



Exelon Generation®

10 CFR 50, Appendix E
10 CFR 50.54(q)(5)
10 CFR 50.4
10 CFR 72.44(f)

RA-15-116

December 21, 2015

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 Nos. 50-219 and 72-15

Subject: Exelon Generation Company Radiological Emergency Plan Revision

In accordance with 10 CFR 50, Appendix E, Section V, "Implementing Procedures," Exelon Generation Company, LLC (EGC) is submitting the Emergency Plan revision listed in the table below for Oyster Creek Nuclear Generating Station (OCNGS).

Procedure No.	Revision	Title
EP-AA-1010	11	<i>Radiological Emergency Plan Annex for Oyster Creek Station</i>
EP-OC-1000	0	<i>Oyster Creek Emergency Plan</i>
EP-AA-1000 (superseded)	28	<i>Exelon Nuclear Standardized Radiological Emergency Plan</i>

The changes to the OCNGS Emergency Plan 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 OCNGS. This notification is being submitted within 30 days of implementation of the changes as required by 10 CFR 50, Appendix E. The changes continue to meet the applicable planning standards established in 10 CFR 50.47(b) and 10 CFR 50, Appendix E. In addition, as required by 10 CFR 50.54(q)(5), Attachment 1 of this submittal includes a summary analysis of the changes to the Emergency Plan.

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Attachments 3 and 4 of this letter contain a copy of the revised Emergency Plan documents, which are considered proprietary and confidential and contain trade secrets and commercial or financial information. EGC maintains this information on a confidential basis and protects it from disclosure to the general public or unauthorized individuals. EGC requests that Attachments 3 and 4 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, EGC requests the opportunity to redact the materials consistent with established FOIA exemptions and precedent. A copy of the superseded procedure (EP-AA-1000) pertaining to OCNCS is not included as an attachment.

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.

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 P. Helker
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-1010, Revision 11, *"Radiological Emergency Plan Annex for Oyster Creek Station"*
4. EP-OC-1000, Revision 0, *"Oyster Creek Emergency Plan"*

cc: w/ Attachments 1 and 2 only

Regional Administrator – NRC Region I
Director, NRC Division of Spent Fuel Storage and Transportation, ONMSS
NRC Senior Resident Inspector – Oyster Creek Nuclear Generating Station
NRC Project Manager, NRR – Oyster Creek Nuclear Generating Station
Director, Bureau of Nuclear Engineering - New Jersey Department of Environmental Protection
Mayor of Lacey Township, Forked River, NJ

ATTACHMENT 1

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

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

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Document Title

The following Exelon Generation Company, LLC (EGC) Emergency Plan documents have been revised or implemented for the Oyster Creek Nuclear Generating Station (OCNGS):

- EP-AA-1010, Revision 11, "*Radiological Emergency Plan Annex for Oyster Creek Station*"
- EP-OC-1000, Revision 0, "*Oyster Creek Emergency Plan*"

In addition, in support of revising the OCNGS Emergency Plan documentation, EP-AA-1000, Revision 28, "*Exelon Nuclear Standardized Radiological Emergency Plan*," has been superseded. A copy of the superseded document is not included as an attachment in this submittal.

The documentation submitted contains *Exelon Confidential/Proprietary Information* and EGC is requesting that it be withheld from public disclosure pursuant to 10 CFR 2.390.

Description of Procedures

The revised documents listed above together form the OCNGS Emergency Plan.

Description of Changes

The EGC Nuclear Standardized Radiological Emergency Plan (i.e., EP-AA-1000 - henceforth referred to as the Standard Plan) 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.

Station Annexes and their associated Addendums contain information and guidance unique to each station. This includes facility geography, emergency response facility locations, and process and radiation monitoring instrumentation that provides a description of each station's emergency response capabilities, as well as any station unique commitments. The station's Annex is subject to the same review and audit requirements as the EGC Standard Plan.

EGC has informed the U.S. Nuclear Regulatory Commission (NRC) of the intent to permanently shut down OCNGS by December 31, 2019. In conjunction with the shutdown, OCNGS intends to submit licensing actions (e.g., License Amendment Requests and/or Exemptions) to support changes to the station's Emergency Plan to seek relief from commitments and regulatory requirements no longer applicable to a permanently shutdown facility.

The changes described will establish the OCNGS Emergency Plan as an independent Emergency Plan separate and de-linked from the EGC fleet Standard Plan. This change is necessary such that future revisions to the Emergency Plan in support of decommissioning can be implemented without impacting the fleet Standard Plan by inserting OCNGS specific exceptions.

A new Emergency Plan document is being created for OCNGS to contain the regulatory commitments applicable to OCNGS, which are currently included in the EGC Standard Plan. The new document is EP-OC-1000, "*Oyster Creek Emergency Plan*," and supersedes the Standard Plan (EP-AA-1000, Revision 28) for OCNGS. In support of this transition, a review was completed to evaluate the changes between the existing EP-AA-1000, Revision 28 and the new EP-OC-1000, Revision 0.

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

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The changes primarily consist of deleting requirements which would not be applicable to a standalone OCNGS Emergency Plan. Some of the changes include removing references to the EGC nuclear fleet, removing descriptions relating to States and agencies applicable to other EGC stations, and revising the generic Emergency Response Organization (ERO) position descriptions in the Standard Plan to match the descriptions contained in the Emergency Plan Annex (i.e., EP-AA-1010) for OCNGS. The changes do not introduce or remove any regulatory requirements or commitments currently applicable to OCNGS.

A change is also being made to the OCNGS Emergency Plan Station Annex (i.e., EP-AA-1010) to reflect the existence of the new EP-OC-1000, *"Oyster Creek Emergency Plan."* References to the Standard Plan are replaced with references to EP-OC-1000. Specific exceptions to the Standard Plan contained in the Annex are removed and incorporated in the EP-OC-1000 document. The changes to the Station Emergency Plan Annex (i.e., EP-AA-1010) do not introduce or remove any regulatory requirements or commitments currently applicable to OCNGS.

Following the implementation of the changes, the revised OCNGS Emergency Plan will be independent of the EGC fleet Standard Plan. The new OCNGS Emergency Plan will form the regulatory basis for developing and submitting future licensing actions to the NRC in support of decommissioning efforts.

Description of How the Changes Still Comply with Regulations

Administrative Changes

As part of the conversion of the EGC Standard Plan (i.e., EP-AA-1000) into the standalone OCNGS Emergency Plan (i.e., EP-OC-1000), it is appropriate to delete general references to other EGC nuclear sites since they are no longer covered by the OCNGS specific document. This separation of the OCNGS Emergency Plan allows future changes related to decommissioning to be made without affecting the other EGC station Emergency Plans. There is no intent to revise commitments currently maintained under the OCNGS Emergency Plan as a result of these changes. Specific changes include:

- Section 1.A, *"Purpose of the emergency plan,"* is being revised to delete a reference to the other EGC nuclear stations. Specifically, a sentence is deleted which describes that planning efforts common to all EGC stations are encompassed within the Standard Plan.
- Section 1.B, *"Background,"* is revised to delete the reference to the 12 other EGC nuclear stations and to remove the sentence referring to *"all generating stations operated by Exelon Nuclear list above."*
- Section 1.J is revised to remove a discussion regarding station specific differences. The OCNGS standalone Emergency Plan will not need to differentiate between station specific differences within the EGC fleet.
- Editorial revisions are being made to the OCNGS Emergency Plan to remove references and discussions regarding agencies and organizations previously contained in the Standard Plan, which do not apply to OCNGS. These include: the State of Illinois, Governor of the State of Illinois, Illinois Emergency Management Agency; the State of Iowa, Iowa Emergency Management Division, Iowa Commissioner of Public Health, University Hygienic Lab; the State of Wisconsin, Wisconsin Emergency Management,

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Department of Health and Family Services/Radiation Protection Unit; the State of Indiana; the Commonwealth of Pennsylvania, Pennsylvania Emergency Management Agency, Department of Environmental Protection/Bureau of Radiation Protection, Pennsylvania State Police; the State of Maryland, Maryland Emergency Management Agency; Maryland Department of the Environment/Emergency Operations and Technical Support Program, Maryland State Police; the State of Delaware; the State of New York; the Commonwealth of Virginia; and the District of Columbia. These organizations do not have any relation to OCNCS and can be deleted in conjunction with the development of a standalone Emergency Plan for OCNCS.

Emergency Response Organization

An administrative change is being made to the OCNCS Emergency Plan Annex (i.e., EP-AA-1010) to remove the list of exceptions to the ERO position descriptions (i.e., EP-AA-1010, Sections 2.1 and 2.2) contained in the Standard Plan and incorporate the station-specific descriptions into the new EP-OC-1000 document. Considering the EGC Standard Plan is being incorporated as the OCNCS Emergency Plan (i.e., EP-OC-1000), the ERO position description exceptions contained in the station Annex (i.e., EP-AA-1010, Sections 2.1 and 2.2) are appropriately being relocated and incorporated into the OCNCS Emergency Plan. Additionally, some figures (i.e., OCNCS 2-1, 2-2, and 2-3) are being relocated from the station Annex to EP-OC-1000. The changes will allow all of the ERO descriptions to be located in one location.

The existing exceptions themselves are not being changed, but they are now incorporated into the applicable EP-OC-1000 section that describes the station ERO. The change is necessary to avoid unnecessary contradiction and possible confusion between the two documents. The ERO description will be located in one location (i.e., EP-OC-1000) and will accurately reflect the OCNCS ERO.

8-Year Drill Cycle

Step II.N of the Emergency Plan is being revised to reflect the specific definition of a Drill Cycle for OCNCS. The 2011 Emergency Preparedness rulemaking initiative revised the length of a Drill Cycle from six (6) years to eight (8) years. 10 CFR Part 50, Appendix E states: *"The first eight-year exercise cycle for a site will begin in the calendar year in which the first hostile action exercise is conducted."* EGC's Standard Plan was written to reflect that the Drill Cycle would be six (6) years until the completion of the first evaluated Hostile Action Drill. Now that OCNCS has completed its Hostile Action Based Exercise in 2015, it is appropriate to revise the language in the OCNCS Emergency Plan to clearly state that the Drill Cycle is defined to be eight (8) years and the language explaining the start of the 8-year cycle as it relates to the Hostile Action Based Exercise can be deleted without affecting regulatory requirements or OCNCS commitments.

E-Plan and Agreement Revisions

Step II.P of the Emergency Plan is being revised to delete a discussion regarding the implementation of revisions to the EGC Standard Plan simultaneously at each of the EGC stations. Since the OCNCS Emergency Plan is being separated from the Standard Plan, this paragraph is no longer applicable to OCNCS. Future Emergency Plan changes for OCNCS, following these revisions, will not be related and will not affect the Standard Plan.

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Description of Why the Changes are Not a Reduction in Effectiveness (RIE)

Existing requirements and capabilities under the OCNGS Emergency Plan have not been deleted or reduced as part of these changes; therefore, the station's Emergency Plan continues to meet regulatory requirements. A review of existing regulatory commitments was made to ensure all existing commitments continue to be met. The changes do not constitute a reduction in effectiveness of the Emergency Plan for OCNGS.

ATTACHMENT 2

Affidavit

AFFIDAVIT OF DAVID P. HELKER

DOCKET NOS. 50-219 and 72-15

I, David P. Helker, 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") for the following:
 - EP-AA-1010, Revision 11, "Radiological Emergency Plan Annex for Oyster Creek Station"
 - EP-OC-1000, Revision 0, "Oyster Creek Emergency Plan"
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 each of the documents 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.



David P. Helker
Manager, Licensing and Regulatory Affairs
Exelon Generation Company, LLC

Date: December 21, 2015

Appendix 1: Information that Should Be Withheld from Public Disclosure

Date or Revision	Description of Document	Reason(s) to Withhold
Revision 11	EP-AA-1010	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.
Revision 0	EP-OC-1000	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.