

## SAFETY EVALUATION REPORT

DOCKET NO.: 70-1257

LICENSEE: Framatome Inc., Richland, Washington

SUBJECT: TEMPORARY EXEMPTION FROM THE 2021 BIENNIAL EVALUATED EMERGENCY PLAN EXERCISE REQUIRED BY 10 CFR 70.22(I)(3)(XII) (ENTERPRISE PROJECT IDENTIFIER L-2021-EPR-0002)

### REQUEST

By letter dated September 1, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21245A283), as supplemented by e-mail dated September 17, 2021 (ADAMS Accession No. ML21265A179), Framatome Inc. (Framatome) submitted a request for an exemption from certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Paragraph 70.22(i)(3)(xii), "Exercises." In particular, Framatome requires a one-time exemption from the provisions in 10 CFR 70.22(i)(3)(xii), which require a biennial emergency plan exercise.

Framatome proposes to reschedule the conduct of the calendar year (CY) 2021 biennial exercise to a date on or before June 30, 2022. In addition, Framatome states that future biennial emergency plan exercises will continue to be conducted in odd years.

### BACKGROUND

Currently, Framatome is required by regulation to conduct emergency exercises biennially. Under the Framatome Richland Emergency Plan Section 7.3.2.2, "Biennial Exercise," a major exercise shall be conducted every other year to test one or more significant components of the Emergency Plan, including invitation of offsite agency participation and realistic play. Framatome states that the performance of the CY 2021 exercise scenario will result in a large group of individuals gathering together in the site emergency response centers that could challenge several Coronavirus Disease 2019- (COVID-19) related isolation guidelines (e.g., social distancing and group size limitations). The conduct of the CY 2021 exercise scenario requires participation by onsite personnel (controller/evaluator team, onsite security organization, onsite emergency response organization) and offsite agencies that agreed to participate, as well as evaluation by U.S. Nuclear Regulation Commission (NRC) staff. Framatome states that as of August 2021 the Benton and Franklin Counties (where Framatome is located) reported that there have been continued increases in new COVID-19 cases in the local area with weekly case counts continuing to rise continuing the countywide trend of increased viral spread. In response, the Framatome facility reinstated several COVID-19 protective measures for individuals regardless of vaccination status. Framatome concludes that an evaluated emergency plan exercise cannot be conducted as scheduled in October 2021 without unnecessarily increasing the risk of exposing Framatome staff, offsite responders, and potentially members of the public to the COVID-19 virus. Therefore, Framatome is requesting this one-time exemption because of the COVID-19-related changing local conditions that prevent Framatome from safely conducting the CY 2021 biennial emergency plan exercise as planned.

Framatome states that the last biennial evaluated exercise was conducted in April 2019. The NRC staff notes that the date of Framatome's last biennial evaluated exercise was conducted on April 24, 2019. Framatome indicates that it has made a reasonable effort to reschedule the planned exercise in CY 2021 but has been unsuccessful. The Framatome CY 2021 biennial emergency plan exercise was originally scheduled for April 28, 2021, but due to high numbers of COVID cases in early 2021, the exercise was postponed. Framatome rescheduled the exercise to be held on October 6, 2021. Framatome states that, in August 2021, COVID-19 cases increased to higher numbers than have been seen during the entire pandemic. Therefore, Framatome has rescheduled the conduct of the CY 2021 biennial emergency plan exercise to on or before June 30, 2022. Framatome states that the rescheduled biennial emergency plan exercise will be coordinated with the applicable offsite response organizations (if offsite response organization participation is required) and the applicable NRC Region.

The proposed date is greater than 35 months from the previously evaluated biennial emergency plan exercise conducted on April 24, 2019. However, the NRC staff has confirmed that Framatome's emergency preparedness program is adequately maintained by inspecting it twice since the last biennial emergency plan exercise, as documented in NRC Inspection Reports dated January 29, 2020 and January 22, 2021 (ADAMS Accession Nos. ML20030A261 and ML21025A290, respectively). These inspections identified no violations of more than minor significance.

This one-time exemption request would defer the CY 2021 biennial emergency plan exercise to CY 2022. Framatome states that if an exemption is granted to allow the performance of the CY 2021 biennial emergency plan exercise to be conducted in CY 2022, that future biennial emergency plan exercises will continue to be held in odd years. Framatome has conducted drills, exercises, and other training activities that exercised its emergency response strategies, in coordination with offsite authorities since the previous biennial emergency plan exercise. These include criticality and fire evacuation drills, a 2020 tabletop exercise, regularly scheduled training items for the various site responders, and maintaining contact with offsite responders.

#### DISCUSSION – NRC STAFF REVIEW PURSUANT TO 10 CFR 70.17(a)

The NRC issued a letter on May 14, 2020, to the Nuclear Energy Institute (ADAMS Accession No. ML20120A003) related to emergency biennial exercise requirements during the COVID-19 public health emergency for all licensees under Parts 30, 40, 50, 52, 70 and 72 that have a radiological emergency plan. This letter stated that the "NRC is prepared to consider on an expedited basis requests for exemptions, upon request from individual licensees, from the biennial emergency plan exercise requirements that are specified in . . . 10 CFR 70.22(i)(3)(xii). . . . These exemptions would, if granted, ensure that licensees engage in activities that do not conflict with practices recommended by the Centers for Disease Control and Prevention to limit the spread of COVID-19."

The NRC issued another letter on November 10, 2020, to the Nuclear Energy Institute (ADAMS Accession No. ML20261H515), which included discussion of emergency plan requirements, including 10 CFR 70.22(i)(3)(xii). The NRC stated that licensees seeking to move biennial exercises from CY 2021 to CY 2022 should continue to consider the guidance in the NRC's May 14, 2020, letter and should continue to provide the information requested in said letter.

Consistent with the November 10, 2020, letter and the section entitled "Requested Information" in the May 14, 2020, letter, Framatome provided the following information:

- Framatome's last biennial emergency plan exercise date was in April 2019.
- Framatome's current biennial emergency plan exercise date was originally scheduled for April 28, 2021 and moved to October 6, 2021.
- Framatome has made a reasonable effort to reschedule the planned exercise in CY 2021 but has been unsuccessful.
- If this exemption is granted, Framatome states that future biennial emergency plan exercises will continue to be held in odd years.
- Framatome states that it has conducted drills, exercises, and other training activities that exercised its emergency response strategies, in coordination with offsite authorities, since the previous biennial emergency plan exercise.
- Framatome also states that it will coordinate with the applicable offsite response organizations (if offsite response organization participation is required) and the applicable NRC Region.

The November 10, 2020, letter noted that licensees could continue to consider the guidance in the May 14, 2020 letter when moving exercises from calendar year 2021 to calendar year 2022. Per the May 14, 2020, letter, licensees needed to provide the date of their last biennial exercise. Rather than providing the precise date of its previous exercise Framatome told the staff that it had been conducted in April 2019. The NRC staff views this as sufficiently precise to still provide expedited review. The NRC staff notes that Framatome's previous exercise was conducted on April 24, 2019.

Framatome has rescheduled the exercise for more than 35 months after the previously conducted exercise. The NRC staff conducted two Framatome EP Program inspections since the last biennial emergency plan exercise, as documented in NRC Inspection Reports dated January 29, 2020 and January 22, 2021 (ADAMS Accession Nos. ML20030A261 and ML21025A290, respectively). Based on the two noted inspections that were performed since the previously evaluated biennial exercise, where NRC inspectors evaluated selected aspects of Framatome's EP program and identified no violations of more than minor significance; the performance of drills, exercises, and other training activities coordinated with offsite authorities that exercise Framatome's emergency response strategies since the previous biennial emergency plan exercise; and Framatome's statement that the rescheduled biennial evaluated exercise will be coordinated with the applicable NRC Region according to their emergency plan, the NRC staff finds that the licensee effectively maintains its EP Program .

Pursuant to 10 CFR 70.17(a), the NRC may grant an exemption from the requirements of 10 CFR Part 70 if the staff determines that 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.

The NRC staff has reviewed the requested exemption and determined that it is permissible under the Atomic Energy Act of 1954, as amended, and that no other prohibition of law or the Commission's regulations 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.

. Framatome has conducted drills, exercises, and other training activities that exercised its emergency response strategies, in coordination with offsite authorities since the previous biennial emergency plan exercise. These include criticality and fire evacuation drills, a 2020 tabletop exercise, regularly scheduled training items for the various site responders, and maintaining contact with offsite responders. In addition, Framatome states that requested exemption also does not decrease the effectiveness of the Emergency Plan, nor involve changes to security at the facility. Finally, as discussed above, since the previous exercise, the NRC staff has conducted two inspections where NRC inspectors evaluated selected aspects of Framatome's EP program and identified no violations of more than minor significance. Therefore, the NRC staff finds that granting the requested temporary exemption will not endanger life or property and that there is no impact on common defense and security from granting the requested temporary exemption.

Finally, granting this exemption request is otherwise in the public interest because it promotes public health and safety by following social distancing recommendations related to the transmission of the COVID-19 virus. As discussed above, as of August 2021, the counties in which Framatome is located have seen rising COVID-19 caseloads. Granting the exemption will minimize the risk of exposure to the COVID-19 virus experienced by Framatome staff, offsite responders, and potentially members of the public. Further, conducting the exercise in October 2021 would increase the population of personnel that gather and assembly in the emergency control center which will result in a large group of individuals assembled together in the site emergency response center that would challenge COVID-19-related isolation guidelines (e.g., social distancing and group size limitations). This would increase the risk of exposing the Framatome Richland staff, offsite responders, and potentially members of the public to the COVID-19 virus. Therefore, the NRC staff concludes that granting this exemption is in the public interest.

## ENVIRONMENTAL REVIEW

Pursuant to 10 CFR 51.22(b) and 10 CFR 51.22(c)(25)(vi)(G), provided that there are no special circumstances, the granting of an exemption from the requirements of any regulation in Chapter I of 10 CFR is a categorical exclusion, provided that: (i) there is no significant hazards consideration; (ii) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; (iii) there is no significant increase in individual or cumulative public or occupational radiation exposure; (iv) there is no significant construction impact; (v) there is no significant increase in the potential for or consequences from radiological accidents; and (vi) the requirements from which an exemption is sought involve, as relevant here, scheduling requirements.

For the reasons described below, Framatome's request meets the criteria for a 10 CFR 51.22(c)(25) categorical exclusion. There are no special circumstances here which require an environmental assessment or environmental impact statement. The Framatome facility is not a reactor and this exemption is limited to timing of an emergency exercise, so there are no significant hazards considerations. Because the request by Framatome pertains to an exemption from conducting a biennial emergency plan exercise, there are no effluents or offsite releases or significant increase in radiation exposure to workers or members of the public associated with this request. There are no construction activities associated with this request, so there is no significant construction impact. There is no significant increase in the potential for any radiological accidents associated with this request because the request for exemption from performing an emergency exercise does not affect the facility's operations. Finally, given that the exemption concerns the scheduling of an emergency exercise, the exemption is related to a

scheduling requirement. Therefore, pursuant to 10 CFR 51.22(b) and 10 CFR 51.22(c)(25)(vi)(G), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this exemption request.

### CONCLUSION

Based on its review above, the NRC staff concludes that the postponement of the biennial emergency plan exercises to be authorized by the issuance of this exemption is in compliance with the law and will not endanger life or property or the common defense and security. The NRC staff also concludes that granting the exemption is in the public interest. Accordingly, the NRC hereby grants Framatome a temporary exemption, until June 30, 2022, from the requirements in 10 CFR 70.22(i)(3)(xii) pertaining to the timeframe for biennial exercises.

A new License Condition S-8 has been issued to reflect the exemption as follows:

- S-8. The licensee is granted an exemption from performing the biennial emergency plan exercise listed in 10 CFR 70.22(i)(3)(xii) in calendar year 2021 but must complete said exercise on or before June 30, 2022. Following that evaluated exercise, the licensee will conduct biennial exercises in odd number years.

### PRINCIPAL CONTRIBUTOR

Ken Mott, NSIR/DPR/RLB