



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

September 20, 2016

EA-16-128

Mr. Bryan C. Hanson
Senior Vice President, Exelon Generation Company, LLC
President and Chief Nuclear Officer, Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: R.E. GINNA NUCLEAR POWER PLANT, LLC – FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING WITH ASSESSMENT FOLLOW-UP AND NOTICE OF VIOLATION - INSPECTION REPORT 05000244/2016009

Dear Mr. Hanson:

This letter provides you the final significance determination for the preliminary White finding discussed in the U.S. Nuclear Regulatory Commission (NRC) letter dated August 18, 2016, which included NRC Inspection Report Numbers 05000244/2016002 and 07200067/2016001 (ML16232A051).¹ The finding involved an inadvertent change Exelon Generation Company, LLC (Exelon) made that introduced an error to the R.E. Ginna Nuclear Power Plant, LLC (Ginna) Emergency Plan. As described in the subject inspection report, the NRC determined that this finding also involved an apparent violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.54 (q)(2), "Emergency Plans," because Exelon did not maintain the effectiveness of Ginna's Emergency Plan such that it met the requirements of Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," and the planning standards of 10 CFR 50.47(b). Specifically, Exelon implemented a revision to the emergency action level (EAL) table for the fission product barrier matrix that was incorrect with respect to the EAL threshold associated with potential loss of containment barrier. This could have resulted in an untimely declaration of a General Emergency or a failure to declare a Site Area Emergency during an actual event. It should be noted that, upon identification of the discrepancy, Exelon immediately entered the issue into its corrective action program and issued a standing order to inform plant personnel. Exelon subsequently revised the EAL table, correcting the error.

In a telephone conversation with Mr. Anthony Dimitriadis of NRC, Region I, on August 25, 2016, Mr. Joseph Pacher of your staff indicated that Exelon did not contest the characterization of the risk significance of this finding and declined the opportunity to discuss this issue at a Regulatory Conference or to provide a written response. Therefore, after considering the information developed during the inspection, the NRC has concluded that the finding is appropriately characterized as White. Note: According to NRC Inspection Manual Chapter (IMC) 0609, appeal rights only apply to those licensees that have either attended a regulatory conference or submitted a written response to the preliminary determination letter.

¹ Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

The NRC has also determined that finding involved the violation of 10 CFR 50.54(q)(2), as cited in the attached Notice of Violation (Notice). In accordance with the NRC Enforcement Policy, the Notice is considered an escalated enforcement action because it is associated with a White finding. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

As a result of this White finding in the Emergency Preparedness Cornerstone, the NRC has assessed Ginna to be in the Regulatory Response column of the NRC Action Matrix, retroactive to the second calendar quarter of 2016. The NRC plans to conduct a separate supplemental inspection for this finding in accordance with Inspection Procedure (IP) 95001, "Supplemental Inspection Response to Action Matrix Column 2 Inputs," following Exelon's notification of readiness for this inspection. This inspection is conducted to provide assurance that the root causes and contributing causes of any performance issues are understood, the extent of condition is identified, and the corrective actions are sufficient to prevent recurrence.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Should you have any questions regarding this matter, please contact Mr. Anthony Dimitriadis, Chief, Projects Branch 1, Division of Reactor Projects in Region I, at (610) 337-6953.

Sincerely,

/RA David C. Lew for:/

Daniel H. Dorman
Regional Administrator

Docket No. 50-244
License No. DPR-18

Enclosure:
Notice of Violation

cc w/encl: Distribution via ListServ

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DATE	8/26/16	8/26/16	8/29/16	9/01/16	9/01/16	9/01/16
OFFICE	RI/ OR A	OE	NSIR/	NRR/		RI/DRA
NAME	B Bickett/ BAB*	T Marenchin via email	R Kahler via email	L Casey via email		D Dorman/ DCL
DATE	9/06/16	9/14/16	9/07/16	9/07/16		DCL for 9/19/16

Letter to Bryan Hanson from Daniel Dorman dated September 20, 2016

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M McLaughlin, ORA	
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Region I OE Files (with concurrences)	

Enclosure
NOTICE OF VIOLATION

Exelon Generation Company, LLC
R.E. Ginna Nuclear Power Plant

Docket No. 50-244
License No. DPR-18
EA-16-128

During an NRC inspection conducted from April 1, 2016 through June 30, 2016, and for which an inspection exit meeting was conducted on July 12, 2016, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.54(q)(2) requires that a holder of a license under this part shall follow and maintain the effectiveness of an emergency plan that meets the requirements in Appendix E to this part; and for nuclear power reactor licensees, the planning standards of § 50.47(b).

10 CFR 50.47(b)(4) requires that a standard emergency classification and action level scheme, the bases of which include facility system and effluent parameters, is in use by the nuclear facility licensee.

Appendix E, Section IV.C.2, requires that nuclear reactor licensees shall establish and maintain the capability to assess, classify, and declare an emergency condition within 15 minutes after the availability of indications to plant operators that an EAL has been exceeded and shall promptly declare the emergency condition as soon as possible following indication of the appropriate emergency classification level.

Contrary to the above, from December 23, 2013, until April 22, 2016, Exelon did not maintain the effectiveness of Ginna's Emergency Plan such that it met the requirements of Appendix E and the planning standards of 10 CFR 50.47(b). Specifically, Exelon did not use an emergency classification and action level scheme that maintained the licensee's capability to assess, classify, and declare an emergency condition within 15 minutes after the availability of indications to plant operators that an EAL had been exceeded. This could have resulted in an untimely declaration of a General Emergency or a failure to declare a Site Area Emergency during an actual event. Specifically, Exelon had implemented a revision to the EAL table for the fission product barrier matrix that was incorrect with respect to the EAL threshold associated with potential loss of containment barrier.

This violation is associated with a White Significance Determination Process finding.

Pursuant to the provisions of 10 CFR 2.201, Exelon Generation Company, LLC (Exelon) is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at R.E. Ginna Nuclear Power Plant, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-16-128" and should include for the violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed

correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, Exelon may be required to post this Notice within two working days of receipt.

Dated this 20th day of September, 2016.