

October 31, 2014

Andrew Mitchell, Director
Technological Hazards Division
Federal Emergency Management Agency
1800 South Bell Street
Arlington, VA 20598-3025

SUBJECT: EXEMPTION OF KEWAUNEE POWER STATION FROM OFF-SITE
EMERGENCY PLANNING REQUIREMENTS

Dear Mr. Mitchell:

This is to notify you that on October 27, 2014, the U.S. Nuclear Regulatory Commission (NRC) granted an exemption to Dominion Energy Kewaunee, Inc. (DEK) from certain emergency planning requirements in Section 50.47, "Emergency Plans," and Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, thereby allowing DEK to discontinue off-site emergency planning activities and reduce the scope of its on-site emergency planning at the Kewaunee Power Station (KPS). A copy of the NRC's safety evaluation (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14261A223) for the requested exemption is enclosed.

KPS is a decommissioning power reactor located on approximately 900 acres in Carlton, Wisconsin, 27 miles southeast of Green Bay, Wisconsin. The 10 CFR Part 50 license for KPS no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel, as specified in 10 CFR 50.82(a)(2). DEK is authorized to possess and store spent nuclear fuel at the permanently shutdown and defueled KPS facility. Spent fuel is currently stored on site at KPS in a spent fuel pool and a dry cask storage 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, when compared to an operating nuclear power plant, the regulations do not take into account the reduced risk of an off-site radiological release at a permanently shutdown and defueled power reactor. The NRC concluded that the emergency planning requirements for KPS, 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 KPS.

A. Mitchell

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In light of the exemption granted to DEK, the NRC no longer requires the Federal Emergency Management Agency (FEMA) to monitor, review, or report on off-site radiological emergency planning and preparedness activities at KPS, in accordance with the memorandum of understanding between FEMA and the NRC as contained in Appendix A to 44 Part 353. Emergency planning and preparedness will be limited to on-site activities; notification of off-site authorities in event of an emergency classification; requiring only on-site exercises with the opportunity for off-site response organization participation; and only maintaining arrangements for off-site response organizations (i.e., law enforcement, fire and medical services) that may respond to on-site emergencies as identified in the licensee's permanently defueled emergency plan.

We request that FEMA notify the appropriate State and local governments that the off-site radiological emergency plans, required by 44 CFR 350, will no longer be required for the KPS site due to the permanent shut down and defueled condition of the facility. Should you need more information or support in interfacing with State and local government officials on this manner, please contact Joseph Anderson of my staff at (301) 287-9300.

Sincerely,

***Jim Andersen for
/RA/***

Robert Lewis, Director
Division of Preparedness and Response
Office of Nuclear Security and Incident Response

Enclosure:

Letter to David Heacock – Kewaunee Power
Station – Exemptions from certain emergency
planning requirements and related safety
evaluation (TAC No. MF 2567)

cc: T. Greten, FEMA
A. Coon, FEMA

A. Mitchell

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We request that FEMA notify the appropriate State and local governments that the off-site radiological emergency plans, required by 44 CFR 350, will no longer be required for the KPS site due to the permanent shut down and defueled condition of the facility. Should you need more information or support in interfacing with State and local government officials on this manner, please contact Joseph Anderson of my staff at (301) 287-9300.

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ADAMS Accession No.:Pkg. ML14302A279 Letter: ML14301A431 Enclosure: ML14261A223

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