

An Exelon Company

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Nuclear

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10 CFR 50.54(a)(4)

RS-06-061

April 24, 2006

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

Braidwood Station, Units 1 and 2
Facility Operating License Nos. NPF-72 and NPF-77
NRC Docket Nos. STN 50-456 and 50-457

Byron Station, Units 1 and 2
Facility Operating License Nos. NPF-37 and NPF-66
NRC Docket Nos. 50-454 and 50-455

Clinton Power Station, Unit 1
Facility Operating License No. NPF-62
NRC Docket No. 50-461

Dresden Nuclear Power Station, Units 1, 2, and 3
Facility Operating License Nos. DPR-2, (Renewed) DPR-19 and DPR-25
NRC Docket Nos. 50-010, 50-237, 50-249, and 72-37

LaSalle County Station, Units 1 and 2
Facility Operating License Nos. NPF-11 and NPF-18
NRC Docket Nos. 50-373 and 50-374

Limerick Generating Station, Units 1 and 2
Facility Operating License Nos. NPF-39 and NPF-85
NRC Docket Nos. 50-352 and 50-353

Oyster Creek Nuclear Generating Station
Facility Operating License No. DPR-16
NRC Docket Nos. 50-219 and 72-15

Peach Bottom Atomic Power Station, Units 1, 2, and 3
Facility Operating License Nos. DPR-12, (Renewed) DPR-44 and DPR-56
NRC Docket Nos. 50-171, 50-277, 50-278, and 72-29

Quad Cities Nuclear Power Station, Units 1 and 2
Renewed Facility Operating License Nos. DPR-29 and DPR-30
NRC Docket Nos. 50-254, 50-265, and 72-53

Three Mile Island Station, Unit 1
Facility Operating License No. DPR-50
NRC Docket No. 50-289

Zion Nuclear Power Station, Units 1 and 2
Facility Operating License Nos. DPR-39 and DPR-48
NRC Docket Nos. 50-295 and 50-304

Subject: Request for Approval of Change to Exelon Generation Company, LLC, and AmerGen Energy Company, LLC, Quality Assurance Topical Report

In accordance with 10 CFR 50.54(a)(4), Exelon Generation Company, LLC (EGC) and AmerGen Energy Company, LLC (AmerGen), request approval of a proposed change to the Quality Assurance Topical Report (QATR). The proposed change is a reduction in commitment, and in accordance with 10 CFR 50.54(a)(4), NRC approval is required prior to implementation. The proposed change reassigns the Nuclear Safety Review Board (NSRB) independent review responsibilities for Technical Specification changes, license amendments, and Emergency Plan changes to the Plant Operations Review Committee.

Attachment 1 to this letter describes the proposed QATR change in more detail, the reason for the change, and the basis for concluding that the revised QATR continues to satisfy the criteria of 10 CFR 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants." Attachment 2 contains a markup of the affected QATR pages.

The proposed change described in Attachment 1 is similar to a Nuclear Management Company, LLC (NMC) QATR change that was previously approved by the NRC. The NMC QATR change globally removed the offsite review committee function (i.e., NMC equivalent to the NSRB) in lieu of reviews and audits performed by other site organizations. In its approval of the NMC change, the NRC determined that the other site organizations were able to perform adequate independent reviews of specific matters listed in the QATR.

EGC and AmerGen have reviewed the NMC QATR change and associated NRC approval. While the scope of our proposed change is more narrowly focused (i.e., our proposed QATR change reassigns the NSRB independent review function related to Technical Specification changes, license amendments, and Emergency Plan changes only), the NRC's basis for approval remains valid with regard to the proposed changes to the EGC and AmerGen QATR.

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Approval of the proposed QATR change is requested by April 24, 2007.

If you have any questions concerning this request, please contact David Gullott at (630) 657-2819.

Respectfully,



Patrick R. Simpson
Manager - Licensing

Attachments:

1. Evaluation of Proposed Change
2. Markup of Proposed Quality Assurance Topical Report Change

cc: Regional Administrator – NRC Region I
Regional Administrator – NRC Region III
NRC Senior Resident Inspector – Braidwood Station
NRC Senior Resident Inspector – Byron Station
NRC Senior Resident Inspector – Clinton Power Station
NRC Senior Resident Inspector – Dresden Nuclear Power Station
NRC Senior Resident Inspector – LaSalle County Station
NRC Senior Resident Inspector – Limerick Generating Station
NRC Senior Resident Inspector – Oyster Creek Nuclear Generating Station
NRC Senior Resident Inspector – Peach Bottom Atomic Power Station
NRC Senior Resident Inspector – Quad Cities Nuclear Power Station
NRC Senior Resident Inspector – Three Mile Island Station

ATTACHMENT 1

Evaluation of Proposed Change

Introduction

The Exelon Generation Company, LLC (EGC) and AmerGen Energy Company, LLC (AmerGen) Quality Assurance Topical Report (QATR) ensures conformance to 10 CFR 50, Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants." In accordance with 10 CFR 50.54(a)(4), EGC and AmerGen request NRC approval of a proposed change to the QATR. The proposed change reassigns the Nuclear Safety Review Board (NSRB) independent review responsibilities for Technical Specification (TS) changes, license amendments, and Emergency Plan changes to the Plant Operations Review Committee (PORC). This proposed QATR change is a reduction in commitment and therefore, NRC approval is required prior to implementation.

Background

The EGC and AmerGen Quality Assurance Program (QAP) complies with the administrative controls and quality assurance requirements contained in the specific American National Standards Institute (ANSI) standard committed to by each site.¹ These standards define an independent review as a review completed by personnel not having direct responsibility for the work function under review. With respect to this independent review function, the standards delineate the composition of independent review committees, the required independence of reviewers, subjects requiring review, and the records documenting the review.

The EGC and AmerGen QATR previously approved by the NRC provides for the NSRB to serve as this independent review body. Per the QATR, the NSRB is an offsite committee that reports to and advises the President and Chief Nuclear Officer of the results of their independent oversight of plant operations related to safe operation and the nuclear program relative to nuclear safety. The NSRB functions in accordance with written procedures and instructions that specify committee composition, responsibility, authority, qualifications, administrative controls, and subjects to be reviewed.

The QATR also provides for a PORC. PORC is an onsite, multi-disciplined committee responsible for review of activities that affect nuclear safety, reports to, and advises station management responsible for operation on matters related to nuclear safety. PORC also functions in accordance with written procedures and instructions that delineate committee composition, responsibility, authority, qualifications, administrative controls, and subjects to be reviewed.

The present commitment in the QATR is to comply with the stated ANSI standards. Therefore, through reference, the QATR requires the NSRB to review TS change and license amendments prior to submittal to the NRC. Presently, QAP implementing procedures require both PORC and NSRB review TS changes, license amendments, and certain Emergency Plan changes prior to submittal to the NRC.

¹ ANSI N18.7-1976/ANS 3.2 (Limerick, Oyster Creek, Three Mile Island, Clinton); ANSI N18.7-1972 (Peach Bottom); ANSI/ANS 3.2-1988 (Braidwood, Byron, Dresden, LaSalle, Quad Cities)

ATTACHMENT 1

Evaluation of Proposed Change

Proposed Change

EGC and AmerGen are requesting NRC approval to remove the requirement to obtain NSRB review of TS changes, license amendments, and Emergency Plan changes. In this case, the PORC review will serve as the required independent review.

The following change to QATR, Appendix C, Section 1.1, "Codes and Standards," is proposed to document this change:

As noted above, the plants in the Exelon and AmerGen Fleet comply with ANSI standards associated with administrative controls and quality assurance for the operational phase of nuclear power plant operation. Each plant complies with their specific standards with the following exception:

The independent review of Technical Specification changes, license amendments, or Emergency Plan changes shall be performed by the PORC. NSRB review and approval of Technical Specification changes, license amendments, or Emergency Plan changes is not required.

The following proposed paragraph is added to QATR, Chapter 1, Paragraph 2.3.5 to define the required PORC independence with regard to its independent review function.

In discharging its independent review responsibilities, PORC shall keep safety considerations paramount when opposed to cost or schedule considerations. Should a voting member have direct responsibility for the preparation or technical review of the item requiring PORC independent review, where a conflict of such considerations is likely, that member shall be replaced (to fill the quorum) by another voting member not having such potential conflict.

Additionally, the phrase "...and the NSRB..." will be removed from the QATR, Chapter 5, Section 2.3.1.1, third bullet to ensure consistency with the proposed changes.

- Review of procedures or procedure changes to those procedures, that describe the means for controlling or operating structure, systems, and/or components as described in the UFSAR, will include a review to determine if NRC review and approval is necessary prior to the implementation of the procedure activity. This review is based on the review of a written 10CFR50.59/72.48 review and evaluation prepared by qualified individual(s), or documentation that a 10CFR50.59/72.48 evaluation is not required. The PORC ~~and the NSRB~~ shall review and recommend approval of items requiring NRC review and approval prior to station approval for implementation. NRC approval shall also be obtained prior to station approval for implementation.

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Evaluation of Proposed Change

Justification for Change

EGC and AmerGen have concluded that, with respect to TS changes, license amendments, and Emergency Plan changes, the review function of PORC and NSRB are duplicative. Both review bodies maintain a collegial and independent quorum with the responsibility to review changes to ensure nuclear safety. The PORC review will continue to holistically review the proposed change, challenge the conclusions to ensure nuclear safety, and ensure safety issues are adequately addressed.

The proposed QATR change includes statements to ensure that PORC members are sufficiently independent. First, the change specifies that PORC members shall keep safety considerations paramount when opposed to cost and scheduling considerations. The second change, ensures that a PORC voting member does not have direct responsibility for the preparation or technical review of any portion of the proposed TS change, license amendment, or Emergency Plan change. Therefore, the PORC review of proposed TS changes, license amendments, Emergency Plan changes provides the same independent and objective review that the offsite NSRB organization performed.

The proposed QATR change applies only to TS changes, license amendments, and Emergency Plan changes that require NRC approval prior to implementation. EGC and AmerGen consider the PORC review as a sufficient nuclear safety review and challenge to the stated changes. The NRC retains the ultimate review and approval authority in these instances. Since implementation of a TS change, license amendment, and certain Emergency Plan changes cannot occur until reviewed and approved by the NRC, the NSRB review is considered redundant to the PORC review and an additional unnecessary regulatory burden.

The reduction in NSRB activities proposed in this request is limited to TS changes, license amendments, and Emergency Plan changes that require NRC approval prior to implementation. There are no other proposed changes to QATR commitments related to the duties currently performed by the NSRB, including the oversight of activities of the onsite safety review function (i.e., PORC). In its oversight role, the NSRB is able to assess the effectiveness of PORC in terms of its review scope, depth, and process with regard to nuclear safety. Therefore, while this proposed change removes the in-line NSRB review of all TS changes, license amendments, and Emergency Plan changes requiring NRC approval, the NSRB maintains its oversight function of PORC's review function.

The PORC review will continue to be performed in accordance with the applicable ANSI/ANS standards committed to in the QATR. Additionally, 10 CFR 50, Appendix B, does not require the independent review function as a part of its quality assurance requirements. Therefore, while this change represents a reduction in the level of QATR commitment, EGC and AmerGen do not consider this change a reduction in safety as the QATR continues to meet the requirements of 10 CFR 50, Appendix B.

Precedent

In Reference 1, Nuclear Management Company, LLC (NMC) requested a change to their QATR that proposed the Offsite Review Committee (OSRC) no longer function as the independent review body and that the independent review responsibilities be reassigned to the PORC and the Nuclear Oversight organization. This included the OSRC responsibility to perform an independent review of TS changes, license amendments, and Emergency Plan changes. In

ATTACHMENT 1

Evaluation of Proposed Change

Reference 2, the NRC approved this change to the NMC QATR. In its approval, the NRC determined that other site organizations were able to perform adequate independent reviews of specific matters listed in the QATR.

As a condition of its approval, the NRC required the NMC QATR to clearly delineate the independence required by PORC with regard to reviews previously performed by the OSRC. EGC and AmerGen have reviewed the NMC QATR change and associated NRC approval, and proposed the necessary QATR changes. While the scope of our proposed change is not as broad (i.e., our proposed QATR change removes the NSRB independent review function related to TS changes, license amendment, and Emergency Plan changes only), the NRC's basis for approval remains valid with regard to the proposed change to the EGC and AmerGen QATR.

References

1. Letter from Edward J. Weinkam (NMC) to U. S. NRC, "Request For Approval Of Nuclear Management Company Quality Assurance Topical Report," dated October 31, 2003
2. Letter from William H. Ruland (U. S. NRC) to Edward J. Weinkam (NMC), "Approval of Nuclear Management Company Request for a Reduction in Commitment in Quality Assurance Program Regarding Offsite Review Committees, Revision 1," dated January 13, 2005

ATTACHMENT 2

Markup of Proposed Quality Assurance Topical Report Change

- system testing.
- technical support.

2.3.3. The management position responsible for regulatory assurance maintains an interface and liaison between the station and federal and state regulators and is also responsible for the overall administration of the station's corrective action program and associated activities. Functional responsibilities include:

- emergency preparedness

2.3.4. The management position responsible for training provides direction, control, and overall supervision of personnel as required by regulations and training for all site personnel as required. Functional areas of responsibility include:

- learning services.
- maintenance technical training.
- operations training.

2.3.5. The Plant Operations Review Committee (PORC) is a multi-disciplined committee responsible for review of activities that affect nuclear safety, reports to, and advises the management position responsible for plant operation on matters related to nuclear safety. The PORC shall ensure that plant activities are conducted safely and do not require NRC review and approval prior to implementation or changes to the Technical Specifications. The PORC functions in accordance with written instructions which delineate committee composition, responsibility, authority, member qualifications, meeting frequency, subjects to be reviewed, reporting requirements, and administrative controls under which the group operates.

Insert #1

2.3.6. The management position responsible for site NOS activities reports to the management position responsible for NOS through the NOS management position responsible for performance assessment. This position has the organizational freedom and authority to identify problems, has a reporting relationship with the senior management position responsible for overall plant nuclear safety, and ensures compliance with QAP and nuclear safety requirements.

Significant safety or quality issues requiring escalated action will be directed through the management position responsible for NOS to the President and CNO.

Functional responsibilities include:

- authority and responsibility to escalate matters.
- approving the agenda, checklist, findings, and report of each assessment.
- conducting independent assessments of line and support activities and safety reviews.
- identify changes to the quality assurance program.
- initiate, trend and recommend solutions for deficiencies identified by NOS.

These documents shall include or reference appropriate quantitative or qualitative acceptance criteria for determining that prescribed activities have been satisfactorily accomplished.

The procedures will be independently reviewed and evaluated by other involved company organizations with interface responsibilities and the comments forwarded to the issuing department.

2.3. Procedures and Programs

Review and approval of site procedures are performed in accordance with technical specification requirements as delineated in the Technical Review or Station Qualified Review (SQR) programs.

2.3.1. Technical Review and Control

1. Procedures required by a station's Technical Specifications and other procedures which affect nuclear safety, as determined by the manager responsible for station operation, and changes thereto, other than editorial or typographical changes, shall be reviewed as follows prior to implementation, except as noted in item 5 (below).
 - Each procedure or procedure change shall be independently reviewed by a qualified individual knowledgeable in the area affected other than the individual who prepared the procedure or procedure change. This review shall include a determination of whether or not additional cross-disciplinary reviews are necessary. If deemed necessary, the reviews shall be performed by the qualified review personnel of the appropriate discipline(s).
 - Applicable Administrative Procedures recommended by Regulatory Guide 1.33 shall be submitted to the Plant Operations Review Committee (PORC) as applicable, for review prior to implementation. The PORC shall recommend approval or disapproval based on their review.
 - Review of procedures or procedure changes to those procedures, that describe the means for controlling or operating structure, systems, and/or components as described in the UFSAR, will include a review to determine if NRC review and approval is necessary prior to the implementation of the procedure activity. This review is based on the review of a written 10CFR50.59/72.48 review and evaluation prepared by qualified individual(s), or documentation that a 10CFR50.59/72.48 evaluation is not required. The PORC and the NSRB shall review and recommend approval of items requiring NRC review and approval prior to station approval for implementation. NRC approval shall also be obtained prior to station approval for implementation.

1.1. Codes and Standards

The QAP takes into account the need for special controls, processes, test equipment, tools, and skills necessary to attain the required quality and the need for the verification of quality by inspection and test. The Codes and Standards listed below represent a listing of quality assurance codes and standards used to define the quality assurance program. A general listing of quality assurance related codes and standards, such as: ASME B&PV, ANSI, AWS, and IEEE used throughout Exelon/AmerGen at each nuclear site can be found in the applicable site specific Updated Final Safety Analysis Reports (UFSARs). The UFSAR should be referenced to identify site-specific commitments (including dates and/or addendas) with respect to these codes and standards. This Quality Assurance Program (QAP) complies with the quality requirements of the following codes and standards as indicated in site specific UFSARs unless otherwise noted in sub-section 1.3 (the UFSAR may address position specific exceptions or clarifications on a site by site basis).

- ANSI N18.1 – 1971, “Selection and Training of Nuclear Power Plant Personnel“
- ANSI / ANS 3.1 –1978, “American National Standard for Selection and Training of Nuclear Power Plant Personnel”
- ANSI / ANS 3.1 –1981, “ Selection, Qualification and Training of personnel for Nuclear Power Plants”
- ANSI N18.7-1976 /ANS 3.2, “Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants.”
(Applicable to Limerick, Oyster Creek, TMI, and Clinton Only)
- ANSI N18.7-1972 “Administrative Controls for Nuclear Power Plants during the Operational Phase”
(Applicable to Peach Bottom Only)
- ANSI / ANS 3.2 – 1988, ““Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants.”
(Applicable to Braidwood, Byron, Dresden, LaSalle, and Quad Cities Only)
- ASME NQA-1 (1994) (Revision and Consolidation of ASME NQA-1-1989 and ASME NQA-2-1989 Editions) “Quality Assurance Requirements for Nuclear Facility Applications” Part I, “Basic Requirements and Supplementary Requirements for Nuclear Facilities, and the Nonmandatory Guidance on Quality Assurance Records, Appendix 17A-1”

Insert #2 →

Note: Seven ANSI Standards that were superceded by NQA-1-1979. NQA-1-1994 incorporates not only the original seven standards (N45.2.6, 2.9, 2.10, 2.11, 2.12, 2.13, & 2.23), but also N45.2.1, 2.2, 2.3, 2.5, 2.8, 2.15, and 2.20.

1.2. Regulatory Guides

The applicable site specific Updated Final Safety Analysis Report (UFSAR) should be referenced to identify site-specific commitments with respect to the Regulatory Guides listed in this section. The QAP also complies with the

Insert #1

In discharging its independent review responsibilities, PORC shall keep safety considerations paramount when opposed to cost or schedule considerations. Should a voting member have direct responsibility for the preparation or technical review of the item requiring PORC independent review, where a conflict of such considerations is likely, that member shall be replaced (to fill the quorum) by another voting member not having such potential conflict.

Insert #2

As noted above, the plants in the Exelon and AmerGen Fleet comply with ANSI standards associated with administrative controls and quality assurance for the operational phase of nuclear power plant operation. Each plant complies with their specific standards with the following exception:

The independent review of Technical Specification changes, license amendments, or Emergency Plan changes shall be performed by the PORC. NSRB review and approval of Technical Specification changes, license amendments, or Emergency Plan changes is not required.