



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

November 14, 2019

Michael S. Casey, PhD, 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 THREE MILE
ISLAND NUCLEAR STATION EMERGENCY PLAN DECOMMISSIONING
EXEMPTION REQUEST

Dear Dr. Casey:

By letter dated July 1, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19182A104), 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 Three Mile Island Nuclear Station (TMI) 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 formal offsite radiological emergency preparedness plans are no longer needed.

This letter documents the transmittal to you earlier by electronic mail a copy of the initial draft Commission (SECY) paper, entitled "Request By Exelon Generation Company, LLC for Exemptions from Certain Emergency Planning Requirements for the Three Mile Island Nuclear Station," for FEMA's review and comment. The SECY paper provides the NRC staff's evaluation of Exelon's request for exemption from certain EP requirements in 10 CFR 50.47 and Appendix E to 10 CFR Part 50, and the NRC staff's proposed recommendation to the Commission. Please note that the NRC has not completed its internal concurrence review of the draft SECY paper, so the paper is subject to revision. As such, the Office of the Secretary of the Commission will not make the SECY paper publicly available in ADAMS until the paper is formally provided to the Commission.

The NRC performed its evaluation, as documented in the draft SECY paper, 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), Fort Calhoun Station (ADAMS Accession No. ML17116A430), Oyster Creek Nuclear Generating Station (ADAMS Accession No. ML18030B340), and the Pilgrim Nuclear Power Station (ML18347A717). The NRC views the circumstances regarding the TMI decommissioning as substantially the same as for these plants.

In order to support the NRC staff's timeline for providing the SECY paper to the Commission, we request that FEMA provide us with any input no later than December 20, 2019. As has been the case for recent decommissioning plants, the NRC staff will revise the section to Enclosure 1, entitled "Offsite Radiological Emergency Preparedness Considerations," as appropriate to include and address specific FEMA comments received on the draft TMI SECY paper.

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 TMI EP exemption request, as well as the criteria and process being used to evaluate this action.

Sincerely,

/RA/

Kathryn M. Brock, Director
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

cc: Alex Amparo, FEMA
Assistant Administrator for National Preparedness
Hampton H. Hart, FEMA
Deputy Director Technological Hazards Division

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DATED: November 14, 2019

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