

Discussion

The petitioner requested that the NRC take enforcement action in the form of an Order either modifying the Brunswick operating licenses or requiring the licensee to submit amendment requests for these licenses.

The petitioner requested that the NRC take enforcement action in the form of an Order that would result in a new technical specification (TS) safety limits (SLs) and expand the applicability of numerous TS limiting condition for operations related to spent fuel pool (SFP) storage. As the basis for the request, the petitioner asserted that the changes sought would provide better management of the risk from irradiated fuel stored in the SFPs.

The petitioner had a recorded conference call with the NRC's Office of Nuclear Reactor Regulation's Petition's Review Board on August 15, 2012, to discuss and supplement the petition. The NRC has made the official transcript of the August 15, 2012, conference call publicly available online in the NRC's Library at <http://www.nrc.gov/reading-rm/adams.html> (ADAMS Accession No. ML12234A730).

The NRC sent a copy of the proposed Director's Decision to the petitioner and the licensee for comment on October 23, 2013. The NRC requested the petitioner and the licensee to provide comments within 30 days on any part of the proposed Director's Decision considered erroneous or any issues in the petition that were not addressed. The NRC did not receive any comments.

The Director of the Office of Nuclear Reactor Regulation has denied the request to take enforcement action in the form of an Order either modifying the Brunswick operating licenses or requiring the licensee to submit amendment requests for these licenses, which would result in a new TS SL and expand the applicability of numerous TS limiting conditions of operation (LCOs) related to SFP storage. The NRC staff reviewed the petitioner's requested actions against the regulatory framework that is in place to determine when TS SLs, LCOs, or design features are required, including the Commission's policy statement on TSs. The NRC staff found no basis for taking enforcement action against the licensee based on the petitioner's concerns. The Director's Decision (DD-13-03) under section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Requests for Action under this Subpart," explains the reasons for this decision. The complete text is in ADAMS under Accession No. ML13339A590 and is available for inspection at the NRC's

PDR. The NRC will file a copy of the Director's Decision with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206.

As provided for by this regulation, the Director's Decision will constitute the final action of the Commission 25 days after the date of the decision unless the Commission, on its own motion, institutes a review of the Director's Decision in that time.

Dated at Rockville, Maryland, this 30 day of December 2013.

For the Nuclear Regulatory Commission.

Jennifer L. Uhle,

*Deputy Director for Reactor Safety Programs,
Office of Nuclear Reactor Regulation.*

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NUCLEAR REGULATORY COMMISSION

[NRC-2014-0002]

Emergency Planning Exemption Requests for Decommissioning Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft interim staff guidance; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on its draft Interim Staff Guidance (ISG) NSIR/DPR-ISG-02, "Emergency Planning Exemption Requests for Decommissioning Nuclear Power Plants." This document would provide guidance for NRC staff to ensure clear and consistent reviews of requests for exemptions from emergency preparedness regulations and license amendments for defueled station emergency plans submitted by nuclear power plant licensees after permanent cessation of plant operations. Nuclear power plants that have ceased operating and are permanently defueled provide less risk of radiological releases than operating nuclear power plants. Licensees of these decommissioning plants have historically submitted exemption requests based on this lower risk. The ISG also could be used by nuclear power plant licensees when drafting these exemption requests.

DATES: Submit comments by March 11, 2014. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

ADDRESSES: You may submit comment by any of the following methods (unless

this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0002. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: 3WFN-06-44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on accessing information and submitting comments, see "Accessing Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Michael Wasem, telephone: 301-287-3793, email: michael.wasem@nrc.gov or Michael Norris, telephone: 301-287-3754, email: michael.norris@nrc.gov. Both of the Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC-2014-0002 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2014-0002.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. In addition, for the convenience of the reader, the

ADAMS accession numbers are provided in a table in the section of this notice entitled, Availability of Documents.

- *NRC's PDR*: You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC-2014-0002 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./web link/ Federal Register citation
Draft Interim Staff Guidance (ISG) NSIR/DPR-ISC-02, "Emergency Planning Exemption Requests for Decommissioning Nuclear Power Plants".	ADAMS Accession No. ML13304B442.
NUREG-1738 "Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants".	ADAMS Accession No. ML010430066.

Document	ADAMS Accession No./web link/ Federal Register citation
Draft Report, "Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling Water Reactor".	ADAMS Accession No. ML13133A132.
SECY-00-0145, "Integrated Rulemaking Plan for Nuclear Power Plant Decommissioning".	ADAMS Accession No. ML003721626.
NUREG/CR-6451, "A Safety and Regulatory Assessment of Generic BWR and PWR Permanently Shutdown Nuclear Power Plants".	ADAMS Accession No. ML082260098.
NUREG-1864, "A Pilot Probabilistic Risk Assessment of a Dry Cask Storage System at a Nuclear Power Plant".	ADAMS Accession No. ML071340012.
Memorandum dated August 16, 2002, "Status of Regulatory Exemptions for Decommissioning Plants".	ADAMS Accession No. ML030550706.
SECY-97-120, "Rulemaking Plan for Emergency Planning Requirements for Permanently Shutdown Nuclear Power Plant Sites".	http://www.nrc.gov/reading-rm/doc-collections/commis-sion/secys/1997/secy1997-120/1997-120scy.pdf .

emergency plans that are no longer necessary to contribute to the safety of workers or the public. This ISG consolidates findings from previous exemption request reviews and informs the justifications for approving exemptions with the results of more recent and complete studies. Use of this ISG should result in consistent and timely reviews of requests for exemption from certain emergency preparedness regulations.

The NRC staff is issuing this notice to solicit public comments on the proposed NSIR/DPR-ISC-02. After the NRC considers any public comments, it will issue a **Federal Register** notice making a determination regarding a final NSIR/DPR-ISC-02.

Dated at Rockville, Maryland, this 23rd day of December, 2013.

For the Nuclear Regulatory Commission.

Robert Lewis,

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

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50-219; NRC-2013-0288]

Exelon Generation Company, LLC; License Exemption Request for Oyster Creek Nuclear Generating Station

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to an October 14, 2013, request from Exelon Generation Company (the licensee) for a one-time exemption from the requirement to participate in the biennial Emergency Preparedness (EP) exercise. The licensee requested to delay conduct of the exercise from October 8, 2013, to March 18, 2014.

ADDRESSES: Please refer to Docket ID NRC-2013-0288 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2013-0288. Address questions about NRC dockets to Carol Gallagher; telephone: 301-287-3422; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER**

III. Background

Currently, licensees of permanently defueled nuclear power plant sites are required to maintain emergency plans meeting the same requirements as emergency plans for operating nuclear power plants. The NRC recognizes that in the plant's permanently defueled condition, the risk of a radiation release to the public is much less than the risk of a release from an operating plant and the consequences of a release are, in most cases, significantly less than that of an operating reactor. Rulemaking to address these differences, along with security and insurance considerations was considered in the 1990's. The events of September 11, 2001, and the fact that no plants were thought to be entering decommissioning in the immediate future led the NRC to suspend rulemaking activities. Licensees have historically used the exemption process to decrease the burden of maintaining required parts of