



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

July 17, 2019

Michael S. Casey, PhD, Director
Technological Hazards Division
Federal Emergency Management Agency
400 C Street, South West Area 8
Washington, DC 20024

SUBJECT: NOTIFICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY OF
THE IMPLEMENTATION OF APPROVED EXEMPTIONS FROM OFF-SITE
EMERGENCY PLANNING REQUIREMENTS FOR THE OYSTER CREEK
NUCLEAR GENERATING STATION

Dear Dr. Casey:

This is to notify you that on June 29, 2019, the Oyster Creek Generating Station (Oyster Creek) implemented specific exemptions from certain emergency planning (EP) requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.47, "Emergency plans," and Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities." The exemptions were authorized by the U.S. Nuclear Regulatory Commission (NRC) based on our analysis of an exemption application from Exelon Generating Company, LLC (Exelon). Upon implementation of these exemptions, emergency planning and preparedness at Oyster Creek, which is mandated by the NRC, is limited to performing on-site activities, such as exercises with the opportunity for off-site response organization participation, notifying off-site authorities in the event of an emergency classification, and maintaining arrangements for only off-site response organizations (i.e., law enforcement, fire and medical services) that may respond to on-site emergencies.

The NRC no longer requires the Federal Emergency Management Agency (FEMA) to monitor, review, or report on off-site radiological emergency planning and preparedness activities at the Oyster Creek site, in accordance with the Memorandum of Understanding between FEMA and the NRC, dated December 7, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15344A371). We request that FEMA provide a formal notice to the State of New Jersey and local governments that the off-site radiological emergency plans, under Title 44, "Emergency Management and Assistance," of the CFR, Part 350, "Review and Approval of State and Local Radiological Emergency Plans and Preparedness," will no longer be required for the Oyster Creek site.

By letter dated February 14, 2018 (ADAMS Accession No. ML18045A084), Exelon notified the NRC of its plans to permanently cease operations at Oyster Creek no later than October 31, 2018. Oyster Creek subsequently permanently ceased power operations on September 17, 2018. By letter dated September 25, 2018 (ADAMS Accession No. ML18268A258), Exelon certified the permanent removal of fuel from the Oyster Creek reactor vessel. Under 10 CFR 50.82(a)(2), because the docketing of the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel has been

completed, the 10 CFR Part 50 license for Oyster Creek no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel.

The NRC staff's detailed review and technical basis for granting the requested EP exemptions are provided in a safety evaluation attached to the letter granting the exemptions dated October 16, 2018 (ADAMS Accession No. ML18220A980). The exemptions included an effective date of 12 months (365 days) after permanent cessation of power operations. By letter dated November 6, 2018 (ADAMS Accession No. ML18310A306), Exelon requested to modify the effective date of these exemptions from 12 months (365 days) to 9.38 months (285 days) after permanent cessation of power operations based on a re-analysis of the supporting adiabatic heat-up calculations. Apart from the change in the effective date, the basis for the October 16, 2018 Safety Evaluation remains valid. However, to provide a complete record of the NRC staff's analysis for the exemptions, on June 11, 2019, the NRC reissued the EP exemptions originally granted on October 16, 2018, with the revised effective date of 285 days after the permanent cessation of power operations. The letter reissuing the exemptions, including the safety evaluation of the change in effective date (ADAMS Accession No. ML19095A997), is enclosed.

Should you need more information or support in interfacing with State and local government officials on this matter, please contact Joseph Anderson of my staff at (301) 287-9300.

Sincerely,

/RA/

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

Enclosure:

Letter to Mr. Bryan C. Hanson, Senior Vice
President, Exelon Generation Company, LLC,
President and Chief Nuclear Officer,
Exelon Nuclear

cc: H. Hart, FEMA
V. Quinn, FEMA
B. Foreman, FEMA
C. Fiore, FEMA
S. O'Neill, FEMA
D. Tifft, Region I
D. Screnci, Region I
N. Sheehan, Region I
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DATE:

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ADAMS Accession No.: ML19197A122 (Package) ML19189A226 (Letter)
Enclosure 1 ML19095A873 Enclosure 2 ML19095A870

OFFICE	NSIR/DPR:BC	NMSS/DUWP/RDB:BC	OGC (NLO)	NSIR/DPR:D
NAME	J.D. Anderson	B. Watson	H. Benowitz	M. Scott
DATE	07/07/19	07/08/19	07/12/19	07/17/19

OFFICIAL RECORD