

of a radiological emergency, to establish plume exposure and ingestion pathway emergency planning zones for nuclear power plants, and to ensure that licensees maintain effective offsite and onsite radiological emergency plans. The standards and requirements in these regulations were developed by considering the risks associated with operation of a power reactor at its licensed full-power level. These risks include the potential for a reactor accident with offsite radiological dose consequences.

As discussed previously in Section III, because FCS is permanently shut down and defueled, there is no longer a risk of a significant offsite radiological release from a design-basis accident exceeding EPA early phase PAG at the exclusion area boundary and the risk of a significant offsite radiological release from a beyond-design-basis accident is greatly reduced when compared to an operating power reactor. The NRC staff has confirmed the reduced risks at FCS by comparing the generic risk assumptions in the analyses in NUREG-1738 to site-specific conditions at FCS and determined that the risk values in NUREG-1738 bound the risks presented by FCS. As indicated by the results of the research conducted for NUREG-1738 and more recently, for NUREG-2161, "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. ML14255A365), while other consequences can be extensive, accidents from SFPs with significant decay time have little potential to cause offsite early fatalities, even if the formal offsite radiological EP requirements were relaxed. The licensee's analysis of a beyond-design-basis accident involving a complete loss of SFP water inventory, based on an adiabatic heatup analysis of the limiting fuel assembly for decay heat, shows that within 530 days (1 year, 165 days) after shutdown, the time for the limiting fuel assembly to reach 900 °C is 10 hours after the assemblies have been uncovered assuming a loss of air cooling.

The only analyzed beyond-design-basis accident scenario that progresses to a condition where a significant offsite release might occur, involves the very unlikely event where the SFP drains in such a way that all modes of cooling or heat transfer are assumed to be unavailable, which is referred to as an adiabatic heatup of the spent fuel. The licensee's analysis of this beyond-design-basis accident shows that within 530 days (1 year, 165 days) after shutdown, more than 10 hours would be available between the time the fuel is initially uncovered (at which time adiabatic heatup is conservatively assumed to begin), until the fuel cladding reaches a temperature of 1652 degrees Fahrenheit (900 °C), which is the temperature associated with rapid cladding oxidation and the potential for a significant radiological release. This analysis conservatively does not include the period of time from the initiating event causing a loss of SFP water inventory until all cooling means are lost.

The NRC staff has verified OPPD's analyses and its calculations. The analyses provide reasonable assurance that in granting the requested exemptions to OPPD, there is no

design-basis accident that will result in an offsite radiological release exceeding the EPA early phase PAGs at the exclusion area boundary. In the unlikely event of a beyond-design-basis accident affecting the SFP that results in a complete loss of heat removal via all modes of heat transfer, there will be well over 10 hours available before an offsite release might occur and, therefore, at least 10 hours to initiate appropriate mitigating actions to restore a means of heat removal to the spent fuel. If a radiological release were projected to occur under this unlikely scenario, a minimum of 10 hours is considered sufficient time for offsite authorities to implement protective actions using a CEMP approach to protect the health and safety of the public.

Exemptions from the offsite EP requirements in 10 CFR part 50 have previously been approved by the NRC when the site-specific analyses show that at least 10 hours is available following a loss of SFP coolant inventory accident with no air cooling (or other methods of removing decay heat) until cladding of the hottest fuel assembly reaches the zirconium rapid oxidation temperature. The NRC staff concluded in its previously granted exemptions, as it does with the OPPD requested EP exemptions, that if a minimum of 10 hours is available to initiate mitigative actions consistent with plant conditions, or if needed, for offsite authorities to implement protective actions using a CEMP approach, then formal offsite radiological emergency plans, required under 10 CFR part 50, are not necessary at permanently shutdown and defueled facilities.

Additionally, FCS committed to maintaining SFP makeup strategies in its letter to the NRC dated December 16, 2016 (ADAMS Accession No. ML16356A578). The multiple strategies for providing makeup to the SFP include: using existing plant systems for inventory makeup; an internal strategy that relies on the fire protection system with redundant pumps (one diesel-driven and electric motor-driven); and onsite diesel fire truck that can take suction from the Missouri River. These strategies will continue to be required as license condition 3.G, "Mitigation Strategy License Condition." Considering the very low probability of beyond-design-basis accidents affecting the SFP, these diverse strategies provide multiple methods to obtain additional makeup or spray to the SFP before the onset of any postulated offsite radiological release.

For all the reasons stated above, the NRC staff finds that the licensee's requested exemptions to meet the underlying purpose of all of the standards in 10 CFR 50.47(b), and requirements in 10 CFR 50.47(c)(2) and 10 CFR part 50, Appendix E, acceptably satisfy the special circumstances in 10 CFR 50.12(a)(2)(ii) in view of the greatly reduced risk of offsite radiological consequences associated with the permanently shutdown and defueled state of the FCS facility.

The NRC staff has concluded that the exemptions being granted by this action will maintain an acceptable level of emergency preparedness at FCS and, if needed, that there is reasonable assurance that adequate offsite protective measures can and will be

taken by State and local government agencies using a CEMP approach in the unlikely event of a radiological emergency at the FCS facility. Since the underlying purposes of the rules, as exempted, would continue to be achieved, even with the elimination of the requirements under 10 CFR part 50 to maintain formal offsite radiological emergency plans and reduction in the scope of the onsite emergency planning activities at FCS, the special circumstances required by 10 CFR 50.12(a)(2)(ii) exist.

E. Environmental Considerations

In accordance with 10 CFR 51.31(a), the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment as discussed in the NRC staff's Finding of No Significant Impact and associated Environmental Assessment published November 27, 2017 (82 FR 56060).

IV. Conclusions

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that OPPD's request for exemptions from certain EP requirements in 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, Appendix E, Section IV, and as summarized in Table 1 of the exemption dated December 11, 2017, are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants OPPD's exemptions from certain EP requirements of 10 CFR 50.47(b), 10 CFR 50.47(c)(2), and 10 CFR part 50, Appendix E, Section IV, as discussed and evaluated in detail in the staff's safety evaluation dated December 11, 2017. The exemptions are effective as of April 7, 2018.

Dated at Rockville, Maryland, this 11th day of December, 2017.

For the Nuclear Regulatory Commission,
Kathryn M. Brock,
*Acting Director, Division of Operating
Reactor Licensing, Office of Nuclear Reactor
Regulation.*

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NUCLEAR REGULATORY COMMISSION

[NRC-2016-0061]

In the Matter of All Operating Reactor Licensees

AGENCY: Nuclear Regulatory
Commission.

ACTION: Director's decision under 10
CFR 2.206; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued a director's decision in response to a petition dated February 19, 2016, filed by Roy Mathew, Sheila Ray, Swagata Som, Gurcharan Singh Matharu, Tania Martinez Navedo, Thomas Koshy, and

Kenneth Miller (Petitioners), requesting that the NRC take enforcement-related action with regard to all operating nuclear power plants. The petitioner's requests and the director's decision are included in the **SUPPLEMENTARY INFORMATION** section of this document.

DATES: The director's decision was issued on December 12, 2017.

ADDRESSES: Please refer to Docket ID NRC-2016-0061 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2016-0061. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection 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 (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- *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.

FOR FURTHER INFORMATION CONTACT: Tanya Mensah, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-3610, email: Tanya.Mensah@nrc.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a director's decision (ADAMS Accession No. ML17304A893) under Title 10 of the *Code of Federal Regulations* (10 CFR) section 2.206 on a petition filed by the Petitioners on February 19, 2016 (ADAMS Accession No. ML16050A223).

The Petitioners requested that the NRC take enforcement action against all operating nuclear power plants. Specifically, the Petitioners requested

that the NRC either: (1) Issue orders to require immediate corrective actions including compensatory measures to address the operability of electric power systems in accordance with their plant technical specifications, and to implement plant modifications in accordance with current NRC regulatory requirements and staff guidance provided in the references within the 2.206 petition; or (2) issue orders to immediately shut down the nuclear power plants that are operating without addressing the significant design deficiency identified in NRC Bulletin 2012-01, "Design Vulnerability in Electric Power System," dated July 27, 2012, (ADAMS Accession No. ML12074A115) since the licensees are not in compliance with their technical specifications (typically Section 3.8.1) related to onsite and offsite power systems.

On February 24, 2016, the NRC's petition manager acknowledged receipt of the petition and offered the Petitioners an opportunity to address the Petition Review Board (PRB). The Petitioners declined an opportunity to address the PRB on the basis that the petition already contained all of the relevant facts to support the PRB's review.

The NRC sent a copy of the proposed director's decision to the Petitioners and to the licensees for comment by letters dated September 18, 2017 (ADAMS Accession Nos. ML17156A197 and ML17156A214). The Petitioners and the licensees were provided the opportunity to provide comments on any part of the proposed director's decision that was considered to be erroneous or any issues in the petition that were not addressed. The Petitioners provided comments by letter dated October 11, 2017 (ADAMS Accession No. ML17291A040), and the Nuclear Energy Institute (NEI) provided comments, on behalf of licensees, by letter dated October 16, 2017 (ADAMS Accession No. ML17291A846). No new information was provided. To enhance the clarity of the director's decision, the NRC staff revised the description of the NRC's accident sequence precursor (ASP) program provided in Section D of the director's decision, to differentiate between condition and event assessments. The comments from the Petitioners and NEI, along with the NRC staff's responses to the comments, are included as an attachment to the director's decision. The attachment identifies any updates to the director's decision, as a result of comments received from the Petitioners and NEI.

The Director, Office of Nuclear Reactor Regulation, has determined that the request(s) to issue orders to

operating reactor licensees regarding an open phase condition be denied. The reasons for this decision are explained in the Director's Decision DD-17-04, pursuant to 10 CFR 2.206.

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 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 19th day of December 2017.

For the Nuclear Regulatory Commission.

Tanya M. Mensah,

Senior Project Manager, ROP Oversight and Generic Communications Branch, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation.

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POSTAL REGULATORY COMMISSION

[Docket Nos. MC2018-58 and CP2018-95; CP2018-96; CP2018-97; MC2018-59 and CP2018-98; CP2018-99]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing recent Postal Service filings for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 26, 2017 (Comment due date applies to MC2018-58 and CP2018-95; CP2018-96; CP2018-97); December 27, 2017 (Comment due date applies to MC2018-59 and CP2018-98; CP2018-99).

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction