

December 9, 2004

Mr. Christopher M. Crane, President  
and Chief Executive Officer  
AmerGen Energy Company, LLC  
4300 Winfield Road  
Warrenville, Illinois 60555

SUBJECT: CLINTON POWER STATION, UNIT 1 - AUDIT OF LICENSEE'S  
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NO. MC4162)

Dear Mr. Crane:

Office of Nuclear Reactor Regulation (NRR) Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC," 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. LIC-105, Revision 1, dated September 7, 2004, is publically available electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site (ADAMS Accession No. ML042320463). The guidance provided by LIC-105 is consistent with industry guidance prepared by the Nuclear Energy Institute (NEI) in NEI 99-04, "Guidance for Managing NRC Commitment Changes."

LIC-105 specifies that the NRR staff will conduct an audit of the licensee's commitment management program once every three years. Accordingly, an audit was performed at the Clinton Power Station, Unit 1, between September 14 and 17, 2004. Based on the results of the audit, NRR staff concludes that (1) AmerGen has implemented NRC commitments on a timely basis, and (2) AmerGen has implemented an effective program for managing NRC commitment changes. Concerns regarding traceability between commitments and plant procedures along with thresholds for identifying regulatory commitments were discussed with your staff and are included in the enclosed audit report.

Sincerely,

*/RA/*

Douglas V. Pickett, Senior Project Manager, Section 2  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-461

Enclosure: As stated

cc w/encl: See next page

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cc w/encl: See next page

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

REGULATORY COMMITMENTS MADE BY THE LICENSEE TO

NUCLEAR REGULATORY COMMISSION (NRC)

CLINTON POWER STATION, UNIT 1

DOCKET NO. 50-461

1.0 INTRODUCTION

Office of Nuclear Reactor Regulation (NRR) Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC," 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. LIC-105, Revision 1, dated September 7, 2004, is publically available electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site (ADAMS Accession No. ML042320463). The guidance provided by LIC-105 is consistent with industry guidance prepared by the Nuclear Energy Institute (NEI) in NEI 99-04, "Guidance for Managing NRC Commitment Changes."

As described in LIC-105, NRR project managers are expected to audit the licensee's commitment management program once every three years by assessing the adequacy of the licensee's implementation of a sample of commitments made to the NRC in past licensing actions (amendments, relief requests, exemptions, etc.) and licensing activities (bulletins, generic letters, etc.). The audit basically consists of two major parts (1) verification of the licensee's implementation of NRC commitments that have been completed and (2) verification of the licensee's programs for managing NRC commitment changes.

2.0 BACKGROUND

Since plant startup in 1986, the Clinton Power Station, which was originally owned and operated by the Illinois Power Company, used a commitment management system called the Centralized Commitment Tracking (CCT) System. The CCT system was an all-inclusive system that tracked a number of action items including commitments, corrective actions, responses to violations, and changes to the Updated Safety Analysis Report.

Philadelphia Electric Company (PECO) and British Energy (BE) bought the Clinton Power Station from Illinois Power in 1999. Exelon Generation Company later merged with PECO and was placed on the Clinton Power Station Operating License in 2001. Subsequently, Exelon replaced the CCT with their own Action Tracking Item (ATI) in 2001. This action was taken in order to gain greater uniformity within the Exelon fleet of plants. While the Clinton Power Station now uses the computer-based ATI system, all CCT data and hard copies remain on site.

Enclosure

Two procedures now govern the commitment management process at the Clinton Power Station. The first document is Procedure LS-AA-110, "Commitment Management." This procedure provides guidance for (1) identification of regulatory commitments and their attributes, (2) defining how commitments are tracked and traceability maintained, (3) defining what is required to ensure appropriate commitment closure, and (4) describing how to revise and/or eliminate regulatory commitments.

The second document is Training and Reference Material (T&RM) LS-AA-110-1001, "Commitment Tracking Program T&RM for Use with PassPort." This T&RM describes the Exelon Commitment Tracking Program (CTP) and establishes the responsibilities, authorities, processes, and organizational interfaces for tracking and assuring compliance with Exelon Regulatory Commitments. It also describes the processing and tracking of Exelon Non-Regulatory Commitments made to external organizations. PassPort is the action tracking system used at Clinton.

### 3.0 AUDIT RESULTS

#### 3.1 Verification of Licensee's Implementation of NRC Commitments

Many licensing actions (in particular, license amendment applications) included proposed actions by the licensee that were referenced in staff safety evaluations. These actions could include operator actions, specialized training, pre-briefings, or bringing in specific backup equipment to handle potential contingencies. The audit confirmed that almost all of these actions were being tracked within the ATI system. This was considered appropriate. However, it was noted that very few of these actions were identified as being regulatory commitments.

Licensee procedure LS-AA-117, "Written Communications," Section 4.3, "Review of Regulatory Commitments," states that the Director of Licensing and Regulatory Affairs, or designee, or the site Regulatory Assurance Manager, or designee, shall ensure that incoming and outgoing regulatory correspondence is reviewed for regulatory commitments to outside agencies. Furthermore, LS-AA-117 references the form "Summary of Commitments" contained in T&RM LS-AA-117-1003, "Typical Format of Correspondence," to identify regulatory commitments. This form, which is being implemented throughout the Exelon fleet of plants, clearly identifies regulatory commitments and states that all other actions described in applications only represent "intended or planned actions." The concern was that it is difficult to ascertain the threshold between "intended or planned actions" and regulatory commitments. This form is relatively new and very few regulatory commitments are being identified.

All actions and commitments searched in the audit were found to be appropriately tracked in the ATI system. Furthermore, all actions and commitments were traced to plant procedures. However, it was noted that most procedure changes were not annotated to indicate why they had been revised. Thus, a procedure writer may not necessarily know why specific changes were made and may propose future changes that would defeat the original commitment.

The licensing actions included in the audit and specific findings are as follows:

- Amendment #141 - Implement Actions During Extended Diesel Generator Allowed Outages

Actions were verified to be implemented through revisions to Technical Specification Bases 3.8.1.

- Amendment #142 - Implement a Battery Monitoring and Maintenance Program

Verified that plant procedures 9382.01, 9382.02, and 8433.01 were modified and references were made to Technical Specification 5.5.14, "Battery Monitoring and Maintenance Program."

- Amendment #147 - Implement Provisions of NUMARC 93-01 ("Recently" Irradiated Fuel)

Verified that procedure 4979.07 had been revised to contain steps to verify/re-establish Secondary Containment, and if needed, Primary Containment.

- Amendment #154 - Education and Experience of Operator License Applicants

Verified that procedure TQ-AA-104 was modified to contain a prohibition from changing education requirements of operator license applicants without NRC approval.

- Amendment #155 - Implement Provisions of NEDO-32991 (Elimination of Post-Accident Sampling System (PASS) from Technical Specifications)

Verified that procedure EP-AA-110-301 had been modified to include PASS commitments.

- Amendment #158 - Implement Provisions of Inclined Fuel Transfer System

Verified that procedures 3702.01 and 9861.05D016 had been modified to reflect actions included in application when inclined fuel transfer tube is open while at power.

- Amendment #160 - Perform Qualitative Assessment of Drywell Leak Tightness Once per Cycle

Verified that procedures were modified to include a qualitative assessment as discussed in the license amendment application.

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

In SECY-00-0045, the staff informed the Commission that the industry document NEI 99-04, "Guidelines for Managing NRC Commitments," had been reviewed and found to contain acceptable guidance for controlling regulatory commitments made by power reactor licensees to the NRC staff. The staff reviewed the licensee's procedure LS-AA-110, Revision 2,

“Commitment Management,” and found it to be consistent with the guidance found acceptable in NEI 99-04. In particular, the staff focused on Section 4.5, “Changing Regulatory Commitments,” of LS-AA-110 which included the commitment change process. Therefore, the staff concludes that the licensee has appropriate guidance documents for managing commitment changes.

As part of the audit, the staff examined a number of commitment changes made by the licensee. Specifically, the staff examined both commitment changes where the licensee concluded that NRC notification was required and commitment changes where the licensee concluded that NRC notification was not required. In each example, the staff found that the licensee used the flow charts found in LS-AA-110 and appropriately documented their basis for concluding whether or not NRC notification was required. The staff reviewed the commitment changes listed below and concluded that the licensee had implemented an effective program to manage regulatory commitment changes.

#### Commitment Changes Requiring NRC Notification

- Perform ultrasonic examination of Category D welds (as defined in Generic Letter 88-01) every three years

As recommended in Boiling Water Reactor Vessel Internals Project - 75, “Technical Basis for Revision to Generic Letter 88-01 Inspection Schedules,” the test frequency was changed to once every six years.

- Inspect cooling water intake structure at a frequency not to exceed two years

The commitment was changed to permit a one time exception to inspect limited areas around the Clinton Power Station screenhouse to a frequency of two and a half years.

- Submit triennial railroad transportation hazards survey to the NRC

The commitment was deleted because it is repetitive to other USAR commitments.

- Publish quarterly 50.59 Performance Report

The commitment was deleted because the provisions of the Performance Report are repetitive to other site activities.

- Place an additional review by the 50.59 preparer’s supervisor on all 50.59 screenings.

The commitment was deleted because current Exelon process controls achieve the initial objective of including supervisor involvement.

- Trend and Review Equipment Failures

The commitment was deleted because the current Exelon equipment trending process provides more information than that included in the initial commitment.



#### Commitment Changes Not Requiring NRC Notification

- Review and provide an internal response to IEIN 92-030

The licensee had tracked its response to IEIN 92-030 in the commitment tracking system. This one-time commitment was deleted because the IEIN was considered to be adequately addressed.

- Perform preventive maintenance on the A-3 diesel generator relay once every two years

The commitment was changed to permit a one month extension to the two year interval to permit work to be included in a scheduled diesel generator work window.

- Corrective actions to develop procedures to address radiological safety work plans

The Clinton-specific procedures developed to address the violation were cancelled because Exelon procedures subsequently introduced to the site contain similar information and corrective actions.

- Conduct semi-annual refresher training for the post-accident sampling system (PASS)

The commitment to conduct semi-annual training for the PASS has been deleted because the PASS has been deleted from the Clinton Technical Specifications.

- Revise procedures associated with process radiation monitors to require performance of a complete valve line-up

The commitment tracking system was used to track a one-time action to revise procedures to require a complete valve line-up. The commitment was deleted upon completion of the action.

#### 4.0 CONCLUSIONS

The NRC staff concludes that, based upon the above audit, (1) AmerGen has implemented NRC commitments on a timely basis, and (2) using procedures based upon the industry guidance found in NEI 99-04, AmerGen has implemented an effective program for managing NRC commitment changes. Inconsistencies were identified regarding traceability between commitments and plant procedures. In addition, it was not clear how guidance documents differentiated between regulatory commitments and proposed actions.

#### 5.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

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J. Peterson  
T. Byam

Principal Contributor: D. Pickett

Date: December 9, 2004