

March 9, 2018

Hampton H. Hart, Acting Director
Technological Hazards Division
Federal Emergency Management Agency
Area 8
400 C Street, South West
Washington, DC 20024

SUBJECT: PROPOSED COMMISSION PAPER LANGUAGE FOR THE OYSTER CREEK
NUCLEAR GENERATING STATION EMERGENCY PLAN DECOMMISSIONING
EXEMPTION REQUEST

Dear Mr. Hart:

This letter requests Federal Emergency Management Agency (FEMA) consultation on proposed exemptions to the U.S. Nuclear Regulatory Commission (NRC) regulations in the case of decommissioning of the Oyster Creek Nuclear Generating Station (OCNGS). By letter dated August 22, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17234A082), as supplemented by letter dated December 6, 2017 (ADAMS Accession No. ML17340A708), Exelon Generation Company, LLC (Exelon) requested exemptions from certain emergency planning (EP) requirements of Part 50, "Domestic Licensing of Production and Utilization Facilities," to Title 10, "Energy," of the *Code of Federal Regulations* (10 CFR). Exelon's proposed exemptions would reduce the EP requirements placed by the NRC on the licensee following the permanent cessation of operations and permanent removal of spent fuel from the reactor vessel to the spent fuel pool (SFP) at the OCNGS site. The proposed exemptions, if approved, would eliminate the requirement for the licensee to maintain formal offsite radiological emergency preparedness plans, but would still require the licensee to maintain certain onsite capabilities to communicate and coordinate with offsite response authorities. The exemptions would not be effective until heat generation of spent fuel in the SFP is reduced to a point that these capabilities are no longer needed.

This letter documents the transmittal to you, by electronic mail earlier this week, of a copy of the draft Commission (SECY) paper, entitled "Request By the Exelon Generation Company, LLC for Exemptions from Certain Emergency Planning Requirements for the Oyster Creek Nuclear Generating Station," for FEMA's review and comment. The SECY paper will provide the NRC staff's evaluation of Exelon's request for exemption from certain portions of the EP requirements in 10 CFR 50.47 and Appendix E to 10 CFR Part 50, and the NRC staff's proposed recommendations to the Commission. Please note that the draft SECY paper is currently under internal NRC review, is subject to further revisions, and will not be made publicly available in ADAMS by the Office of the Secretary of the Commission until it is formally provided to the Commission.

The NRC's evaluation, as documented in the proposed SECY paper, was performed in accordance with NRC Interim Staff Guidance (ISG) document – NSIR/DPR-ISG-02, "Emergency Planning Exemption Requests for Decommissioning Nuclear Power Plants," dated May 11, 2015 (ADAMS Accession No. ML14106A057), which is consistent with recent reviews for EP exemption requests from the Kewaunee Power Station (ADAMS Accession No. ML14072A257), Crystal River Unit 3 (ADAMS Accession No. ML14219A444), Vermont Yankee Nuclear Power Station (ADAMS Accession No. ML14227A711), San Onofre Nuclear Generating Station (ADAMS Accession No. ML14251A554), and Fort Calhoun Station (FCS) (ADAMS Accession No. ML17116A430). The NRC views the circumstances regarding OCNGS decommissioning as substantially the same as those for these plants.

For FEMA's consideration, Enclosure 1 of the draft SECY paper proposes to include language in the OCNGS SECY substantially identical to FEMA's text from Enclosure 1 of the FCS EP Exemption Commission Paper (SECY-17-0080), which was provided in your letter to the NRC dated June 12, 2017 (ADAMS Accession No. ML17164A216). However, this is FEMA's decision, and we request that FEMA provide text for the OCNGS SECY that conveys your views on this submittal. In order to support the timeline for providing the SECY paper to the Commission, we request that FEMA's input be received no later than March 26, 2018, for consideration.

For your information, please see the Administrative Consent Order between Exelon and the State of New Jersey Department of Environmental Protection (ADAMS Accession No. ML18023A138). Under this Administrative Consent Order, Exelon has agreed to continue to meet various post-shutdown emergency planning requirements until all spent fuel is secured into dry cask storage. Key obligations under this agreement are listed, in part, in the SECY paper for the Commission's awareness. This agreement is outside the NRC's regulatory construct and has no bearing on our decisions regarding Exelon's submittal to the NRC.

Please do not hesitate to contact me to discuss this matter further. As always, my staff stands ready to support any discussions with FEMA staff on the OCNGS EP exemption request, as well as the criteria and process being used to evaluate this action.

Sincerely,

/RA/

Michael L. Scott, Director
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

cc: Kathleen Fox, FEMA Acting Deputy Administrator
for Protection and National Preparedness
John Rabin, FEMA Acting Assistant Administrator
for Protection and National Preparedness
Terry Hobbs, acting FEMA Deputy Director
for Technological Hazards Division

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DATED: 03/09/18

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