



Exelon Generation<sup>®</sup>

10 CFR 50.4  
10 CFR 50.54(q)(5)  
10 CFR 72.44(f)

March 22, 2016

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

Nine Mile Point Nuclear Station, Units 1 and 2  
Renewed Facility Operating License Nos. DPR-63 and NPF-69  
NRC Docket Nos. 50-220, 50-410, and 72-1036

Subject: Exelon Nuclear Radiological Emergency Plan Annex Revision

In accordance with 10 CFR 50.4(b)(5), "Emergency plan and related submissions," Exelon Generation Company, LLC (Exelon) is submitting an Emergency Plan Annex revision listed in the table below for the Nine Mile Point Nuclear Station (NMP).

Procedure No.	Revision	Title
EP-AA-1013	1	Exelon Nuclear Radiological Emergency Plan Annex for Nine Mile Point Station

The changes to EP-AA-1013 for NMP were evaluated under the requirements of 10 CFR 50.54(q) and were determined not to result in a reduction in the effectiveness of the Emergency Plan for NMP. This notification is being submitted within 30 days of implementation of the changes as required by 10 CFR 50.4(b)(5). The changes continue to meet the applicable planning standards established in 10 CFR 50.47(b) and 10 CFR 50, Appendix E.

Furthermore, Attachment 3 of this letter is proprietary and confidential and contains trade secrets and commercial or financial information. Exelon maintains this information on a confidential basis and protects it from disclosure to the general public or unauthorized individuals. Exelon requests that Attachment 3 also be withheld from public disclosure pursuant to 10 CFR 2.390(a)(4), and has attached an affidavit for this purpose (Attachment 2). However, if the NRC intends to place any of this information in the Public Document Room or on the Agencywide Documents Access and Management System or produce it in response to a Freedom of Information Act ("FOIA") request, Exelon requests the opportunity to redact the materials consistent with established FOIA exemptions and precedent.

AX45  
NM5526  
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NM55

In addition, as required by 10 CFR 50.54(q)(5), this submittal includes a summary analysis of the changes to the implementing procedure.

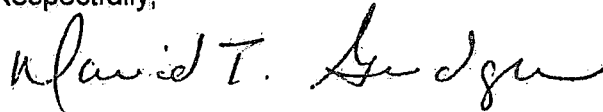
This submittal also satisfies the reporting requirements associated with 10 CFR 72.44(f), which stipulates that within six months after any change is made to the Emergency Plan, the licensee shall submit a report containing a description of the changes to the Director, Division of Spent Fuel Storage and Transportation.

A copy of the revised procedure and supporting change summary analysis are included in the attachments to this letter.

There are no regulatory commitments in this submittal.

If you have any questions or require additional information, please contact Richard Gropp at (610) 765-5557.

Respectfully,



David T. Gudger  
Manager, Licensing and Regulatory Affairs  
Exelon Generation Company, LLC

Attachments:   1. 10 CFR 50.54(q)(5) Procedure Change Summary Analysis  
                  2. Affidavit  
                  3. EP-AA-1013, Revision 1, "Exelon Nuclear Radiological Emergency Plan Annex for Nine Mile Point Station"

cc:    w/ Attachment 1 only  
      Regional Administrator – NRC Region I  
      Director, NRC Division of Spent Fuel Storage and Transportation, ONMSS  
      NRC Senior Resident Inspector – Nine Mile Point  
      NRC Project Manager, NRR – Nine Mile Point  
      A. L. Peterson, NYSERDA

## **ATTACHMENT 1**

10 CFR 50.54(q)(5) Procedure Change Summary Analysis

## **10 CFR 50.54(q)(5) Procedure Change Summary Analysis**

### **Procedure/Title**

Exelon Generation Company, LLC (EGC) is submitting the following Emergency Plan Annex revision for Nine Mile Point Nuclear Station (NMP):

- EP-AA-1013, Revision 1, "*Exelon Nuclear Radiological Emergency Plan Annex for Nine Mile Point Station*"

This document is considered *Exelon Confidential/Proprietary Information* and is requested to be withheld from public disclosure pursuant to 10 CFR 2.390.

### **Description of Procedure**

The NMP Emergency Plan Annex (EP-AA-1013) contains emergency planning information and guidance unique to NMP. This includes facility geography, emergency response facility locations, and process and radiation monitoring instrumentation that provides a description of the station's emergency response capabilities, as well as any station unique commitments.

In conjunction with the NMP Emergency Plan Annex EP-AA-1013, EGC maintains a Nuclear Standardized Radiological Emergency Plan (i.e., EP-AA-1000) that outlines the basis for the response actions that would be implemented during an emergency. The planning efforts common to all EGC nuclear stations are encompassed within the Standard Plan.

These two documents (i.e., EP-AA-1013 and EP-AA-1000) comprise emergency planning requirements for NMP.

### **Description of Changes**

The NMP Emergency Plan Annex is being revised to remove the tone alert radios from the equipment that makes up the Prompt Notification System. The NMP plant recently installed a new battery backed-up siren system. This new system includes 40 sirens while the old system includes 37. The tone alert radios were used to notify individuals within emergency planning areas that were less populated (around 1,300 people). The three (3) additional sirens installed as part of the new siren system were installed so that the entire 10-mile Emergency Planning Zone (EPZ) has the required coverage to notify the public via the sirens without needing the added tone alert radios. In conjunction with this change, the reference contained in the Emergency Plan Annex has been changed from Wyle Research Report WR 82-26 to reference the approved Federal Emergency Management Agency (FEMA) Design Report.

Additionally, Appendix 3, "*Emergency Plan Implementing Procedures*," to EP-AA-1013 has been revised to delete references to four (4) Emergency Plan Implementing Procedures (EIPs). Specifically, EPIP-EPP-04, "*Personnel Injury or Illness*," EPIP-EPP-14, "*Emergency Access Control*," EPIP-EPP-28, "*Fire Fighting*," and EPIP-EPP-26, "*Natural Hazard Preparedness and Recovery*," have been removed from the list. The reference to EPIP-EPP-14, "*Emergency Access Control*," has been revised to reflect a new procedure number.

## **Description of How the Change Still Complies with Regulations**

### **Tone Alert / Siren Changes**

10 CFR 50.47(b)(5) states: *"Procedures have been established for notification, by the licensee, of State and local response organizations and for notifications for emergency personnel by all organizations; the content of initial and follow-up messages to response organizations and the public has been established; and means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone have been established."* In addition, the guidance in NUREG-0654, Section II.E.6 states: *"Each organization shall establish administrative and physical means, and the time required for notifying and providing prompt instructions to the public within the plume exposure pathway Emergency Planning Zone."*

A revision is being made to the NMP Emergency Plan Annex EP-AA-1013 to remove tone alert radios as a piece of the Prompt Notification System. Three (3) additional sirens have been added to the newly installed siren system in place of the tone alert radios to provide notification coverage in the emergency planning areas where tone alert radios were used. Tone alerts were initially installed in the NMP EPZ in low population areas where siren coverage was not present. The installation of the additional new sirens will ensure the population in these areas will have coverage and will receive notification of an emergency condition at NMP. Sirens are a well-established and preferred means of notifying the public of an emergency condition and are used elsewhere in the NMP EPZ, as well as most of the U.S. nuclear power stations. The use of the sirens in place of the tone alert radios has been accepted and approved by FEMA through a revision to the NMP Siren Design Report.

Additionally, an editorial change was made to the Emergency Plan Annex description to reference the FEMA-approved Design Report rather than the outdated Wyle Research Report WR 82-26. The Wyle Research Report is no longer applicable with the installation of the new siren system.

Existing requirements and capabilities under the station's Emergency Plan have not been deleted or reduced as part of this revision and as such, the station's Emergency Plan continues satisfy regulatory requirements. A review of existing regulatory commitments was made to ensure all existing commitments continue to be met.

### **NUREG-0654 Embedded References**

10 CFR 50.47(b)(16) identifies responsibilities for plan development and review and for distribution of emergency plans are established, and planners are properly trained. The guidance in NUREG-0654, Section II.P.7 states: *"Each plan shall contain as an appendix listing, by title, procedures required to implement the plan."*

A revision is being made to the NMP Emergency Plan to delete and/or add procedure references in the Appendix 3 list of EIPs in EP-AA-1013.

The following procedure references have been deleted:

- EPIP-EPP-04, *"Personnel Injury or Illness"*
- EPIP-EPP-14, *"Emergency Access Control"*
- EPIP-EPP-26, *"Natural Hazard Preparedness and Recovery"*

- EPIP-EPP-26, "*Natural Hazard Preparedness and Recovery*"
- EPIP-EPP-28, "*Fire Fighting*"

The description below provides the basis for eliminating the EPIP references from the Appendix 3 list in EP-AA-1013.

- EPIP-EPP-04, "*Personnel Injury or Illness*," has been cancelled and an equivalent procedure no longer exists.
- EPIP-EPP-14, "*Emergency Access Control*," provides general instructions to personnel assigned to the ERO and Oswego County Emergency Management Office personnel on accessing the site, the protected area, and emergency response facilities during emergencies. This procedure no longer exists and has been replaced with a Security Job Aid.
- EPIP-EPP-26, "*Natural Hazard Preparedness and Recovery*," provides guidance on the preparation for, response to, and recovery from natural hazards that may affect NMP or the ability to implement the station's Emergency Plan. While this procedure provides actions in preparation and in response to actual natural hazards (e.g., snow, flooding, etc.), it does not directly implement the Planning Standard requirements of 10 CFR 50.47, the Planning Element guidance of NUREG-0654, or the requirements of the station's Emergency Plan and the reference to the EPIP has been deleted.
- EPIP-EPP-28, "*Fire Fighting*," provides for prompt, efficient handling of any fire by the onsite NMP Fire Brigade. The procedure was superseded by OP-NM-201-005. The procedure does not directly implement the Planning Standard requirements of 10 CFR 50.47, the Planning Element guidance of NUREG-0654, or the requirements of the station's Emergency Plan and the reference to the EPIP has been deleted.

The following EPIP reference has been added:

- OP-NM-106-104, "*Security Contingency Actions*"

An administrative change was made to reflect that EPIP-EPP-10, "*Security Contingency Actions*," was replaced by OP-NM-106-104 (same title). This new procedure was added as a reference to the Appendix 3 list in of EP-AA-1013.

#### **Description of Why the Change is Not a Reduction in Effectiveness (RIE)**

Existing requirements and capabilities under the station's Emergency Plan have not been deleted or reduced as part of this revision and as such, the station's Emergency Plan continues to meet the applicable regulatory requirements of 10 CFR 50.47 and guidance stipulated in NUREG-0654. A review of existing regulatory commitments was made to ensure all existing commitments continue to be met. The changes do not alter the capability of the Emergency Response Organization (ERO) to implement required Emergency Plan functions, and do not affect the timeliness of the performance of these functions. Therefore, the changes do not result in a reduction in the effectiveness of the Emergency Plan for NMP.

**Exelon Confidential/Proprietary Information - Withhold Under 10 CFR 2.390**  
**Attachment 3 contains Exelon Confidential/Proprietary Information;**  
**upon separation this cover letter and Attachments 1 and 2 are decontrolled.**

**ATTACHMENT 2**

Affidavit

AFFIDAVIT OF DAVID T. GUDGER

DOCKET NOS. 50-220, 50-410, and 72-1036

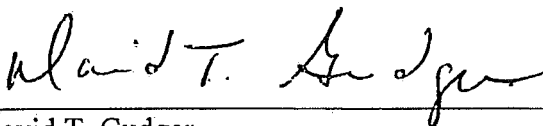
I, David T. Gudger, Manager, Licensing and Regulatory Affairs, Exelon Generation Company, LLC, do hereby affirm and state:

1. I am Manager, Licensing and Regulatory Affairs for Exelon Generation Company, LLC (EGC), and I am authorized to execute this affidavit on behalf of EGC.
2. I am further authorized to review the documents sought to be withheld from public disclosure in connection with submittals to the Nuclear Regulatory Commission ("NRC"):
  - EP-AA-1013, Revision 1, "Exelon Nuclear Radiological Emergency Plan Annex for Nine Mile Point Station"
3. I am also authorized to apply to the NRC for the withholding of the aforementioned documents from public disclosure under 10 C.F.R. §§ 2.390(a)(4) and 9.17(a)(4) on the grounds that the documents contain privileged or confidential or proprietary commercial information. The documents EGC seeks to withhold from public disclosure have been marked "Proprietary" and are summarized in the attachment to my Affidavit.
4. On behalf of EGC, I request that the documents marked by EGC as "Proprietary" and described in the attached list (Appendix 1) be withheld, in their entirety, by the NRC from public disclosure.
5. In making this application for withholding of proprietary and confidential information of which EGC is the owner, EGC relies on 10 C.F.R. § 2.390(a)(4) and 10 C.F.R. 9.17(a)(4). The proprietary documents contain privileged or confidential or proprietary commercial information.
6. The proprietary information described in Appendix 1 should be withheld from disclosure by the NRC pursuant to the policy reflected in 10 C.F.R. § 2.390(a)(4), and for the following reasons to be considered pursuant to 10 CFR § 2.390(b)(4):
  - i.. The documents are each either a policy, procedure, process, technical requirements document, or other document that forms part of the Exelon Nuclear Management Model ("ENMM").
  - ii. The ENMM is a set of confidential policies and procedures that enable EGC to consistently achieve excellence in all key dimensions of its business. It documents proven ways of achieving excellence and defines how EGC executes and manages performance and assesses results. EGC expended significant resources, in terms of time and money, to develop, implement, and update the ENMM. EGC derives economic benefit from the ENMM in terms of increased efficiency and improved results as well as revenue generated from EGC's sale or licensing of the ENMM.



- iii. The documents are now, and have been, held in confidence by EGC. EGC does not customarily make these documents available to the public. EGC has not authorized making the documents available through public sources.
  - iv. EGC is providing the NRC with the documents and information in confidence.
  - v. Economic harm would come to EGC with the publication of the individual documents that form the ENMM, as it would reduce or eliminate the need for any third party to purchase or license the ENMM from EGC, and would reduce the competitive position of EGC based on the benefits that the ENMM provides to EGC in the management of its own nuclear plants. The ENMM is considered by EGC to be a very valuable part of our intellectual property and it would be very difficult, costly and time-consuming for another to duplicate it without access to these documents.
7. EGC requests that the document listed in Appendix 1 be withheld from public disclosure based on the reasons stated above in paragraph 6.i. through 6.v.

I declare under penalty of perjury that the foregoing affidavit and statements therein are true and correct to the best of my knowledge, information, and belief.



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David T. Gudger  
Manager, Licensing and Regulatory Affairs  
Exelon Generation Company, LLC

Date: March 22, 2016

**Appendix 1: Information that Should Be Withheld from Public Disclosure**

Date or Revision	Description of Document	Reason(s) to Withhold
Revision 1	EP-AA-1013	Entire document exempt from disclosure under 10 C.F.R. § 2.390(a)(4) and 9.17(a)(4) based on paragraph 6 of the affidavit to which this Appendix 1 is attached.

**ATTACHMENT 3**

EP-AA-1013, Revision 1, *"Exelon Nuclear Radiological Emergency Plan  
Annex for Nine Mile Point Station"*

Radiological Emergency Plan Annex Revision

Exelon Confidential/Proprietary Information - Withhold Under 10 CFR 2.390