



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

March 19, 2013

Mr. Greg Halnon
Director, FENOC Fleet Regulatory Affairs
Mail Stop: A-WAC-A3
341 White Pond Drive
Akron, OH 44320

SUBJECT: APPLICABILITY OF THE EMERGENCY PREPAREDNESS FINAL RULE TO
THREE MILE ISLAND UNIT 2 DECOMMISSIONING OR DECOMMISSIONED
SITE

Dear Mr. Halnon:

The purpose of this letter is to address the applicability of the U.S. Nuclear Regulatory Commission's (NRC's) emergency preparedness (EP) regulations to certain holders of licenses under Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR) and to notify these licensees of additional actions that may be required. The Emergency Preparedness Final Rule (76 FR 72560; November 23, 2011) became effective on December 23, 2011. Several emergency preparedness requirements in 10 CFR Part 50 were modified or added, including changes in Section 50.47, Section 50.54, and Appendix E. Specific implementation dates were provided for each emergency preparedness rule change, varying from the effective date of the final rule through December 31, 2015. The NRC recognizes that some Part 50 licensees (e.g., a Part 50 licensee with a facility undergoing decommissioning or a Part 50 licensee that has only an Independent Spent Fuel Storage Installation (ISFSI) licensed under Subpart K of 10 CFR Part 72 (General License Provision)) may not have recognized the applicability of the EP Final Rule to their facilities. As a result, Part 50 licensees with facilities in a decommissioning or decommissioned status or ISFSI-only facilities may be out of compliance with the current 10 CFR Part 50 emergency preparedness requirements.

Each licensee needs to evaluate the applicability of the current 10 CFR Part 50 emergency preparedness requirements to its specific facility and either make appropriate changes to the facility emergency plan or apply for an exemption, as necessary. Existing exemptions from the emergency preparedness requirements in effect before December 23, 2011, still apply provided the basis for the exemptions would support an exemption from the applicable revised requirements. Consistent with past practices, the NRC will consider allowing a Part 50 licensee in a decommissioning or decommissioned status or that has only an ISFSI licensed under Subpart K of 10 CFR Part 72 to seek an exemption from certain emergency preparedness requirements. Each licensee should also evaluate the need to revise its site emergency plan if such a plan exists in addition to the facility emergency plan.

Each licensee must comply with the current 10 CFR Part 50 EP requirements or request exemptions from those EP requirements that the licensee believes are not applicable to its facility. Exemption requests and, if applicable, license amendment requests should provide the basis for the request. If a licensee determines that an exemption request is appropriate for its facility and one has not already been submitted to the NRC, a licensee must submit a request within 30 days of the date of this letter to the Division of Waste Management and Environmental Protection, Deputy Director for Decommissioning and Uranium Recovery Licensing Directorate, to ensure that enforcement discretion is considered. Please contact John Hickman at (301) 415-3017 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Watson", written in a cursive style.

Bruce Watson, Chief
Reactor Decommissioning Branch
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 50-320

cc: Three Mile Island Unit 2

Three Mile Island - Unit 2 Service List

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