



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

December 3, 2020

Vice President, Operations
Entergy Nuclear Operations, Inc.
Palisades Nuclear Plant
27780 Blue Star Memorial Highway
Covert, MI 49043-9530

SUBJECT: PALISADES NUCLEAR PLANT – EXEMPTION FROM ANNUAL
FORCE-ON-FORCE EXERCISE REQUIREMENTS OF 10 CFR PART 73,
APPENDIX B, “GENERAL CRITERIA FOR SECURITY PERSONNEL,”
SUBSECTION VI.C.3(I)(1) (EPID L-2020-LLE-0190 [COVID-19])

Dear Sir or Madam:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has approved the requested exemption from a specific requirement of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, Appendix B, Section VI, “Nuclear Power Reactor Training and Qualification Plan for Personnel Performing Security Program Duties,” for Palisades Nuclear Plant (Palisades) for calendar year (CY) 2020. This action is in response to Entergy Nuclear Operations, Inc. (Entergy, the licensee) application dated November 12, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20317A300), that requested an exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), regarding annual force-on-force (FOF) exercises for CY 2020 at Palisades.

The requirements in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1), state, in part:

Each member of each shift who is assigned duties and responsibilities required to implement the safeguards contingency plan and licensee protective strategy participates in at least . . . one (1) force-on-force exercise on an annual basis. Force-on-force exercises conducted to satisfy the NRC triennial evaluation requirement can be used to satisfy the annual force-on-force requirement for the personnel that participate in the capacity of the security response organization.

The purpose of the annual licensee-conducted FOF exercises is to ensure that the site security force maintains its contingency response readiness. Participation in these exercises also supports the requalification of security force members.

On January 31, 2020, the U.S. Department of Health and Human Services declared a Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) for the United States. Subsequently, the Centers for Disease Control and Prevention issued recommendations (e.g., social distancing, limiting assemblies) to limit the spread of COVID-19. On August 21, 2020 (ADAMS Accession No. ML20219A156), the NRC granted the licensee’s previous request for temporary exemption from 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(I)(1). That

exemption is set to expire December 31, 2020. As such, the licensee is required to conduct any missed annual licensee-conducted FOF exercises by December 31, 2020.

The licensee's application dated November 12, 2020, states the following:

- 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.
- Palisades 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. 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.
- 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 Palisades has continued to conduct the following training requalification requirements of Section VI of Appendix B to 10 CFR 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 dated August 21, 2020, the licensee conducted tabletop exercises and reviewed lessons-learned of past exercises with all impacted security personnel.

This exemption is specific to CY 2020 and Palisades security personnel who have previously demonstrated proficiency and are currently qualified in accordance with the requirements of 10 CFR Part 73, Appendix B, Section VI. The licensee stated that given the proposed exemption is related only to the conduct of annual FOF exercises and does not change physical security

plans or the defensive strategies; 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 their respective station against the design basis threat because Palisades has continued to conduct other training requalification requirements; and security personnel will continue to be monitored regularly by supervisory personnel and have implemented controls as identified in the approved temporary exemptions granted on August 21, 2020, granting the exemption will not endanger or compromise the common defense and security or safeguarding of Palisades. Additionally, the November 12, 2020, request identified the site-specific actions listed above that will continue to occur at Palisades to maintain contingency response readiness, consistent with the NRC staff's October 13, 2020, letter (ADAMS Accession No. ML20273A120).

Pursuant to 10 CFR 73.5, "Specific exemptions," the Commission may, upon application by any interested person or on its own initiative, grant exemptions from the requirements of 10 CFR Part 73 when the exemptions are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 that is authorized by law. The NRC staff has reviewed the exemption request and finds that granting the proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or other laws. Therefore, the NRC staff finds that the exemption is authorized by law.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 when the exemption will not endanger life or property or the common defense and security. This exemption will only apply to licensee security personnel who are already satisfactorily qualified in accordance with the security requirements in 10 CFR Part 73, Appendix B, Section VI. Based on this fact, and its review of the controls that the licensee will continue to implement for the duration of the exemption, including quarterly tactical drills, annual firearms familiarization, annual daylight qualification course, annual night fire qualification course, on-the-job-training, annual physical examination, annual physical fitness test, weapons range activity (4-month periodicity), and an annual written exam, the NRC staff has reasonable assurance that the security force at Palisades will maintain its proficiency and readiness to implement the licensee's protective strategy and adequately protect the site. Therefore, the NRC staff concludes that the proposed exemption would not endanger life or property or the common defense and security.

In accordance with 10 CFR 73.5, the Commission may grant an exemption from the regulations in 10 CFR Part 73 when the exemption is in the public interest. The NRC staff finds that the exemption from the annual FOF requirement in 10 CFR Part 73, Appendix B, Section VI, subsection C.3.(l)(1), for CY 2020 would facilitate the licensee's efforts to maintain a healthy workforce capable of operating the plant safely and implementing the site's protective strategy by isolating security personnel from potential exposure to the COVID-19 virus. The NRC staff concludes that granting the exemption for CY 2020 is in the public interest because it allows the licensee to maintain the required security posture at Palisades, while enabling the facility to continue to provide electrical power to the Nation.

Environmental Considerations

NRC approval of this exemption request is categorically excluded under 10 CFR 51.22(c)(25), and there are no special circumstances present that would preclude reliance on this exclusion. The NRC staff determined, per 10 CFR 51.22(c)(25)(vi)(E), that the requirements from which this exemption is sought involve education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff also determined that approval of this exemption request involves no significant hazards consideration because it does not authorize any physical changes to the facility or any of its safety systems, nor does it change any of the assumptions or limits used in the facility licensee's safety analyses or introduce any new failure modes. There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite because this exemption does not affect any effluent release limits as provided in the facility licensee's technical specifications or by the regulations in 10 CFR Part 20, "Standards for Protection Against Radiation." There is no significant increase in individual or cumulative public or occupational radiation exposure because this exemption does not affect limits on the release of any radioactive material, or the limits provided in 10 CFR Part 20 for radiation exposure to workers or members of the public. There is no significant construction impact because this exemption does not involve any changes to a construction permit; and no significant increase in the potential for or consequences from radiological accidents because this exemption does not alter any of the assumptions or limits in the facility licensee's safety analysis. In addition, the NRC staff determined that there would be no significant impacts to biota, water resources, historic properties, cultural resources, or socioeconomic conditions in the region. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

Conclusions

Accordingly, the NRC has determined that pursuant to 10 CFR 73.5, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants the licensee's request to exempt Palisades from the annual FOF exercise requalification requirement of security personnel in subsection C.3.(l)(1) of 10 CFR Part 73, Appendix B, Section VI. This exemption applies only to those FOF exercises required during CY 2020.

If you have any questions, please contact the Palisades project manager, Booma Venkataraman, at 301-415-2934 or Booma.Venkataraman@nrc.gov.

Sincerely,

Craig G. Erlanger, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-255

cc: Listserv

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ADAMS Accession No.: ML20330A000

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