



FEMA

April 2, 2018

Michael Scott
Director, Division of Preparedness and Response
Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Dear Mr. Scott:

This is in response to your letter of March 9 2018, notifying the Federal Emergency Management Agency (FEMA) of the transmittal of a copy of the draft SECY paper entitled, "Request by the Exelon Generating Company LLC's (Exelon) for Exemptions from Certain Emergency Planning Requirements for the Oyster Creek Nuclear Generating Station (OCNGS)," for FEMA's review and comment.

FEMA Region II consulted with the New Jersey Office of Emergency Management (NJOEM) concerning this exemption request. At this time, NJOEM does not anticipate any significant reduction in response capabilities at the state or county level due to the OCNGS decommissioning, nor does the state expect to lose any full time emergency management employees; which could degrade staffing capabilities. There may be some budget reallocation required to address some funding areas such as salaries and equipment, but there is no anticipation of any loss or noticeable reduction of response capabilities in the communities surrounding OCNGS.

FEMA Headquarters is providing the U.S. Nuclear Regulatory Commission (NRC) the following statement to consider for inclusion in the proposed commission papers:

As nuclear power plants decommission and the nature of the risk changes, it may affect the capabilities that state and local governments need to maintain offsite to protect the health and safety of the public. Given the risk implications both onsite and offsite during decommissioning, it is imperative that FEMA and the NRC consult with one another when the topic of risk is under discussion. FEMA acknowledges the NRC's role in analyzing incidents that could result in offsite dose impacts, but FEMA also recognizes the authority of state and local governments to determine risk to public health and safety, and the associated capabilities needed to protect their communities. The exemption, if issued, will create a transitional environment for offsite emergency preparedness programs and associated planning for radiological

hazards. FEMA will continue to support offsite response organizations (ORO) as they adjust their plans, sustain capabilities, and manage resources to the changing radiological hazard. The resources available to support FEMA stakeholders during the transition process include, but are not limited to, the National Preparedness System guidance materials, the Federal Radiological Preparedness Coordinating Committee, and technical assistance from FEMA Headquarters and FEMA Regions.

With respect to offsite radiological emergency preparedness considerations, the NRC notes in the enclosure to the SECY paper that the Exelon Generation Company "will still be required to maintain an onsite emergency plan, which would provide for the notification of, and coordination with, offsite organizations, to an extent commensurate with the approved exemptions. Licensee requirements for offsite fire-fighting, emergency medical services and law enforcement personnel responding onsite will continue to be maintained under the licensee's fire protection plan and physical security plan in accordance with 10 CFR 50.48 and 10 CFR 73 respectively." In the enclosure to the SECY paper the NRC's evaluation for exempting protective action requirements contained in 10 CFR 50.47(b)(10) states that "Although formal offsite REP planning in accordance with 44 CFR 350 has typically been exempted for decommissioning sites, OROs will continue to be relied upon for firefighting, law enforcement, ambulance and medical services in support of the licensee's (onsite) emergency plan." More specifically, in the justification from exercise requirements contained in 10 CFR Part 50, Appendix E, Section IV.F.2.f, the licensee provides that "No action is expected from State or local government organizations in response to an event at a decommissioning site other than receiving notification of the emergency and firefighting, law enforcement, and ambulance/medical response services. Letters of agreement will be updated and continue to be in place for those services."

The NRC indicated that the offsite preparedness capabilities contracted, through letters of agreement, for firefighting, law enforcement, and ambulance/medical response services are part of the licensee's onsite emergency preparedness. In recommending approval of the exemption request, the NRC states that it "would base its finding of reasonable assurance on its review of licensee onsite emergency preparedness and would not require a finding from FEMA on the adequacy of state and local CEMPs [comprehensive emergency management plans]." Therefore, upon receipt of the approved exemption to 10 CFR 50.54(q) requirements, FEMA recognizes that NRC assumes the responsibility to review and validate the offsite capabilities as part of the overall onsite emergency preparedness.

While previous exemption requests may not have required FEMA to provide the NRC a reasonable assurance finding related to offsite radiological emergency preparedness considerations mentioned above, there is nothing in existing NRC regulations or the December 7, 2015, "Memorandum of Understanding Between the Department of Homeland Security / Federal Emergency Management Agency and Nuclear Regulatory Commission Regarding Radiological Response, Planning and Preparedness" (ADAMS Accession No. ML15344A371) that would preclude the NRC from requesting FEMA to provide the NRC with findings concerning appropriate offsite radiological emergency preparedness considerations. FEMA stands ready, consistent with the MOU, to work with NRC in this regard and to ensure that appropriate licensee funds are provided to FEMA to accomplish this effort.

As the rulemaking process for decommissioning evolves, FEMA welcomes further discussion on matters of acceptable risk as it pertains to offsite preparedness and a potential reduction in capabilities required to protect the health and safety of the public. As such, FEMA encourages NRC to continue consulting with FEMA throughout this process.

Should you have any questions about this response, please contact Ms. Vanessa Quinn, Radiological Emergency Preparedness Program Branch Chief, at 202-646-2849 or Vanessa.quinn@fema.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Casey".

Michael Casey, PhD
Director
Technological Hazards Division