



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

November 17, 2020

LICENSEE: Entergy Nuclear Operations, Inc.

FACILITY: Indian Point Nuclear Generating Station, Unit Nos. 1, 2, and 3

SUBJECT: SUMMARY OF SEPTEMBER 30, 2020, PRE-SUBMITTAL MEETING WITH ENTERGY NUCLEAR OPERATIONS, INC. TO DISCUSS PROPOSED ONE-TIME EXEMPTION REQUEST REGARDING BIENNIAL EMERGENCY PREPAREDNESS ONSITE EVALUATED EXERCISE REQUIREMENTS (EPID L-2020-LRM-0092)

On September 30, 2020, a Category 1 public meeting by teleconference was held between the U.S. Nuclear Regulatory Commission (NRC) staff and representatives of Entergy Nuclear Operations, Inc. (Entergy, the licensee). The purpose of the meeting was for the NRC and Entergy to discuss the licensee's planned one-time exemption request from requirements regarding the biennial emergency preparedness (EP) evaluated onsite exercise for Indian Point Nuclear Generating Station (Indian Point), Unit Nos. 1, 2, and 3. The meeting notice and agenda are available in the Agencywide Documents Access and Management System (ADAMS) at Accession No. ML20274A070. The licensee provided presentation slides (ADAMS Accession No. ML20269A172). A list of attendees is enclosed.

The licensee provided an overview of its planned exemption request regarding the biennial EP exercise participation requirements. The licensee stated that the threat of the Coronavirus Disease 2019 (COVID-19) pandemic health emergency has resulted in the inability to safely conduct the biennial EP exercise for calendar year (CY) 2020. Specifically, the protective health measures impact Entergy's ability to conduct the EP onsite portion of its emergency plan and, as a result, the licensee is proposing a one-time exemption to exclude the participation requirements of the onsite portion of the CY 2020 biennial EP exercise under Section IV.F.2.b of Appendix E of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.

Entergy will be requesting approval of an exemption in order to reschedule the onsite portion of the November 17, 2020, biennial exercise to 2021. The licensee stated that while it has not yet identified a proposed date in 2021 for the rescheduled onsite exercise, the new date will be by August 2021, which is within the 35-month window specified in Regulatory Issue Summary (RIS) 2006-03, "Guidance on Requesting an Exemption from Biennial Emergency Preparedness Exercise Requirements," dated February 24, 2006 (ADAMS Accession No. ML053390039).

The licensee stated that it will not be requesting exemption from the offsite portion of the EP exercise requirements, as it plans to complete the applicable portions required by Section IV.F.2.c of Appendix E to 10 CFR Part 50. In coordination with the applicable State and local offsite emergency response organizations and with the Federal Emergency Management Agency (FEMA), Entergy reaffirmed that the offsite portion of the biennial EP exercise will be performed in CY 2020 (i.e., the FEMA-evaluated exercise for the offsite agencies).

The licensee indicated that the planned exemption request was on track for submission by October 2020. The licensee is requesting approval of the exemption request by December 31, 2020, to ensure continued compliance with 10 CFR Part 50, Appendix E.

#### Comments from NRC Staff

The NRC staff provided the following additional guidance for Entergy's consideration in its development of the proposed biennial EP exercise exemption request:

- The licensee should refer to the Office of Nuclear Security and Incident Response temporary staff guidance document (TSG-NSIR-2020-01), "COVID-19 Related Exemptions from NRC Regulations – Emergency Preparedness Exercises," regarding information to include in the exemption request submittal. Specifically, the licensee should review the checklist provided in Enclosure 2, "Technical Review Checklist," to facilitate the timely and consistent review of the biennial exercise exemption request.
- The staff noted that the licensee referenced two precedent submittals in its presentation that were approved prior to the completion of the TSG-NSIR-2020-01 guidance document. The licensee should consider Enclosure 3 (NRC staff response template) in the development of its exemption request to ensure its submittal addresses all the appropriate items covered in the response template.
- If the licensee does not commit to a rescheduled date in CY 2021 that is within the 35-month window (i.e., per RIS 2006-03) for the onsite portion of the EP biennial exercise, the staff would expect the licensee to provide a date or date range for when the EP baseline program inspection has been coordinated with the regional EP inspectors in the interim.
- The staff clarified that the 35-month criteria specified in the RIS is not a requirement; rather, it provides the staff a reasonable assurance "demarcation line" in its evaluation for certain sites impacted by weather condition issues at the time of issuance of the RIS. The licensee should state whether it will commit to performing the rescheduled EP exercise within the 35-month window (i.e., by August 2021) or is seeking an exemption to go beyond 35 months.
- The licensee should ensure that the regional EP inspectors are fully aware of the licensee's "extent of play" with the offsite emergency response organizations regarding the offsite portions of the EP exercise. This interface allows the region to appropriately develop its inspection plan, and in coordination with regional EP inspectors and FEMA input, the NRC will be able to determine whether the licensee is in compliance Appendix E, Section IV.F.2.c requirements.
- The staff reiterated that complying with the offsite exercise requirements involves the full participation by each offsite authority having a role under the radiological response plan. The licensee's submittal should also include the offsite State and local authorities who are expected to participate in the full participation exercise schedule for November 17, 2020. The NRC staff also indicated that the licensee's inclusion of the applicable offsite exercise information should not jeopardize the confidentiality of the exercise scenarios. That is, since the submittal will be a public document, the licensee should be mindful not to include any information that would compromise the integrity of the planned scenarios.

## Public Comments

Two members representing New York state and local government provided comments or questions regarding the proposed exemption request. A summary description for each commenter is as follows:

- Bridget Frymire (New York State Department of Public Service) stated that the onsite drill for the EP biennial exercise, if performed in November 2020, would take place while Indian Point Unit No. 3, is still operating. Ms. Frymire inquired how the rescheduled onsite portion of the exercise (to CY 2021) would be impacted when performed after the Indian Point Unit No. 3 permanent shutdown (i.e., between April 2021 and August 2021). The NRC staff responded that regardless of a unit being operating or shut down, unless an exemption to the EP regulations is granted, the same EP drill and exercise requirements remain in place. The NRC staff also clarified that the exemption to reschedule the EP biennial onsite exercise is separate and distinct than the phased decommissioning emergency plan exemption. The emergency plan exemption, if approved, would not be implemented until after the fuel cooldown period, which for a pressurized-water reactor is approximately 16 months after the unit is permanently shut down. Therefore, the licensee will still be required to maintain its drill and exercise regulatory requirements during the period between April 2021 and August 2021.
- Ms. Frymire requested additional clarification regarding the onsite portion of the exercise following the Indian Point Unit No. 3 shutdown, and asked whether the drill would be based on the current operating or shutdown condition of the plant. The NRC staff stated that the scope and scenario selection of exercises is developed by the licensee; however, the staff would expect the licensee to develop a scenario that is aligned with the current posture and condition of the plant concurrent with the exercise.
- Susan Spear (Westchester County) had a question regarding the current schedule and sequence of the onsite and offsite biennial EP exercise and asked what would happen after November 17, 2020, if approval has not been granted by the NRC. The staff addressed the question, stating that per the regulations, the licensee has until December 31, 2020, to conduct the onsite portion of the biennial EP exercise. The staff clarified that the stated date of November 17, 2020, is not a scheduling requirement; the actual requirement date to perform the exercise is by the end of CY 2020.

No regulatory decisions were made regarding the acceptability of the licensee's proposed submittal. The meeting was adjourned at 11:51 a.m. No public meeting feedback forms were received.

Please direct any inquiries to me at 301-415-1030 or by e-mail to [Richard.Guzman@nrc.gov](mailto:Richard.Guzman@nrc.gov).

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Richard V. Guzman, Senior Project Manager  
Plant Licensing Branch I  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-003, 50-247, and 50-286

Enclosure:  
List of Attendees

cc: Listserv

LIST OF ATTENDEES

SEPTEMBER 30, 2020, PRESUBMITTAL MEETING

WITH ENTERGY NUCLEAR OPERATIONS, INC.

TO DISCUSS INDIAN POINT NUCLEAR GENERATING STATION, UNIT NOS. 1, 2, AND 3

PROPOSED ONE-TIME EXEMPTION REQUEST REGARDING BIENNIAL EMERGENCY

PREPAREDNESS ONSITE EVALUATED EXERCISE REQUIREMENTS EXEMPTION

<b>NAME</b>	<b>ORGANIZATION</b>
Richard Guzman	U.S. Nuclear Regulatory Commission (NRC)
James Danna	NRC
Joseph Anderson	NRC
Don Johnson	NRC
Jeff Rady	NRC
Michael Norris	NRC
Rick Kinard	NRC
Robert Kahler	NRC
Charles Murray	NRC
Ray Gibson	NRC
James Kim	NRC
Jenny Weil	NRC
Niklas Floyd	NRC
Jo Ambrosini	NRC
Neil Sheehan	NRC
Diane Screnci	NRC
Cherie Crisden	NRC
Bob Walpole	Entergy Nuclear Operations, Inc. (Entergy)
John Schrage	Entergy
Mahvash Mirzai	Entergy
Ron Gaston	Entergy
T. R. Jones	Entergy
Joanne Fernandez	Entergy
John Standridge	Entergy
Bill Kutcher	Entergy
Craig Delamater	Entergy
Susan Raimo	Entergy
Alyse Peterson	New York State Energy Research and Development Authority

<b>NAME</b>	<b>ORGANIZATION</b>
Bridget Frymire	New York State Department of Public Service
Cynthia Costello	New York State Department of Health
Paul Armani	New York Department of Environmental Conservation
Dennis Delborgo	Westchester County, NY
Susan Spear	Westchester County, NY
Elizabeth Gauthier	Office of Congresswoman Nita Lowey (NY)
Megan Glander	Office of Senator Chuck Schumer (NY)
Geri Shapiro	Office of Senator Kirsten Gillibrand (NY)
Bill Cohen	Federal Emergency Management Agency (FEMA)
Michael Debonis	FEMA
Timothy Harris	FEMA
Brian Thomas	Public Service Enterprise Group (PSEG) Nuclear
Paul Duke	PSEG Nuclear

Note: Participant names attending by teleconference were captured by automated voice prompt from the NRC's conference line service. The names of additional personnel participating by teleconference may not be included in this list if they joined the call-in line through the individuals listed above.

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PREPAREDNESS ONSITE EVALUATED EXERCISE REQUIREMENTS  
(EPID L-2020-LRM-0092) DATED NOVEMBER 17, 2020

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JRady, R-I	

**ADAMS Accession No.: ML20321A000**

OFFICE	NRR/DORL/LPL1/PM	NRR/DORL/LPL1/LA	NRR/DORL/LPL1/BC	NRR/DORL/LPL1/PM
NAME	RGuzman	LRonewicz	JDanna	RGuzman
DATE	11/16/2020	11/16/2020	11/16/2020	11/17/2020

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