification requirements in Appendix B to Part 73 are 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 endanger life or property or the common defense and security

The requested exemption will not endanger life or property or the common defense and security. The requested exemption is a one-time exemption. Entergy had scheduled these requalification activities to comply with the regulation. However, these activities must be exempted for the CY 2020 to allow continued implementation of the Entergy pandemic plan mitigation strategies. These strategies serve the public interest by ensuring adequate staff isolation and maintaining staff health to perform their job functions during the COVID-19 pandemic.

The proposed exemption is related only to the conduct of annual FOF exercises and does not change physical security plans or the defensive strategy. Security personnel impacted by this request were qualified on all required tasks at the time of the PHE. Impacted security personnel continue to maintain proficiency with the knowledge, skills and abilities required to effectively implement the protective strategy to protect the station against the design basis threat because PNP has continued to conduct other training requalification requirements as identified in section 4.0. In addition, security personnel will continue to be monitored regularly by supervisory personnel and have implemented controls as identified in the granted temporary exemption (Reference 3). Therefore, granting the requested one-time exemption will not endanger or compromise the common defense or security, or safeguarding PNP.

3. This exemption is otherwise in the public interest

The Entergy pandemic response plan is based on NEI 06-03, *Pandemic Threat Planning, Preparation, and Response Reference Guide*, (Reference 2) which recommends isolation strategies such as sequestering, use of super crews or minimum staffing as applicable as well as social distancing, group size limitations and self-quarantining, in an event of a pandemic, to prevent the spread of the virus to the plant. NEI 06-03 provides other mitigation strategies that serve the public interest during a pandemic by ensuring adequate staff is isolated from the pandemic and remains healthy to perform their job function.

Ensuring PNP is in operation during the pandemic will help to support the public need for reliable electricity supply to cope with the pandemic. As the US Departments of Homeland Security and Energy have stated in their guidance, the electric grid and nuclear plant operation make up the nation's critical infrastructure similar to the medical, food, communications, and other critical industries. If the plant operation is impacted because it cannot comply with the security training requalification requirements while isolation activities are in effect for essential crew members, the area electrical grid would lose this reliable source of baseload power. In addition, PNP personnel could face the added transient challenge of shutting down the plant and possibly not restarting it until the pandemic passes. This does not serve the public interest in maintaining a safe and reliable supply of electricity.

## **6.0 CONCLUSION**

As demonstrated above, Entergy considers that this one-time exemption request to be in accordance with the criteria of 10 CFR 73.5. 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 one-time exemption for the conduct of

CY 2020 annual FOF exercises at PNP is required during and recovery from the COVID-19 Pandemic.

## 7.0 ENVIRONMENTAL ASSESSMENT

Entergy is requesting a one-time exemption from the conduct of CY 2020 annual FOF exercises. Specifically, Entergy is requesting a one-time exemption from the requirements of Section VI.C.3.(I)(1) of Appendix B of Part 73, regarding the conduct of annual FOF exercises. 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. Furthermore, the requirements for which an exemption is being requested involve security CY 2020 annual FOF exercise requirements. Accordingly, the proposed one-time exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22, *Criterion for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review*, subparagraph (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.

## 8.0 REFERENCES

1. Centers for Disease Control and Prevention Article, *Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19)*, May 2020, retrieved from <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>, first issued in March 17, 2020
2. NEI 06-03, *Pandemic Threat Planning, Preparation, and Response Reference Guide*, Revision 2, February 2020
3. U. S. Nuclear Regulatory Commission (NRC) letter to Entergy Operations, Inc. (Entergy), *Palisades Nuclear Plant – Temporary Exemption from 10 CFR Part 73, Appendix B, "General Criteria for Security Personnel," Section VI, Requirements for Force-On-Force Exercise (EPID L-2020-LLE-0126 [COVID-19])*, (ADAMS Accession No. ML20219A156), dated August 21, 2020
4. NRC letter to Mr. A. Christopher Bakken, *Updated Guidance for Licensees that Request Exemptions from the Calendar Year 2020 Annual Licensee-Conducted Force on Force Requirement in Part 73, Appendix B, Section VI During the Coronavirus Disease 2019 Public Health Emergency*, (ADAMS Accession No. ML20273A120), dated October 13, 2020