



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

November 5, 2018

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

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

Dear Dr. Casey:

This is to notify you that on October 16, 2018, the U.S. Nuclear Regulatory Commission (NRC) granted an exemption from certain emergency planning 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 the Exelon Generation Company, LLC (Exelon) for the Oyster Creek Nuclear Generating Station (Oyster Creek). This exemption allows Exelon to discontinue off-site radiological emergency planning activities and reduce the scope of its on-site emergency planning at the Oyster Creek facility to be effective no sooner than September 17, 2019. A copy of the NRC's safety evaluation for the requested exemption is enclosed (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18220A980).

On September 17, 2018, Exelon permanently ceased power operations at Oyster Creek. By letter dated September 25, 2018 (ADAMS Accession No. ML18268A258), Exelon certified the permanent removal of fuel from the Oyster Creek reactor vessel. In accordance with 10 CFR 50.82(a)(2), the license for a power reactor facility no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel upon the NRC's docketing of the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel. The facility is still authorized to possess and store irradiated (i.e., spent) nuclear fuel. Spent fuel is currently stored onsite in the Oyster Creek spent fuel pool (SFP) and a dry cask independent spent fuel storage installation (ISFSI) at the Oyster Creek facility.

The regulations that require each nuclear power reactor licensee to establish and maintain emergency plans and preparedness are set forth in 10 CFR 50.47, and Appendix E to 10 CFR Part 50. The regulations include standards for both on-site and off-site radiological emergency plans. However, the regulations do not take into account the reduced risk, when compared to an operating nuclear power plant, of an off-site radiological release at a permanently shutdown and defueled power reactor. The NRC has concluded that the emergency planning requirements for Oyster Creek, as modified by the exemptions described in the enclosed safety evaluation, would provide: (1) an adequate basis for an acceptable state of emergency preparedness; and (2) in conjunction with arrangements made with off-site response agencies, reasonable assurance

that adequate protective measures can and will be taken in the event of a radiological emergency at the Oyster Creek facility.

In light of the exemption granted, upon Exelon's implementation of the Oyster Creek Permanently Defueled Emergency Plan (PDEP) and Emergency Action Level (EAL) Scheme, which was approved by the NRC on October 17, 2018 (ADAMS Accession No. ML18221A400), NRC-mandated emergency planning and preparedness activities at Oyster Creek will be limited to on-site activities, notification of off-site authorities in the event of an emergency classification, on-site exercises with the opportunity for off-site response organization participation, and maintaining arrangements for off-site response organizations (i.e., law enforcement, fire and medical services) that may respond to on-site emergencies. Implementation of the PDEP will occur no sooner than September 18, 2019. At that time, the NRC will no longer require the Federal Emergency Management Agency (FEMA) to monitor, review, or report on off-site radiological emergency planning and preparedness activities at Oyster Creek, in accordance with the Memorandum of Understanding between FEMA and the NRC, dated December 7, 2015 (ADAMS Accession No. ML15344A371).

We will provide verbal notification to FEMA at least thirty (30) days prior to Exelon's implementation of the PDEP at the Oyster Creek facility. At that time, we request that FEMA provide advance notice to the appropriate State and local governments within the Oyster Creek plume exposure pathway and ingestion pathway emergency planning zones that the off-site radiological emergency plans, required by 44 CFR Part 350, will no longer be required for the Oyster Creek facility.

For your awareness, on October 22, 2018, Exelon submitted a license amendment request (ADAMS Accession No. ML18295A384) proposing to change the effective date for implementing the Oyster Creek PDEP and EAL Scheme from 12 months to 9.38 months (285 days) after permanent cessation of reactor operations. This request is based on a reanalysis of the generic adiabatic heat-up calculations that underpin NRC's decisions regarding exemptions associated with the PDEP. The re-analysis reconsiders key assumptions in the generic calculations based on actual conditions at the time of final reactor shutdown. Exelon does not request changes to the exemptions previously approved. The NRC staff is currently conducting an acceptance review of the license amendment request. If the NRC accepts the request, then the staff will conduct its detailed review. If approved, this request would potentially result in an earlier deletion of Federal requirements for offsite emergency response capabilities as discussed in this letter. The NRC staff will inform FEMA promptly of any final acceptance or subsequent decision.

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,

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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 for Exelon Generation  
Company, LLC, and President and Chief Nuclear  
Officer Exelon Nuclear

cc: H. Hart, FEMA  
V. Quinn, FEMA  
C. Fiore, FEMA  
D. Jenkins, FEMA

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

**DATE:** November 5, 2018

**Distribution:**

- D. Broaddus, NRR
- J. Lamb, NRR
- M. Scott, NSIR
- R.C. Johnson, NSIR
- J.D. Anderson, NSIR
- M. Norris, NSIR
- R. Kinard, NSIR

**ADAMS Accession No.: ML18296A381 (Package) ML18296A377 (Letter) ML18220A980 (Enclosure)**

OFFICE	NSIR/DPR:BC	NRR/DORL	OGC (NLO)	NSIR/DP
NAME	J.D. Anderson	D. Broaddus	H. Benowitz	M. Scott
DATE	10/24/18	10/24/18	10/26/18	11/05/18

**OFFICIAL RECORD**

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

“Oyster Creek Nuclear Generating Station - Exemptions from Certain Emergency Planning  
Requirements and Related Safety Evaluation (CAC No. MG0153; EPID L-2017-LLE-0020)”

ADAMS Accession No. ML18220A980

Enclosure