



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415**

November 3, 2009

Mr. Charles G. Pardee  
Senior Vice President, Exelon Generation Company, LLC  
President and Chief Nuclear Officer, Exelon Nuclear  
4300 Winfield Road  
Warrenville, IL 60555

**SUBJECT:   OFFSITE PLANNING DEFICIENCY IDENTIFIED DURING THE OCTOBER 6,  
2009 OYSTER CREEK NUCLEAR GENERATING STATION EMERGENCY  
PREPAREDNESS EXERCISE**

Dear Mr. Pardee:

Enclosed is a copy of a letter from the Federal Emergency Management Agency (FEMA), Region II Office, to the New Jersey State Police Emergency Management Section dated October 19, 2009. This letter discusses a planning deficiency identified during evaluation of the October 6, 2009, emergency preparedness exercise at the Oyster Creek Nuclear Generating Station. FEMA defines a deficiency as "an observed or identified inadequacy of organizational performance in an exercise that could cause a finding that offsite emergency preparedness is not adequate to provide reasonable assurance that appropriate measures can be taken in the event of a radiological emergency to protect the health and safety of the public living in the vicinity of a nuclear power plant." Specifically, the deficiency in this case resulted from a number of the municipalities not receiving notice of the Protective Action Decision, which recommended evacuation of a number of Emergency Response Planning Areas (ERPAs) and sheltering-in-place for the rest of the ERPAs in the Emergency Planning Zone (EPZ) for over an hour.

The purpose of this letter is to communicate FEMA's official notification of the deficiency that was sent to the New Jersey State Police. This letter is in accordance with the NRC-FEMA Memorandum of Understanding. No response to the NRC is required.

The NRC encourages Exelon to work with the appropriate offsite governmental agencies to ensure a timely resolution of this issue. The NRC will continue to monitor the status of this issue. It is our understanding that a focused demonstration of this aspect of the exercise has been scheduled for December 8, 2009. In accordance with the NRC-FEMA Memorandum of Understanding, the NRC and the FEMA Region II Office will assess the progress made toward resolution of the issue, and will decide at that time if additional measures are necessary.

If this issue is not adequately resolved by February 4, 2010, FEMA may withdraw the finding of reasonable assurance according to the requirements of 44 CFR 350.13(a). At that time, the NRC would take appropriate action according to the requirements of 10 CFR 50.54(s)(2) and 50.54(s)(3).

C. Pardee

2

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any further questions, please contact Cherie J. Crisden at (610) 337-5061.

Sincerely,



James M. Trapp, Chief  
Plant Support Branch 1  
Division of Reactor Safety

Docket No: 50-219  
License No: DPR-16

Enclosure:

Letter from the Federal Emergency Management Agency, Region II Office, to the New Jersey State Police Emergency Management Section dated October 19, 2009

cc w/Enclosure: Distribution via ListServ

C. Pardee

2

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/RA/

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SUNSI Review Complete: JMT (Reviewer's Initials)

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C. Pardee

3

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