



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

December 13, 2022

Erin C. Hoffman, Director
National Exercise and Technological
Hazards
National Preparedness Directorate
Federal Emergency Management Agency
400 C Street, SW
Washington, DC 20024

SUBJECT: PROPOSED COMMISSION PAPER LANGUAGE FOR THE PALISADES
NUCLEAR PLANT EMERGENCY PLAN DECOMMISSIONING EXEMPTION
REQUEST

Dear Ms. Hoffman:

By letter dated July 12, 2022 (Agencywide Documents Access and Management System Accession No. ML22193A090), Holtec Decommissioning International, LLC (HDI, 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 the Palisades Nuclear Plant (PNP). 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 vessel at the PNP and placement of the spent fuel in the spent fuel pool (SFP). The proposed exemptions, if approved, would eliminate the requirement for the licensee to maintain formal offsite radiological emergency 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 plans are no longer needed based on the reduced risk of offsite radiological release exceeding the limits of the U.S. Environmental Protection Agency's early phase protective action guides of one roentgen equivalent man at the site's exclusion area boundary for the remaining applicable design basis accidents.


This letter documents the transmittal to you on December 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 Palisades Nuclear Plant," 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), Duane Arnold Energy Center (ML21097A139) and the Indian Point Nuclear Generating Unit Nos. 1, 2, and 3 (ML22231A155). The NRC views the circumstances regarding the PNP 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 February 17, 2023. 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 PNP EP exemption request, as well as the criteria and process being used to evaluate this action.

Sincerely,

 Signed by Brock, Kathryn
on 12/13/22

Kathryn M. Brock, 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

PROPOSED COMMISSION PAPER LANGUAGE FOR THE PALISADES NUCLEAR PLANT
EMERGENCY PLAN DECOMMISSIONING EXEMPTION REQUEST DATE December 14, 2022

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* via email

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