



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

June 7, 2022

Erin Hoffman, Director
Technical Hazards Division
National Preparedness Directorate
Federal Emergency Management Agency
400 C Street, SW
Washington, DC 20024

SUBJECT: PROPOSED COMMISSION PAPER LANGUAGE FOR THE INDIAN POINT
NUCLEAR GENERATING UNIT NOS. 1, 2, AND 3 EMERGENCY PLANNING
DECOMMISSIONING EXEMPTION REQUEST

Dear Ms. Hoffman:

By letter dated December 22, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21356B693), as supplemented by letters dated February 1, 2022, and May 12, 2022 (ML22032A017 and ML22132A169, respectively), Holtec Decommissioning International, LLC (HDI, the licensee) 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) for Indian Point Nuclear Generating Unit Nos. 1, 2, and 3 (IP1, IP2, and IP3, collectively referred to as the Indian Point Energy Center (IPEC)). HDI's proposed exemptions would scale the EP requirements placed by the U.S. Nuclear Regulatory Commission (NRC) on the licensee commensurate with the permanent cessation of operations and permanent removal of fuel from the reactor vessels at the IPEC and placement of the spent fuel in spent fuel pools (SFPs). The proposed exemptions, if approved, would eliminate the requirement for the licensee to maintain formal offsite radiological EP 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 SFPs is reduced to a point that formal offsite radiological EP plans are no longer needed.

This letter documents the transmittal to you on June 13, 2022, by email, of a copy of the draft Commission (SECY) paper entitled, "Request by Holtec Decommissioning International, LLC for Exemptions from Certain Emergency Planning Requirements for Indian Point Nuclear Generating Unit Nos. 1, 2, and 3," for the Federal Emergency Management Agency's (FEMA's) review and comment. The SECY paper provides the NRC staff's evaluation of HDI's request for exemptions from certain EP requirements in 10 CFR 50.47, "Emergency plans," and Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," 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 the NRC Office of Nuclear Security and Incident Response (NSIR), Division of Preparedness and Response (DPR) Interim Staff Guidance (ISG) document NSIR/DPR-ISG-02, "Emergency Planning Exemption Requests for Decommissioning Nuclear Power Plants," dated May 11, 2015 (ML14106A057), which is consistent with recent NRC reviews of EP exemption requests for the Kewaunee Power Station (ML14261A223), Crystal River Unit 3 Nuclear Generating Plant (ML15058A906), San Onofre Nuclear Generating Station, Units 1, 2, and 3 (ML15082A204), Vermont Yankee Nuclear Power Station (ML15180A054), Fort Calhoun Station, Unit 1 (ML17263B198), Oyster Creek Nuclear Generating Station (ML18220A980), Pilgrim Nuclear Power Station (ML19142A043), Three Mile Island Nuclear Station, Units 1 and 2 (ML20244A292), and the Duane Arnold Energy Center (ML21097A139). The NRC views the circumstances regarding the IPEC 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 on the draft SECY paper no later than July 20, 2022. As has been the case for recent decommissioning plants, the NRC staff will revise Enclosure 1, "Historical Perspective and NRC Staff Evaluation Considerations," of the SECY paper as appropriate to include and address specific FEMA comments received on the draft 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 IPEC EP exemption request, as well as the criteria and process being used to evaluate this action.

Sincerely,



Signed by Johnson, Robert
on 06/07/22

Robert C. Johnson, Acting Director
Division of Preparedness and Response
Office of Nuclear Security
and Incident Response

cc: David Gudinas, FEMA
Deputy Director, Technological Hazards Division
Thomas Warnock, FEMA
Branch Chief, Radiological Emergency Preparedness Program

Letter to E. Hoffman (FEMA) Proposed SECY Paper Language for the Indian Point Energy Center EP Decommissioning Exemption Request DATE June 7, 2022

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* via email

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DATE	May 23, 2022	Jun 7, 2022	Jun 7, 2022	

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