



Order No. EA-13-109

RA-18-028

April 12, 2018

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Oyster Creek Nuclear Generating Station
Renewed Facility Operating License No. DPR-16
NRC Docket No. 50-219

Subject: Request for Rescission of Commission Order Modifying License With Regard To
Reliable Hardened Containment Vents Capable of Operation Under Severe Accident
Conditions (Order Number EA-13-109)

References:

1. NRC Order EA-13-109, Issuance of Order to Modify Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions, dated June 6, 2013
2. Letter from Exelon Generation Company, LLC, Notification Pursuant to Condition C.1 of the June 6, 2013 Commission Order Modifying License with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions (Order No. EA-13-109), dated December 13, 2013
3. Letter from Exelon Generation Company, LLC, Certification of Permanent Cessation of Operations at Oyster Creek Nuclear Generating Station, dated January 7, 2011
4. NRC Letter to Exelon Generation Company, LLC, Oyster Creek Nuclear Generating Station – Relaxation of the Schedule Requirements for Order EA-13-109: Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions, dated November 16, 2015
5. NRC Letter to Exelon Generation Company, LLC, Oyster Creek Nuclear Generating Station – Relaxation of the Schedule Requirements for Order EA-13-109: Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions, dated June 20, 2017
6. Letter from Exelon Generation Company, LLC, Certification of Permanent Cessation of Power Operations for Oyster Creek Nuclear Generating Station, dated February 14, 2018

On June 6, 2013, the Nuclear Regulatory Commission (NRC) issued Order EA-13-109 (Reference 1) to all licensees that operate boiling-water reactors with Mark I and Mark II containment designs. The Order was effective immediately and is applicable to Oyster Creek Nuclear Generating Station (Oyster Creek). Reference 1 requires Exelon Generation Company, LLC (EGC) to install hardened containment venting systems that can be maintained functional

during severe accident conditions (i.e., following significant core damage). The substantive requirements of the Order are contained in Attachment 2 of Reference 1. The Order includes two separate implementation phases. Phase 1 includes modifications to wetwell venting systems, while Phase 2 includes modifications to drywell venting systems or implementation of a reliable containment strategy that meets regulatory approval.

In Reference 2, EGC provided the required 20-day notification for Oyster Creek pursuant to Condition C.1 of the Order EA-13-109 for implementation of Phase 1. Reference 2 indicated that EGC was evaluating the complex plant modifications that would be required to meet the Phase 1 and Phase 2 severe accident capable vent requirements specified in Order EA-13-109 in view of the limited remaining plant operating life. In Reference 3, EGC had previously notified the NRC of EGC's plans to permanently shut down Oyster Creek and cease operation no later than December 31, 2019.

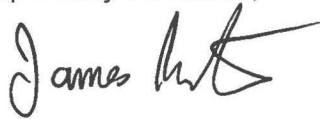
In References 4 and 5, the NRC granted Oyster Creek relaxation of the Order requirement for full implementation of Order EA-13-109, Phase 1 and Phase 2, respectively, until January 31, 2020. As discussed in References 4 and 5, EGC planned to submit a request for rescission of Order EA-13-109 no later than January 31, 2020 based on the permanent shutdown condition of the plant at that time. In Reference 6, EGC notified the NRC of EGC's revised plans to permanently shut down Oyster Creek and cease operation no later than October 31, 2018.

The purpose of this letter is to request rescission of the Order (Reference 1) upon docketing of the 10CFR50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel. The enclosure to this letter provides the good cause justification for this request.

This letter contains no new regulatory commitments. If you have any questions regarding this request, then please contact David J. Distel at 610-765-5517.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 12th day of April 2018.

Respectfully submitted,



James Barstow
Director – Licensing & Regulatory Affairs
Exelon Generation Company, LLC

Enclosure: Request for Rescission of Commission Order Modifying License With Regard To
Reliable Hardened Containment Vents Capable of Operation Under Severe
Accident Conditions (Order Number EA-13-109)

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cc: Director, Office of Nuclear Reactor Regulation
NRC Regional Administrator – Region I
NRC Senior Resident Inspector – Oyster Creek Nuclear Generating Station
NRC Project Manager, NRR – Oyster Creek Nuclear Generating Station
Mr. John P. Boska, NRR/JLD/JOMB, NRC
Mr. Peter J. Bamford, NRR/JLD/JOMB, NRC
Dr. Rajender Auluck, NRR/JLD/JCBB, NRC
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ENCLOSURE

Request for Rescission of Commission Order Modifying License With Regard To Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions (Order Number EA-13-109)

I. Proposed Order Rescission

Order EA-13-109, "Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions" (Reference 1), requires Exelon Generation Company, LLC (EGC) to install hardened containment venting systems that can be maintained functional during severe accident conditions (i.e., following significant core damage). The Order includes two separate implementation phases. Phase 1 includes modifications to wetwell venting systems, while Phase 2 includes modifications to drywell venting systems or implementation of a reliable containment strategy that meets regulatory approval.

EGC hereby submits a request that the Order EA-13-109 be rescinded for Oyster Creek Nuclear Generating Station (Oyster Creek) upon docketing of the 10CFR50.82(a)(1) certifications for permanent cessation of operation and permanent removal of fuel from the reactor vessel.

II. Background

On June 6, 2013, the Nuclear Regulatory Commission (NRC) issued Order EA-13-109 (Reference 1) to all licensees that operate boiling-water reactors with Mark I and Mark II containment designs. The Order was effective immediately and is applicable to Oyster Creek Nuclear Generating Station (Oyster Creek). Reference 1 requires Exelon Generation Company, LLC (EGC) to install hardened containment venting systems that can be maintained functional during severe accident conditions (i.e., following significant core damage). The substantive requirements of the Order are contained in Attachment 2 of Reference 1. The Order includes two separate implementation phases. Phase 1 includes modifications to wetwell venting systems, while Phase 2 includes modifications to drywell venting systems or implementation of a reliable containment strategy that meets regulatory approval.

In Reference 2, EGC provided the required 20-day notification for Oyster Creek pursuant to Condition C.1 of the Order EA-13-109 for implementation of Phase 1. Reference 2 indicated that EGC was evaluating the complex plant modifications that would be required to meet the Phase 1 and Phase 2 severe accident capable vent requirements specified in Order EA-13-109 in view of the limited remaining plant operating life. In Reference 3, EGC had previously notified the NRC of EGC's plans to permanently shut down Oyster Creek and cease operation no later than December 31, 2019.

In References 4 and 5, the NRC granted Oyster Creek relaxation of the Order requirement for full implementation of Order EA-13-109, Phase 1 and Phase 2, respectively, until January 31, 2020. As discussed in References 4 and 5, EGC planned to submit a request for rescission of Order EA-13-109 no later than January 31, 2020 based on the permanent shutdown condition of the plant at that time. In Reference 6, EGC notified the NRC of EGC's revised plans to permanently shut down Oyster Creek and cease operation no later than October 31, 2018 in accordance with 10CFR50.82(a)(1)(i).

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Request for Rescission of Commission Order Modifying License With Regard To Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions (Order Number EA-13-109)

Reference 1, Section IV.D., states that “the Director, Office of Nuclear Reactor Regulation may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.”

III. Good Cause Justification

In accordance with NRC Order EA-13-109, Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions (Effective Immediately)” (Reference 1), and the Order implementation schedule relaxation granted by the NRC in References 4 and 5, EGC is required to implement a severe accident capable wetwell venting system (Phase 1) and a severe accident capable drywell venting system (Phase 2) by January 31, 2020. The substantive requirements of the Order are contained in Attachment 2 of Reference 1. The Order includes two separate implementation phases. Phase 1 includes modifications to wetwell venting systems, while Phase 2 includes modifications to drywell venting systems or implementation of a reliable containment strategy that meets regulatory approval. These requirements are intended to provide a reliable Hardened Containment Vent System (HCVS) to prevent or limit core damage upon loss of heat removal capability during beyond-design-basis severe accident conditions until other means of heat removal are available, such as the Residual Heat Removal and Shutdown Cooling systems.

In Reference 6, EGC notified the NRC of EGC’s revised plans to permanently shut down Oyster Creek and cease operation no later than October 31, 2018 in accordance with 10CFR50.82(a)(1)(i).

Upon docketing of the 10CFR50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, the 10 CFR 50 license will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel. With permanent removal of fuel from the reactor vessel, the function of primary containment will cease. Primary containment has no design function regarding protection of the fuel in the spent fuel pool, or mitigation of spent fuel pool accident scenarios. Therefore, implementation of the requirements in Reference 1 will no longer have any nexus to reasonable assurance of adequate protection of the public health and safety.

IV. Conclusion

Based on the above, the Director, Office of Nuclear Reactor Regulation is requested to rescind Order EA-13-109 for Oyster Creek Nuclear Generating Station upon docketing of the 10CFR50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel.

ENCLOSURE

Request for Rescission of Commission Order Modifying License With Regard To Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions (Order Number EA-13-109)

V. References

1. NRC Order EA-13-109, "Issuance of Order to Modify Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions," dated June 6, 2013
2. Letter from Exelon Generation Company, LLC, Notification Pursuant to Condition C.1 of the June 6, 2013 Commission Order Modifying License with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions (Order No. EA-13-109), dated December 13, 2013
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