



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

December 22, 2020

Vice President, Operations  
Entergy Operations, Inc.  
River Bend Station  
5485 U.S. Highway 61  
St. Francisville, LA 70775

SUBJECT: RIVER BEND STATION, UNIT 1 – TEMPORARY EXEMPTION FROM  
BIENNIAL ONSITE EMERGENCY PREPAREDNESS EXERCISE  
FREQUENCY REQUIREMENTS OF 10 CFR PART 50, APPENDIX E,  
SECTION IV.F.2.B (EPID-L-2020-LLE-0212 [COVID-19])

Dear Sir or Madam:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has approved the below temporary exemption from specific requirements of Appendix E to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Section IV.F.2.b, for River Bend Station, Unit 1 (River Bend). This action is in response to your application dated December 3, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20338A539), that requested a one-time exemption from the requirements in 10 CFR Part 50, Appendix E, Section IV.F.2.b to postpone the calendar year (CY) 2020 biennial onsite emergency preparedness (EP) exercise until CY 2021.

Entergy Nuclear Operations, Inc. (Entergy, the licensee) holds Renewed Facility Operating License No. NPF-47, which authorizes operation of River Bend. This license is subject to the rules, regulations, and orders of the Commission.

River Bend consists of a boiling water reactor located in West Feliciana Parish, Louisiana.

By letter dated December 3, 2020, Entergy submitted a request for temporary exemption from Appendix E to 10 CFR Part 50, Section IV.F.2.b, regarding the performance of the CY 2020 biennial onsite EP exercise.

The requirements in 10 CFR Part 50, Appendix E, Section IV.F.2.b state, in part:

Each licensee at each site shall conduct a subsequent exercise of its onsite emergency plan every 2 years.

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 Centers for Disease Control and Prevention (CDC) issued recommendations (e.g., social distancing, limiting assemblies) in an attempt to limit the spread of COVID-19.<sup>1</sup> In addition, the State of Louisiana

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<sup>1</sup>CDC, "How to Protect Yourself and Others," April 18, 2020 (ADAMS Accession No. ML20125A069)

has declared a PHE and issued restrictions<sup>2</sup> to prevent the spread of the virus as well as measures to reduce the amount of interaction between personnel.<sup>3</sup>

In your application, you provided the following information:

- In response to the COVID-19 PHE, and in accordance with the Entergy Pandemic Response Plan, Entergy initiated isolation activities at River Bend (e.g., social distancing, group size limitations, self-quarantining, etc.) on March 16, 2020. These isolation activities caused the biennial EP exercise originally scheduled for June 24, 2020, to be rescheduled to December 1, 2020, in an effort to complete the biennial exercise in CY 2020 and to avoid the need for an exemption from the NRC. Entergy sought, and received from the NRC, a temporary exemption (ADAMS Accession No. ML20315A345) from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.c regarding the performance of the CY 2020 biennial offsite EP exercise for responsible offsite response organizations (ORO) in order to protect ORO personnel in response to the COVID-19 PHE.
- The ongoing threat of COVID-19 spread resulted in the inability to safely conduct the remaining onsite participation portion of the River Bend CY 2020 biennial EP exercise on December 1, 2020. That onsite exercise presented a potential health risk for participants as well as controllers and evaluators who could have been exposed to COVID-19, potentially affecting their ability to perform their duties during a real-life emergency. Based on the threat to the health of plant personnel, including emergency planning, operations, maintenance and security, and the uncertainty of how long the impacts of the COVID-19 PHE will continue, the need to seek a one-time exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.b was determined to be the most appropriate action.
- This one-time schedular exemption to allow for the conduct of the biennial onsite EP exercise in CY 2021 supports continued implementation of the isolation activities (e.g., social distancing, group size limitations, self-quarantining, etc.) to protect required River Bend Emergency Response Organization (ERO) personnel in response to the COVID-19 PHE.
- The last biennial EP exercise was conducted on June 27, 2018. Since that time, Entergy has conducted numerous drills, exercises, and other training activities at River Bend that have exercised its emergency response strategies. A list of drills, exercises, and other training opportunities that have occurred since June 2018 are tabulated and listed in the attachment to the enclosure of the application.
- In addition to the drills identified in the attachment, River Bend also conducted medical drills with its health care partners in Baton Rouge, LA and in St. Francisville, LA, in 2018 and 2019. Staffing drills on a quarterly basis, health physics drills, and sampling drills as well as fire drills and focused area drills in the River Bend Emergency Operations Facility have been performed during this timeframe as well. These elements are driven by River Bend procedural guidance to ensure River Bend and Entergy continue to demonstrate completion of essential elements of the River Bend Emergency Plan and applicable

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<sup>2</sup> <https://gov.louisiana.gov/assets/Proclamations/2020/33-JBE-2020-Public-Health-Emergency.pdf>

<sup>3</sup> <https://gov.louisiana.gov/index.cfm/newsroom/detail/2400#:~:text=John%20Bel%20Edwards%20declared%20a,affected%2013%20residents%20in%20Louisiana.&text=Edwards%20said,officials%20for%20some%20time%20now>

regulatory requirements. Entergy will conduct exercises, drills and training consistent with limitations that may be prudent to address the ongoing COVID-19 PHE.

- The licensee has made a reasonable effort to reschedule the biennial onsite EP exercise at River Bend during CY 2020 but has been unsuccessful. The River Bend CY 2020 biennial EP exercise with ORO participation was originally scheduled for June 24, 2020. Due to the impacts of the COVID-19 PHE, the biennial onsite and offsite EP exercises were rescheduled to December 1, 2020. Subsequently, a one-time schedular exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.c for offsite participation was approved on November 25, 2020. Based on the limited amount of available time between the December 1, 2020, rescheduled date and the end of CY 2020, and the continued impact of the COVID-19 PHE, Entergy was unable to reschedule the biennial onsite EP exercise prior to the end of CY 2020.
- If the exemption is granted to allow the licensee to defer the CY 2020 biennial onsite EP exercise to CY 2021, then the rescheduled biennial onsite EP exercise will be held before May 27, 2021, which will be within 35 months from the month of the previously evaluated biennial EP exercise conducted on June 27, 2018. Future biennial EP exercises (both onsite and offsite) will continue to be held in even years.

Additionally, the NRC staff verified that River Bend has been in contact with NRC Region IV and that they will be coordinating with River Bend in establishing a revised biennial onsite EP exercise date prior to May 27, 2021.

Pursuant to 10 CFR 50.12, "Specific exemptions," the NRC may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security, and (2) special circumstances are present.

The NRC staff determined that the requested exemption is permissible under the Atomic Energy Act of 1954, as amended, and that no other prohibition of law exists to preclude the activities that would be authorized by the exemption. Therefore, the NRC staff finds that the requested exemption is authorized by law.

The regulations in 10 CFR Part 50, Appendix E, Section IV.F.2.b concern requirements for licensees to conduct biennial EP exercises at their facilities. No new accident precursors are created by allowing the licensee to postpone the biennial onsite EP exercise from CY 2020 until CY 2021. Thus, the probability and consequences of postulated accidents are not increased. In addition, the requested exemption for a one-time change to the biennial onsite EP exercise schedule has no relation to security issues. Therefore, the NRC staff finds that the requested exemption will not present an undue risk to the public health and safety and is consistent with the common defense and security.

Special circumstances, per 10 CFR 50.12, that apply to the requested exemption include:

- a. 10 CFR 50.12(a)(2)(ii): "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule."

The regulation at 10 CFR Part 50, Appendix E, Section, IV.F.2.b requires licensees to conduct an exercise of their site emergency plan biennially. The underlying purpose of this requirement is to ensure that the emergency organization personnel are familiar with their duties and to identify and correct any weaknesses that may exist in the licensee's EP program. The licensee stated that it has conducted numerous drills, exercises, and other training activities that have exercised River Bend emergency response strategies. Based on the above, the NRC staff finds that the underlying purposes of these regulations are met by the licensee having conducted these EP activities and will establish an acceptable date for the onsite EP exercise prior to May 27, 2021.

- b. 10 CFR 50.12(a)(2)(v): "The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation."

Entergy determined that the originally scheduled exercise date of June 24, 2020 and rescheduled date of December 1, 2020, did not support continued implementation of the isolation activities (e.g., social distancing, group size limitations, self-quarantining, etc.) to protect required River Bend ERO personnel in response to the ongoing COVID-19 PHE. These activities are needed to ensure that ERO personnel are isolated from COVID-19 and remain capable of executing the functions of the ERO, as described in the River Bend Emergency Plan. If the exemption is granted, the onsite EP exercise will be rescheduled and conducted prior to May 27, 2021.

Therefore, the NRC staff finds that the requested exemption to conduct the biennial onsite EP exercise in CY 2021, instead of CY 2020, would provide only temporary relief from the applicable regulation and that the licensee has made good faith efforts to comply with the regulation.

Based on the above, the NRC staff finds that the special circumstances of 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(v) are present.

NRC approval of the requested exemption is categorically excluded under 10 CFR 51.22(c)(25), and there are no extraordinary 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 the exemption is sought involve education, training, experience, qualification, requalification, or other employment suitability requirements. The NRC staff also determined that approval of this exemption involves no significant hazards consideration because it does not authorize any physical changes to the facility or any of its safety systems, change any of the assumptions or limits used in the 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 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. There is no significant increase in the potential for or consequences from radiological accidents because the exemption does not alter any of the assumptions or limits in the 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 the requested exemption.

Granting the requested exemption does not impact NRC findings of reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at River Bend. In the statement of considerations for the standards to be applied when considering whether to grant exemptions ("Specific Exemptions; Clarification of Standards, Final Rule," 50 FR 50764, dated December 12, 1985), the Commission stated:

While compliance with all NRC regulations provides reasonable assurance of adequate protection of the public health and safety, the converse is not correct, that failure to comply with one regulation or another is an indication of the absence of adequate protection, at least in a situation where the Commission has reviewed the noncompliance and found that it does not pose an "undue risk" to the public health and safety. Furthermore, the Commission has never defined the concept of "defense-in-depth" to preclude the granting of an exemption from a regulation as long as the applicable exemption criteria are met. In fact, the Commission has recognized that its regulations may provide for the possibility of exemptions when an appropriately high level of safety is in fact achieved and the public interest is served.

The NRC staff has determined that, in accordance with 10 CFR 50.12, 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; and that special circumstances are present. Therefore, the NRC hereby grants the licensee's request for a one-time schedular exemption from the requirements for the biennial onsite EP exercise in 10 CFR Part 50, Appendix E, Section IV.F.2.b.

This exemption expires on May 27, 2021, or when the required onsite EP exercise is completed in CY 2021, whichever occurs first.

If you have any questions, please contact the River Bend project manager, Perry Buckberg, at (301) 415-1383 or by e-mail to [Perry.Buckberg@nrc.gov](mailto:Perry.Buckberg@nrc.gov).

Sincerely,

Caroline L. Carusone, Deputy Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-458

cc: Listserv

SUBJECT: RIVER BEND STATION, UNIT 1 – TEMPORARY EXEMPTION FROM BIENNIAL ONSITE EMERGENCY PREPAREDNESS EXERCISE FREQUENCY REQUIREMENTS OF 10 CFR PART 50, APPENDIX E, SECTION IV.F.2.B (EPID-L-2020-LLE-0212 [COVID-19]) DATED DECEMBER 22, 2020

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**ADAMS Accession No.: ML20344A135**

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