

October 21, 2004

Mrs. Mary G. Korsnick  
Vice President R.E. Ginna Nuclear Power Plant  
R.E. Ginna Nuclear Power Plant, LLC  
1503 Lake Road  
Ontario, NY 14519

SUBJECT: R. E. GINNA NUCLEAR POWER PLANT- AUDIT OF THE LICENSEE'S  
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NO. MC3752)

Dear Mrs. Korsnick:

On May 27, 2003, the Office of Nuclear Reactor Regulation Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC [Nuclear Regulatory Commission]," was published. LIC-105, which is publicly available electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site (Accession Number ML022750041), provides the NRC staff and its stakeholders with a common reference for handling regulatory commitments made by licensees for commercial nuclear reactors to the NRC staff. The guidance is consistent with the industry guidance prepared by the Nuclear Energy Institute (NEI), NEI 99-04, "Guidance for Managing NRC Commitment Changes." LIC-105 specifies that once every 3 years, the NRC staff will audit a licensee's commitment management program.

An audit of R. E. Ginna Nuclear Power Plant, LLC (Ginna) commitment management program was performed onsite on August 19, 2004. The NRC staff concludes that, based on the audit (1) Ginna has implemented NRC commitments on a timely basis; and (2) Ginna has implemented an effective program for managing NRC commitment changes. Details of the audit are set forth in the enclosed audit report.

Sincerely,

*/RA/*

Robert Clark, Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure: As stated

cc w/encl: See next page

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Robert Clark, Project Manager, Section 1  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-219

Enclosure: As stated

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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION (NRR)

REGULATORY COMMITMENTS MADE BY THE LICENSEE TO

THE NUCLEAR REGULATORY COMMISSION (NRC)

R. E. GINNA NUCLEAR POWER PLANT (GINNA)

DOCKET NO. 50-244

1.0 INTRODUCTION AND BACKGROUND

On May 27, 2003, the Office of Nuclear Reactor Regulation (NRR) Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC," was published. LIC-105, which is publicly available electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site (Accession Number ML022750041), provides the NRC staff and its stakeholders with a common reference for handling regulatory commitments made by licensees for commercial nuclear reactors to the NRC staff. The guidance is consistent with the industry guidance prepared by the Nuclear Energy Institute (NEI), NEI 99-04, "Guidance for Managing NRC Commitment Changes."

According to LIC-105, which cites the definition from NEI-99-04, a "regulatory commitment" is an explicit statement to take a specific action agreed to, or volunteered by, a licensee and submitted in writing on the docket to the NRC. LIC-105 further directs the NRR Project Manager to "audit the licensee's commitment management program by assessing the adequacy of the licensee's implementation of a sample of commitments made to the NRC in past licensing actions (amendments, reliefs, exemptions, etc.) and activities (bulletins, generic letters, etc.)." The audit is to be performed every 3 years.

2.0 AUDIT PROCEDURE AND RESULTS

Since no such audit was performed before issuance of LIC-105, the NRC staff defined the period covered by this audit to go back approximately 3 years from the date of the audit. The audit was performed onsite on August 19, 2004.

2.1 Verification of Licensee's Implementation of NRC Commitments

The primary focus of this part of the audit is to confirm that the licensee has implemented those commitments made to the NRC as part of past licensing actions/activities. For commitments that had not yet been implemented, the NRC staff aimed to ascertain that they have been captured in an effective program for future implementation.

Enclosure

### 2.1.1 Audit Scope

Before the audit, the NRC staff searched ADAMS for the licensee's licensing action and licensing activity submittals dated in the last 3 years. Some of these submittals contain regulatory commitments, but the NRC staff found that commitments meeting the definition in LIC-105 are few in number. Table 1 is a list of the licensee's commitments which were included in the audit sample.

LIC-105 limits the audit of commitments to those made in writing to the NRC as a result of past licensing actions (amendments, exemptions, etc.) or licensing activities (bulletins, generic letters, etc.). Accordingly, the audit excluded the following types of commitments:

- (1) Commitments as a result of Licensee Event Reports (LERs) - These commitments are controlled by the licensee's LER process, which is imposed by Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.73.
- (2) Commitments made on the licensee's own initiative among internal organizational components.
- (3) Commitments that pertain to milestones of licensing actions/activities (e.g., respond to an NRC request for additional information by a certain date). Fulfillment of these commitments was indicated by the fact that the subject licensing action/activity was completed.
- (4) Commitments made as an internal reminder to take actions to comply with existing regulatory requirements such as regulations, Orders, Technical Specifications, and Updated Final Safety Analysis Reports. Fulfillment of these commitments was indicated by the licensee having taken timely action in accordance with the subject requirements.

### 2.1.2 Audit Results

The NRC staff reviewed reports generated by the commitment tracking program for the commitments listed in Table 1 to evaluate the status of completion. The NRC staff found that the licensee's commitment tracking program had captured all the regulatory commitments that were identified by the NRC staff before the audit.

The NRC staff also reviewed plant procedure A-52-12, "Inoperability of Equipment Important to Safety." The NRC staff noted that the revised procedure used superscripts to annotate commitments including those made to the NRC. The annotated commitments are referred to by the licensee as "hardened steps." The annotations or "hardened steps" serve to prevent future procedure writers from inadvertently deleting or altering an item without having gone through the commitment change process. The NRC staff noted that guidance for implementing "hardened steps" for plant procedures are provided in IP-PRO-3, "Procedure Control." Based on the above review, the staff concludes that the licensee has implemented an adequate program for ensuring that revised commitments continue to be traceable.

The attached Table 1 summarizes what the NRC staff observed as the current status of licensee commitments.

## 2.2 Verification of the Licensee's Program for Managing NRC Commitment Changes

The NRC staff reviewed the licensee's procedure entitled "Regulatory Commitment Management," IP-LPC-6, Revision 2, against NEI 99-04. According to subsection 2.2.1, this document was developed in accordance with the guidance provided in NEI 99-04. This procedure defined the criteria for review and evaluation of implemented commitments and the mechanism for changing commitments. Additional guidelines for performing an NRC Commitment Change Evaluation was also provided in Attachments 1 and 2, of the procedure. In general, IP-LPC-6, Revision 2, follows closely the guidance of NEI-99-04: it sets forth the need for identifying, tracking and reporting commitments, and it provides a mechanism for changing commitments.

The effectiveness of a procedure can be indicated by the products that are produced by the procedure. As set forth in Section 2.1 above, the NRC staff found that the licensee had properly addressed each regulatory commitment selected for this audit. As a result of review of the licensee's information, as well as information from other sources, the NRC staff found no reason to differ from the licensee's reported status of the audited commitments. Thus, the NRC staff surmises that the procedure used by the licensee to manage commitments is appropriate and effective.

## 3.0 CONCLUSION

The NRC staff concludes that, based on the above audit, (1) the licensee has implemented or is tracking for future implementation all regulatory commitments; and (2) that the licensee has also implemented an effective program to manage regulatory commitment changes.

## 4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

G. Wroble  
M. Rubin  
D. Skolnik

Principal Contributor: R. Clark

Date:

Attachment: Table 1, "Audited: Written Commitments and Related Information"

TABLE 1

## AUDITED: WRITTEN COMMITMENTS AND RELATED INFORMATION

<b>Ginna, LLC Submittal Date</b>	<b>NRC TAC No.</b>	<b>NRC Issuance</b>	<b>Summary of Commitment, and Licensee's Tracking Number</b>	<b>Licensee Implementation Status</b>
07/08/04	MB9123	Under review	Provide seismic and equipment qualification data for control room emergency air treatment system modification.  CATS ID 11645	Complete
05/21/04	MB9123	Under review	Provide summary of Appendix R review for control room emergency air treatment system modification.  CATS ID 11498	Complete
07/14/04	MB9123	Under review	Provide updated AST dose calculations for control room emergency air treatment system modification.  CATS ID 11497	Complete
05/17/04	NA	NRC letter to RG&E dated 03/18/04	Provide comments on the NRC Preliminary Accident Sequence Precursor Analysis regarding the August 18, 2003 blackout and reactor trip.  CATS ID 11620	Complete
05/23/03	MB7240	NRC Safety Evaluation dated 07/24/03	Revise Ginna Nuclear Emergency Response Plan (NERP) to include 18 one hour responders.  CATS ID 11274	Complete NERP R22
05/23/03	MB7240	NRC Safety Evaluation dated 07/24/03	Revise NERP to include one 30 minute responder to address the on shift requirements for Rad/Chem Technician position.  CATS ID 11275	Complete NERP R22

<b>Ginna, LLC Submittal Date</b>	<b>NRC TAC No.</b>	<b>NRC Issuance</b>	<b>Summary of Commitment, and Licensee's Tracking Number</b>	<b>Licensee Implementation Status</b>
05/23/03	MB7240	NRC Safety Evaluation dated 07/24/03	Add Dose Assessment Manager to the list of responders who are activated at the declaration of an Unusual Event.  CATS ID 11276	Complete  NERP R22
05/23/03	MB7240	NRC Safety Evaluation dated 07/24/03	NERP responders will respond immediately upon being notified and not wait for additional time.  CATS ID 11277	Complete  NERP R22
05/23/03	MB7240	NRC Safety Evaluation dated 07/24/03	Completion of corrective actions associated with the unannounced off-hours call out drill.  CATS ID 11278	Complete  NERP R22
05/23/03	MB7240	NRC Safety Evaluation dated 07/24/03	Submit revised NERP.  CATS ID 11279	Complete  NERP R22

R.E. Ginna Nuclear Power Plant

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