

December 20, 2001

Mr. William A. Eaton
Vice President, Operations GGNS
Entergy Operations, Inc.
P. O. Box 756
Port Gibson, MS 39150

SUBJECT: GRAND GULF NUCLEAR STATION, UNIT 1 - EXEMPTION FROM THE
REQUIREMENTS OF 10 CFR PART 50, APPENDIX E, SECTION IV.F.2.b. AND
SECTION IV.F.2.c. FOR FULL PARTICIPATION EMERGENCY
PREPAREDNESS EXERCISE (TAC NO. MB2936)

Dear Mr. Eaton:

The Nuclear Regulatory Commission (NRC) has approved the enclosed exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Appendix E, Sections IV.F.2.b and c., for Grand Gulf Nuclear Station, Unit 1. This action is in response to your letter dated September 18, 2001, as supplemented by letter dated December 3, 2001, that submitted your request for a one-time exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.c. to conduct a full-participation exercise of the offsite emergency plan every 2 years. The NRC staff determined that a one-time exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.b. to conduct a full-participation exercise of the onsite emergency plan every 2 years was also necessary.

A copy of the exemption and supporting safety evaluation are enclosed. The exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

S. Patrick Sekerak, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-416

Enclosures: Exemption
Safety Evaluation

cc w/encls: See next page

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
Entergy Operations, Inc.)	Docket No. 50-416
)	
)	
(Grand Gulf Nuclear Power Station,)	
Unit 1))	

EXEMPTION

I.

Entergy Operations, Inc. (EOI or the licensee) is the holder of Facility Operating License No. NPF-29, which authorizes operation of the Grand Gulf Nuclear Station, Unit 1 (GGNS) at power levels not to exceed 3833 megawatts thermal.

The facility consists of one boiling-water reactor located at the licensee's site in Claiborne County, Mississippi. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

II.

Section IV.F.2.b of Appendix E to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, requires that each licensee at each site conduct an exercise of its onsite emergency plan every 2 years, and indicates the exercise may be included in the full-participation biennial exercise required by paragraph 2.c.

In summary, licensees are to take actions necessary to ensure that adequate

emergency response capabilities are maintained during the interval between biennial exercises by conducting drills. Appendix E, Section IV.F.2.c. to 10 CFR Part 50 requires offsite plans for each site to be exercised biennially with full participation by each offsite authority having a role under the plan. During such biennial full-participation exercises, the NRC evaluates onsite emergency preparedness activities, and the Federal Emergency Management Agency evaluates offsite emergency preparedness activities. The licensee successfully conducted a full-participation exercise for GGNS on June 23, 1999. By letter dated September 18, 2001, as supplemented by letter dated December 3, 2001, the licensee requested an exemption from 10 CFR Part 50, Appendix E, Section IV.F.2.c., regarding the conduct of a full-participation exercise originally scheduled for the week of September 17, 2001. Specifically, the licensee proposed rescheduling the exercise originally scheduled for the week of September 17, 2001, to the week of March 4, 2002. While the licensee requested an exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.c., to exercise their offsite emergency plan, the NRC staff has determined that an exemption from the requirements in 10 CFR Part 50, Appendix E, Section IV.F.2.b., to exercise their onsite emergency plan simultaneously with the offsite emergency plan exercise, was also necessary.

The Commission, pursuant to 10 CFR 50.12(a)(1), may grant exemptions from the requirements of 10 CFR Part 50 that are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security. The Commission, however, pursuant to 10 CFR 50.12(a)(2), will not consider granting an exemption unless special circumstances are present. Under 10 CFR 50.12(a)(2)(v), special circumstances are present whenever 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.

III.

The licensee requests a one-time change in the schedule for the next full-participation exercise for GGNS. Subsequent full-participation exercises for GGNS would be scheduled at no greater than 2-year intervals in accordance with 10 CFR Part 50, Appendix E, Section IV.F.2.c. Accordingly, the exemption would provide only temporary relief from that regulation, in that the licensee has committed to conduct the exercise during the next calendar year (2002), and has not requested any permanent changes in future exercise scheduling. As a result, subsequent to the re-scheduled full-participation exercise to be conducted in 2002, the licensee is expected to conduct another full-participation exercise of onsite and offsite emergency plans in 2003.

As indicated in the licensee's request for an exemption, as supplemented, the licensee had originally scheduled a full-participation exercise for the week of September 17, 2001. As further set forth in the request, however, due to the national emergency of September 11, 2001, heightened security at GGNS resulted in increased monitoring of people and equipment, and additional controls on maintenance activities. Conducting an emergency preparedness exercise during that period of heightened security would have increased the security risk, because exercise activities may have presented an unwarranted distraction of nuclear security officers as well as local law enforcement officials. Conducting the full participation exercise at that time could also have created undue public alarm with the potential to create a public safety concern. These circumstances resulting in the licensee's request for exemption were beyond the licensee's control. Accordingly, the licensee made a good faith effort to comply with the schedule requirements of 10 CFR Part 50, Appendix E, for full-participation emergency plan exercises.

The staff examined the licensee's rationale to support the exemption request, and concluded that granting the exemption would meet the underlying purpose of 10 CFR Part 50, because the exemption would provide only temporary relief from the applicable regulation and the licensee made a good faith effort to comply with the regulation. Furthermore, the exemption would result in benefit to the public health and safety. The national emergency of September 11, 2001, and the subsequent recovery and security responses required that licensee, State, and local resources, expected to be available for the previously scheduled biennial exercise, be applied to agency missions. Offsite agencies were not able to dedicate the appropriate level of resources, as it would have detracted from their response to the security needs at that time. Postponement of the exercise resulted in a benefit to public health and safety that compensated for any decrease in public health and safety that may have resulted from delaying the exercise. Additionally, since the June 23, 1999, full-participation exercise, the licensee has maintained emergency preparedness by conducting ten emergency preparedness drills, each requiring the full activation of all GGNS emergency facilities, which is a compensating measure contributing to justification of the exemption. The exemption only provides temporary relief from the applicable regulation, in that the licensee has committed to conduct the exercise during the next calendar year (2002), and has not requested any permanent changes in future exercise scheduling.

Based upon consideration of the public health and safety, schedule, and resource issues resulting from the national emergency of September 11, 2001, the staff concludes that the request for exemption is acceptable. However, in this period of continued heightened security concerns regarding nuclear plant vulnerability it is prudent to conduct the exercise as soon as practical to demonstrate and maintain readiness.

The safety evaluation may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publically available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Public Electronic Reading Room).

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the 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. Also, special circumstances are present pursuant to 10 CFR 50.12(a)(2)(v), in that the exemption would provide only temporary relief from the applicable regulations, and the licensee has made good faith efforts to comply with the regulations. Therefore, the Commission hereby grants EOI, specifically for GGNS, a one-time scheduler exemption from the requirements to conduct an exercise of its onsite and offsite emergency plans every 2 years with full-participation by each offsite authority having a role under the plan as required by 10 CFR Part 50, Appendix E, Sections IV.F.2.b. and c. To allow flexibility, should it be necessary, the exemption is granted to permit conduct of the full-participation exercise before the end of the third quarter of 2002, with the understanding that it should be conducted as close as practical to the licensee's proposed date of the week of March 4, 2002.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (66 FR 64480).

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This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of December, 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Ledyard B. Marsh, Acting Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO ONE-TIME SCHEDULER EXEMPTION FROM THE REQUIREMENTS OF
10 CFR PART 50 APPENDIX E, SECTION IV.F.2.b. and c.

ENTERGY OPERATIONS, INC.

GRAND GULF NUCLEAR STATION

DOCKET NO. 50-416

1.0 INTRODUCTION

By letter dated September 18, 2001, as supplemented by letter dated December 3, 2001, Entergy Operations, Inc. (Entergy or the licensee) requested an exemption from the requirements of 10 CFR Part 50, Appendix E, Section IV.F.2.c. regarding the conduct of a full participation exercise at the Grand Gulf Nuclear Station (GGNS). The exemption would allow the licensee to postpone the biennial full participation exercise into 2002. However, the next full participation exercise will continue to be scheduled biennially from 2001.

Entergy is among several licensees requesting exercise exemptions in the wake of the national emergency of September 11, 2001. It is recognized that it was not appropriate to conduct the exercise during the period of disruption and heightened security directly after the national emergency. Considering the extraordinary circumstances, scheduler exemptions are expected and acceptable. However, in this period of heightened security concerns regarding nuclear plant vulnerability, it is prudent to conduct the full participation exercise as soon as practical to demonstrate (and maintain) readiness. Toward that end the licensee has already planned the rescheduled exercise for March of 2002.

2.0 APPLICABLE REGULATIONS

Section IV.F.2.b of Appendix E to 10 CFR Part 50 requires each licensee at each site to conduct an exercise of its onsite emergency plan every two years, and indicates the exercise may be included in the full participation biennial exercise required by paragraph 2.c. of the same section. In addition, licensees are to take actions necessary to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills. Paragraph 2.c. requires offsite plans for each site to be exercised biennially with full participation by each offsite authority having a role under the plan. Normally during such biennial full participation exercises, the Nuclear Regulatory Commission (NRC) evaluates onsite, and the Federal Emergency Management Agency (FEMA) evaluates offsite, emergency preparedness activities.

The licensee is faced with a difficult task to coordinate and schedule an exercise that involves multiple governmental agencies at the Federal, State, and local levels. Many local response organizations depend on volunteers. In order to accommodate this task, the NRC has allowed licensees to schedule full participation exercises at any time during the calendar biennium. This gives the licensee the flexibility to schedule the exercise within a 12 to 36 month window and still meet the biennial requirement specified in the regulations.

The NRC may grant exemptions from the requirements of its regulations which, pursuant to 10 CFR 50.12(a) are (1) 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) present special circumstances. The applicable special circumstances are further defined in Section 50.12(a)(2) of 10 CFR Part 50 as follows:

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.

50.12(a)(2)(iv) The exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the grant of the exemption.

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.

3.0 ANALYSIS

The licensee was scheduled to conduct a biennial full participation exercise during the week of September 17, 2001. The requested exemption is to postpone that exercise and conduct it during 2002. The interval between biennial exercises could be as long as 42 months, if the exercise were conducted in December of 2002. However, the licensee stated that the rescheduled exercise is expected to take place in March of 2002. If the licensee does conduct the exercise in March, the period between exercises would be about 33 months and within the normal parameters of exercise conduct, in which a period of 36 months is acceptable, as long as the sequential exercises are conducted within the calendar biennium. However, to reschedule this exercise, the licensee has coordinated with local and State supporting agencies, as well as NRC and FEMA. Although the exercise is planned for March, flexibility may be necessary due to unforeseen events. This being the case, a scheduler exemption for conduct of the exercise before the end of third quarter 2002 is appropriate, with the understanding that the licensee is planning to conduct the exercise in March. This could result in a maximum interval between NRC evaluated exercises of about 39 months if the licensee conducted the exercise in September of 2002. While this interval is a bit longer than the 36 month period allowed by regulations, it is consistent with other exemptions recently granted and the licensee is planning to conduct the exercise in the first quarter of 2002.

GGNS successfully conducted a full participation exercise in June of 1999, which was evaluated by NRC (Inspection Report No. 50-416/99-07) and FEMA (Final Exercise Report 9/23/99). The results of this exercise determined that the overall performance of the emergency response organization demonstrated that onsite emergency plans are adequate and

that the organization is capable of implementing these plans. No violations of NRC requirements were identified. One exercise weakness was identified which the licensee has stated, was entered into the licensee corrective action process and addressed.

The licensee stated that since the June 23, 1999 exercise, GGNS has maintained emergency preparedness by conducting ten emergency preparedness drills, each requiring the full activation of all GGNS emergency facilities and including personnel accountability determinations. State and local agencies participated in many of these ten drills. This program exceeds the requirements for drills as identified in 10 CFR Part 50, Appendix E, Section IV.F.2.b. During the drill conducted on August 20, 2001, all attributes of an NRC evaluated exercise were observed, with the exception of evaluation by NRC and FEMA. This drill was conducted as an evaluated drill without coaching or on-the-spot correction of issues by the controller/evaluator team. The licensee stated that the Quality Assurance organization observed the drill and concluded that personnel accountability was conducted in a manner consistent with site procedures. Quality Assurance did not identify any drill issues that were not identified during the drill critique process. A site drill was conducted on November 7, 2001, which included activation of all GGNS Emergency Response Facilities. A Technical Support Center drill was performed on December 4, 2001, and a site drill with expected participation from the states of Mississippi and Louisiana, as well as local officials, is scheduled to be conducted on February 6, 2002.

The licensee stated that GGNS emergency preparedness drills are observed and evaluated by trained evaluators and that some drills are also observed by the GGNS Quality Assurance Department. GGNS does not have direct control over critique of State and local participants, but stated that the comprehensive nature of the exercises are adequate to ensure these participants remain fully qualified to perform their emergency plan duties should the need arise. The licensee committed to continue its emergency plan drill and training program to ensure the adequacy of the emergency planning program.

For this exemption request, the special circumstances described in Section 50.12(a)(2) of 10 CFR Part 50 are present:

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.

50.12(a)(2)(iv) The exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the grant of the exemption.

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.

The national emergency of September 11, 2001, rendered the conduct of a nuclear plant exercise the following week inappropriate. Application of the regulation would not have served the underlying purpose of the rule, in that diversion of public agency resources for an exercise directly after the national emergency would not have contributed to public health and safety. Postponement of exercise conduct was a benefit to public health and safety that compensates for any decrease in safety that may result, and the evaluated exercise has been rescheduled for

early 2002. Additionally, the licensee's drill program includes offsite agency participation and is a compensating measure contributing to justification of the exemption. The exemption only provides temporary relief from the applicable regulation, in that the licensee is planning to conduct the exercise early in the next calendar year (March 2002), and has not requested any permanent changes in future exercise scheduling. The licensee made a good faith effort to conduct the exercise and comply with regulations. The circumstances dictating the request for exemption are beyond the licensee's control. The regulations of this part do allow for the postponement of exercises, and the regulations have been invoked previously for appropriate circumstances. This being the case, the occasional need to postpone exercises was considered as a potential circumstance. The staff has determined that conduct of the full participation exercise as early as practical in 2002 is prudent even though the licensee is expected to conduct another full participation exercise in 2003.

It should be noted that the licensee requested relief from Section IV.F.2.c. of Appendix E to 10 CFR Part 50. While the intent of the request is clear, i.e., the need to postpone the biennial exercise, the citation of regulations to accomplish that intent may not be complete. Section IV.F.2.b. of Appendix E to 10 CFR Part 50 may also be cited for completeness. The analysis in this safety evaluation encompasses the technical issues necessary to grant a scheduler exemption from Section IV.F.2.b and c. of Appendix E to 10 CFR Part 50 for the conduct of the biennial evaluated exercise.

4.0 CONCLUSION

The staff finds that granting the licensee's request for a one-time scheduler exemption from the requirements of Section IV.F.2.b. and c. of Appendix E to 10 CFR Part 50 to conduct a full participation emergency preparedness exercise in 2001 will not present an undue risk to the public health and safety, is consistent with the common defense and security, and that special circumstances are present as set forth in 10 CFR 50.12(a)(2). This conclusion is based on the licensee's commitment to conduct the postponed exercise early in 2002. The calendar biennium will continue to be determined from the previous exercise date, i.e., the next evaluated exercise is expected to be performed in 2003. The licensee has scheduled the exercise for March of 2002. To allow flexibility should it be necessary, the exemption is recommended to permit conduct of the exercise before the end of third quarter 2002, with the understanding that it should be conducted as early as practical.

Principal Contributor: R. Sullivan

Dated: December 20, 2001

Grand Gulf Nuclear Station

cc:

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