

March 2, 2007

Mr. Mark B. Bezilla
Vice President
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
Mail Stop A-DB-3080
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 - AUDIT OF THE
LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS (TAC
NO. MD2452)

Dear Mr. Bezilla:

The Nuclear Regulatory Commission (NRC) staff is required to audit a licensee's commitment management program once every 3 years, in accordance with the NRC Office of Nuclear Reactor Regulation Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC." LIC-105 provides the NRC staff and its stakeholders with a common reference for handling regulatory commitments made to the NRC staff by licensees for commercial nuclear reactors. The guidance is consistent with the industry guidance prepared by the Nuclear Energy Institute (NEI) in NEI 99-04, "Guidance for Managing NRC Commitment Changes."

An audit of the commitment management program of FirstEnergy Nuclear Operating Company (FENOC, the licensee) for Davis-Besse Nuclear Power Station, Unit No. 1, Facility Operating License No. NPF-3, was performed at the facility from July 5 through July 7, 2006. Based on this audit, the NRC staff concludes that: (1) the licensee had implemented NRC commitments in a timely manner; and (2) the licensee had generally implemented an effective program for managing NRC commitment changes. However, the NRC staff identified that you had not submitted to the NRC a periodic commitment change summary report, as required by your commitment management procedure, since November of 2003. The NRC staff concluded that effective processes and procedures were not in place to ensure these reports were submitted at the proper frequency.

The NRC staff identified three observations during the audit. In Section 2.2 of the enclosed audit report, the NRC staff noted that you did not incorporate the most recent NEI guidance into your commitment management program procedure. Although a minor issue, the NRC staff was concerned that the mechanism used (establishing a commitment) was ineffective for implementing the most current industry guidance during that period. You stated that the new guidance would be captured through the implementation of the operating experience program. In addition, in Section 2.3, the NRC staff noted that your 2005 audit of the commitment tracking system did not provide documentation of the progress on addressing the issues and weaknesses identified in your 2003 audit report. The NRC staff observed that your quality assurance audit in 2005 was not thorough in addressing and assessing the significant weaknesses mentioned in the 2003 audit regarding the Regulatory Commitment Tracking System. Finally, the 2005 quality assurance audit of the Regulatory Commitment Tracking

M. Bezilla

-2-

System missed identifying that a periodic commitment change summary report was not submitted to the NRC during the Updated Safety Analysis Report update in June of 2004.

There is no need for the licensee to respond to this letter. The NRC staff appreciates the resources that were made available by your staff during the audit. If you have any questions, please have your staff contact me at (301) 415-4037.

Sincerely,

/RA/

Thomas J. Wengert, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-346

Enclosure:
Regulatory Commitments Audit Report

cc w/encl: See next page

M. Bezilla

-2-

System missed identifying that a periodic commitment change summary report was not submitted to the NRC during the Updated Safety Analysis Report update in June of 2004.

There is no need for the licensee to respond to this letter. The NRC staff appreciates the resources that were made available by your staff during the audit. If you have any questions, please have your staff contact me at (301) 415-4037.

Sincerely,

/RA/

Thomas J. Wengert, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-346

Enclosure:
Regulatory Commitments Audit Report

cc w/encl: See next page

DISTRIBUTION:

PUBLIC LPLIII-2 R/F RidsNrrLAEWhitt
RidsOgcRp RidsNrrDorLpl3-2 RidsRgn3MailCenter RidsAcrcAcwnMailCenter
RidsNrrDorIDpr RidsNrrPMTWengert

ADAMS Accession Number: ML062700476

OFFICE	LPL3-2/PM	LPL3-2/LA	LPL3-2/BC (A)
NAME	TWengert:mw	EWhitt	MMarshall
DATE	3/1/07	3/1/07	3/2/07

OFFICIAL RECORD COPY

Davis-Besse Nuclear Power Station, Unit 1

cc:

Manager, Site Regulatory Compliance
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
Mail Stop A-DB-3065
5501 North State Route 2
Oak Harbor, OH 43449-9760

Director, Ohio Department of Commerce
Division of Industrial Compliance
Bureau of Operations & Maintenance
6606 Tussing Road
P.O. Box 4009
Reynoldsburg, OH 43068-9009

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
Suite 210
2443 Warrenville Road
Lisle, IL 60532-4352

Resident Inspector
U.S. Nuclear Regulatory Commission
5503 North State Route 2
Oak Harbor, OH 43449-9760

Dennis Clum
Radiological Assistance Section Supervisor
Bureau of Radiation Protection
Ohio Department of Health
P.O. Box 118
Columbus, OH 43266-0118

Carol O'Claire, Chief, Radiological Branch
Ohio Emergency Management Agency
2855 West Dublin Granville Road
Columbus, OH 43235-2206

Zack A. Clayton
DERR
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43266-0149

State of Ohio
Public Utilities Commission
180 East Broad Street
Columbus, OH 43266-0573

Attorney General
Office of Attorney General
30 East Broad Street
Columbus, OH 43216

President, Board of County
Commissioners of Ottawa County
Port Clinton, OH 43252

President, Board of County
Commissioners of Lucas County
One Government Center, Suite 800
Toledo, OH 43604-6506

The Honorable Dennis J. Kucinich
United States House of Representatives
Washington, D.C. 20515

The Honorable Dennis J. Kucinich
United States House of Representatives
14400 Detroit Avenue
Lakewood, OH 44107

Gary R. Leidich
President and Chief Nuclear Officer
FirstEnergy Nuclear Operating Company
Mail Stop A-GO-19
76 South Main Street
Akron, OH 44308

Joseph J. Hagan
Senior Vice President of Operations and
Chief Operating Officer
FirstEnergy Nuclear Operating Company
Mail Stop A-GO-14
76 South Main Street
Akron, OH 44308

David W. Jenkins, Attorney
FirstEnergy Corporation
Mail Stop A-GO-18
76 South Main Street
Akron, OH 44308

Davis-Besse Nuclear Power Station, Unit 1

cc:

Danny L. Pace
Senior Vice President, Fleet Engineering
FirstEnergy Nuclear Operating Company
Mail Stop A-GO-14
76 South Main Street
Akron, OH 44308

Manager, Fleet Licensing
FirstEnergy Nuclear Operating Company
Mail Stop A-GHE-115
395 Ghent Road
Akron, OH 44333

Director, Fleet Regulatory Affairs
FirstEnergy Nuclear Operating Company
Mail Stop A-GHE-315
395 Ghent Road
Akron, OH 44333

Jeannie M. Rinckel
Vice President, Fleet Oversight
FirstEnergy Nuclear Operating Company
Mail Stop A-GO-14
76 South Main Street
Akron, OH 44308

Richard Anderson
Vice President, Nuclear Support
FirstEnergy Nuclear Operating Company
Mail Stop A-GO-14
76 South Main Street
Akron, OH 44308

AUDIT REPORT OF REGULATORY COMMITMENTS
MADE BY FIRSTENERGY NUCLEAR OPERATING COMPANY
TO THE NUCLEAR REGULATORY COMMISSION
DAVIS-BESSE NUCLEAR POWER STATION UNIT 1
DOCKET NO. 50-346

1.0 INTRODUCTION AND BACKGROUND

On September 7, 2004, the U.S. Nuclear Regulatory Commission (NRC) published the Office of Nuclear Reactor Regulation (NRR) Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC," Revision 1 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML042320463). LIC-105 provides the NRC staff and its stakeholders with a common reference for handling regulatory commitments made to the NRC staff by licensees for commercial nuclear reactors. The guidance is consistent with the industry guidance issued by the Nuclear Energy Institute (NEI) in 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, relief requests, exemptions, etc.) and activities (bulletins, generic letters, etc.)." The audit is to be performed every 3 years.

2.0 AUDIT PROCEDURE AND RESULTS

The audit of the FirstEnergy Nuclear Operating Company (FENOC, the licensee) Commitment Management Program for Davis-Besse Nuclear Power Station, Unit No. 1 (Davis-Besse) was performed at the Davis-Besse facility from July 5 through July 7, 2006. The NRC staff defined the scope of audit to obtain a sample of commitments created as a consequence of licensing actions and generic communications, affecting a variety of systems, structures and components, and involving a variety of technical disciplines. The selection of a valid sample for this initial audit covered a period of approximately 15 years prior to the date of the audit.

In accordance with LIC-105, audits consist 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 program for managing changes to NRC commitments.

ENCLOSURE

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 assessed whether the licensee managed regulatory commitments in an effective program for future implementation.

2.1.1 Audit Scope

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

- commitments made on the licensee's own initiative among internal organizations.
- commitments that pertain to milestones of licensing actions/activities (e.g., response 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.
- commitments made as an internal reminder to take actions to comply with existing regulatory requirements such as regulations, 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.

Prior to the audit, in order to generate a list of items for the audit, the NRC staff performed public, web-based ADAMS searches for commitments. From the result of the searches, the NRC staff selected a representative sample of regulatory commitments to audit. The selection of the sample list covered a variety of systems, disciplines, commitment changes, and licensing actions important to the NRC staff's decision-making process. A summary of commitments and changes to commitments that were audited is contained in the attached table.

The licensee provided the documentation to support the NRC staff's audit in each of the sample areas discussed above. The licensee's documentation included summary sheets providing the status of the commitment and appropriate backup documentation, as needed (e.g., plant procedures, examination records, and/or other plant documentation). The attached table summarizes the licensee's commitments that were audited by the NRC staff and the current status of the licensee's commitments.

2.1.2 Audit Results

The licensee's commitments are tracked in a computer database called CURATOR, as documented in Davis-Besse Business Practice DBBP-RA-0006, Revision 4, "Commitment Management," and Administrative Procedure NG-RA-00802, "Commitment Management." CURATOR tracking is a web-based program and is relatively easy to use for accessing commitment documents. CURATOR appears to be able (1) to adequately record activities and, (2) to provide an adequate method of linking together the summary of the issue, the commitment type (e.g., internal or on-going commitments), the lead department, the responsible individual, due date, extensions, closure date and the summary of the issue. The CURATOR database provides an institutional memory over time and across successor systems

performing similar functions. For example, the document used for describing and planning the solution to a problem was formerly identified as a Potential Condition Adverse to Quality Report (PCAQR); the current document used for this purpose is the Condition Report (CR). Some regulatory commitments reviewed during the audit, even those that progressed to a closed condition, spanned the use of both types of documents and associated processes.

The NRC staff also audited commitments that involved orders, exemptions, responses to generic letters and bulletins, and licensee event reports. During the audit, the NRC staff reviewed documents generated by processes in effect during the scope of the audit, and other documents related to the commitments. In general, the NRC staff found that the licensee's commitment tracking programs had captured the regulatory commitments that had been identified by the NRC staff prior to the audit.

Additionally, the NRC staff reviewed plant procedures that had been revised as a result of commitments made by the licensee to the NRC. The NRC staff noted that some of the new/revised procedures did not have annotations referring to the commitments associated with the change. An example of this was noted in Commitment Number 19823, which was summarized as "operator will confirm the need for Boron Precipitation Control based on reactor coolant system conditions". The commitment was related to a "Request for Exemption from 10 CFR 50, Appendix K, for Boric Acid Precipitation Control Methodology," by letter to the NRC dated March 15, 2000. Attachment 12, "Establishing Long Term Boron Dilution," to Emergency Procedure DB-OP-02000, "RPS, SFAS, SFRCS Trip, or SG Tube Rupture," was added to provide the necessary procedure steps for this confirmation. Although a procedure development form (Procedure Activity Tracking Number TA00-0587) had been initiated to incorporate Mod 97-0074 for long-term boron dilution and new atmospheric vent valves, no note in the body of Attachment 12 existed referencing this as being linked to Commitment Number 19823. The NRC staff believed that annotations would serve to prevent future procedure writers from inadvertently deleting or altering an item without first reviewing the commitment change history.

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

The NRC staff reviewed the licensee's process for managing commitment changes. The process is documented in procedure NG-RA-00802. The analysis and implementation of the proposed commitment changes, when required, are documented in Attachment 2, "Commitment Change Questionnaire". The attachment was compared to Figure A-1, "Commitment Management Change Process," in NEI-99-04. The NRC staff noted an inconsistency between the Attachment 2 and the NEI flow charts regarding a corrective action response to a notice of violation. In the NEI guidance, the licensee is required to determine if a commitment change is necessary and justified and, if so, is required to notify the NRC "prior to the original date." Attachment 2, Step III.3(4) is missing the wording "prior to the original date." Additionally, Step 4.19 of the procedure listing the definition of a "Regulatory Commitment" was inconsistent with the same definition in NEI-99-04.

The NRC staff discussed these inconsistencies with the licensee and determined that the licensee has not implemented the most recent NEI guidance pertaining to commitment management. The licensee implemented the NEI document entitled, "Guideline for Management of NRC Commitments," dated December 19, 1995. The licensee had an opportunity to incorporate NEI-99-04 into their procedure for managing regulatory commitments much earlier when Commitment A19937 was generated on September 21, 2000. The commitment identified that the NRC was issuing Regulatory Issue Summary (RIS) 00-017 to

inform licensees that NEI-99-04 provides an acceptable way for licensees to control regulatory commitments. Commitment A19937 describes incorporating the NEI-99-04 guidance into procedure NG-NS-00802 (now NG-RA-00802) during subsequent procedure revisions. The due date associated with this commitment was extended five times because the anticipated procedure revision date was changed. The NRC staff observed, in this example, that the licensee did not use the regulatory commitment management tracking program appropriately, in that they used the tracking system to implement newly issued industry guidance, and not for its intended purpose to track regulatory commitments. In addition, the NRC staff concluded that during this period, the licensee did not have an appropriate mechanism for implementing the newly issued industry guidance. On January 12, 2006, the licensee documented in General Action Item Notification 600274296, efforts to develop a FENOC fleet-wide commitment management program, which would include the most recent NEI guidance on commitment management. Consequently, the licensee closed Commitment A19937 to this initiative without incorporating NEI-99-04 into the commitment management procedure. The licensee stated that newly issued industry guidance is currently captured by the Davis-Besse operating experience program.

Additionally, while reviewing NG-RA-00802, the NRC staff noted that Step 6.7.1.b required a periodic commitment change report be submitted to the NRC. A specific time frame for issuing the report was not established in the procedure; however, the licensee had not issued a periodic report to the NRC since November of 2002. The licensee determined that this should have been submitted with the Updated Safety Analysis Report (USAR) updates, which was last completed in June of 2004. The licensee initiated CR 06-02730 to document the NRC staff's concern. The licensee determined that the root cause of this issue was that a process did not exist to ensure the reports were submitted to the NRC at the proper frequency. By letter to the NRC dated August 15, 2006 (ADAMS Accession No. ML062300025), the licensee submitted a regulatory commitment change summary report for May 18, 2002 through May 31, 2006. The licensee reported 73 changes in this commitment change summary report.

The use of the change process was observed during the examination of specific commitments. Although the licensee did not have the most recent guidance, the current change process generally conformed to the guidance in NEI-99-04 and was effective in determining whether another codified change process (such as 10 CFR 50.59, 10 CFR 50.54, or 10 CFR 50.71(e)), or a license amendment process was appropriate. Therefore, the NRC staff concluded that the procedures and forms used by the licensee to manage commitments and their changes are generally appropriate and effective.

2.3 Internal Audits of Regulatory Commitment Management

The NRC staff reviewed the past two Davis-Besse Nuclear Quality Assessment Quarterly Assessment Reports, DB-C-03-04 and DB-C-05-04, for the quarters covering October 6, 2003 through January 5, 2004, and October 1, 2005 through December 31, 2005, respectively, to determine the licensee's assessment of the Davis-Besse Regulatory Commitment Tracking System.

Audit Report DB-C-03-04 noted, among other things, that the regulatory commitment tracking was rated satisfactory and contained the following assessment:

The use of the regulatory commitment tracking system (RCTS) in accordance with station procedures was evaluated. A sampling of correspondence since January 2003 was reviewed. In general, commitments were being properly

identified, documented, updated and implemented. A review of past condition reports was conducted and several exceptions to the implementation of NG-NS-00802, Commitment Tracking, were identified. These were appropriately documented in the corrective action program by Regulatory Affairs.

The licensee stated that the audit, documented in Audit Report DB-C-03-04, consisted of a review of the methodology for establishing, tracking and closure of commitments. From previous assessments, the licensee identified numerous issues and weaknesses with commitments (primarily inputting non-regulatory commitments into the RCTS and documenting these weaknesses in CRs). In the audit report, the licensee noted several positive attributes with the implementation of corrective actions such as the development of a commitment status plan to prioritize and address more important items. The licensee had noted that overall, although the progress to implement corrective actions for the regulatory commitment tracking program was satisfactory, the corrective action program was slow to address significant weaknesses. The licensee provided CR 02-07807 as an example.

Audit Report DB-C-05-04 noted that the RCTS was satisfactory. The audit team identified no deficiencies during quarterly assessment activities and made the following assessment:

The Davis-Besse regulatory commitment system is governed by procedure NG-RA-00802, Commitment Management. This procedure was reviewed for compliance with Nuclear Energy Institute (NEI) Guideline for Managing NRC Commitments (Revision 2, 12/19/95). Based on this review the assessment team concluded that the procedure is in compliance with the NEI guideline. Procedure NG-RA-00802 is well structured; however, it does require updating to reflect the elimination of quality matrix (Q) commitments. An open notification in SAP is already tracking this change. This procedure and a selection of other procedures were reviewed for compliance with Davis-Besse commitments. The assessor verified that procedures adequately implemented ongoing commitments listed in the tracking database.

The NRC staff noted Audit Report DB-C-05-04 of the RCTS did not provide documentation concerning the progress on addressing numerous issues and weaknesses identified in Audit Report DB-C-03-04. The NRC staff was concerned that without considering Audit Report DB-C-03-05, justifying that the RCTS as "satisfactory" was questionable. The licensee was unable to explain the reasons the audit team omitted this assessment. The NRC staff determined that the quality assurance audit in 2005 was not thorough in assessing and addressing the significant weaknesses mentioned in the 2003 audit regarding the RCTS. This determination was supported by the fact that the 2005 quality assurance audit did not identify that a periodic commitment change summary report was not submitted to the NRC during the June of 2004 USAR update as mentioned above. The NRC staff determined that the 2005 quality assurance audit report should have reviewed this area since the 2003 quality assurance audit report consisted of a review of the methodology for establishing, tracking and closing out commitments.

3.0 CONCLUSION

The NRC staff concludes that, based on the above audit the licensee has: (1) implemented and is tracking regulatory commitments for future implementation; and (2) implemented a generally effective program to manage regulatory commitment changes. However, the NRC staff concluded that the failure to submit a periodic commitment change report to the NRC as required by the commitment management procedure was caused by ineffective processes and procedures in ensuring these reports were submitted at the proper frequency.

The NRC staff made the following observations during their review of the regulatory commitment management program:

- Implementation of the most recent NEI guidance into the commitment management program procedure was not completed in a timely manner because the due date associated with the commitment initiated to complete this action had been extended on several occasions. As a result, an effective mechanism for timely implementation of the newly issued industry guidance did not exist during that period.
- The 2005 quality assurance audit of the RCTS was not thorough in assessing and addressing the significant weaknesses mentioned in the 2003 quality assurance audit regarding the commitment tracking system.
- The 2005 quality assurance audit of the RCTS failed to identify that a periodic commitment change summary report had not been submitted to the NRC during the USAR update in June of 2004.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

H. Hegrat
T. Henderson
M. Hess
M. Leisure
N. Nevins
R. Slyker

Principal Contributor: S. Campbell

Date: March 2, 2007

Audited Davis-Besse Regulatory Commitments Subject to Audit

Commitment Number	Description	Disposition	Auditor's Assessment of the Regulatory Commitment disposition (adequate, inadequate)
01355	Licensee Event Report (LER) 86003, "Essential 4160 V Bus High Voltage." During periods of plant shutdown, the licensee had received numerous 4160V high voltage alarms. The licensee determined that the high voltage alarms were due to light electrical load on the station transformers during unit outage periods. Since this condition presented the potential for exceeding the voltage rating of safety-related equipment, the licensee committed to reduce the 4160 V bus voltage upon receipt of an essential bus C1 or D1 high voltage alarm. During performance of the System Review and Test Program, however, the licensee discovered that it had failed to meet this commitment. The failure was caused by inadequate incorporation of the commitment into design documents and operating procedures. This commitment directed issuing a supplement Fields Change Request (FCR) 85-0244 to initiate changing the taps of start-up transformers 01 and 02 from 1 tap below nominal setting resulting in a reduction of voltage of approximately 2.5 percent to comply with Toledo Edison's present day commitment.	Commitment closed 3/26/86 to resident inspectors closure of LER in Inspection Report dated 6/30/87. The report listed the corrective actions taken by the licensee.	No formal closure or commitment, however it was captured by regulatory commitment tracking system - adequate
01358	LER 86003: FCR 85-0237 was initiated to prepare a drawing for documentation of station transformer tap settings to provide additional assurance that station electrical bus voltage is maintained within previously analyzed limits.	Commitment completed 10/18/85. No Commitment Closeout Form was filled. Issued FCR to provide 2 tap settings for Startup Transformers 01 and 02	Reviewed Drawing E1 Sheet 3, Rev. 6 - found change implemented. No formal closure or commitment, however it was captured by RCTS. - adequate
01360	LER 86003: Change Procedures AP 3001.14, "Essen Bus C1 Voltage Hi Hi/ Lo Lo," and AP 3001.15, "Essen Bus D1 Voltage Hi Hi/ Lo Lo," to provide guidance on 4160V high voltage alarm.	Commitment closed 3/26/86. No Commitment Closeout Form was filled.	Reviewed previous procedures and verified changes. No formal closure or commitment, however it was captured by RCTS - adequate
01365	LER 86003: PP 1102.10, "Plant Shutdown and Cooldown Procedure," and PP 1102.02, "Plant Startup Procedure," will be modified to include the appropriate time frame for the station transformer tap changes.	Commitment closed 5/5/86. No Commitment Closeout Form was filled.	Verified procedures were changed. DB-OP-06903, "Plant Startup," replaced PP 1102.10 and verified that Step 3.3 requires performance of DB-OP-06900 if load tap changes are not done. Determined that procedure DB-OP-06900, "Plant Heatup," Step 3.2.2 directed taps be changed from position 2 to 3 (shutdown to startup). No formal closure or commitment, however it was captured by RCTS - adequate
01366	LER 86003: Establish Long Term Program to Review NRC Correspondence and Incorporate commitments into the Toledo Edison Licensing Commitment Tracking System. This commitment was satisfied by establishing the Toledo Edison Regulatory Management System (TERMS) project.	Commitment closed 1/5/90. Commitment Closeout Form filled.	Reviewed TERMS Project Final Report dated 1/6/90. TERMS was eventually replaced by the current CURATOR system - adequate

Commitment Number	Description	Disposition	Auditor's Assessment of the Regulatory Commitment disposition (adequate, inadequate)
01368	LER 86003: FCR 85-0349 was initiated to revise the 4160V bus voltage high alarm setpoint to correspond with actual station transformer tap settings.	Commitment closed 7/25/88. No Commitment Closeout Form was filled, however, intra-company memorandum dated 10/5/87 requested closeout of this commitment because FCR 85-0349 was completed.	Reviewed the licensee's safety evaluation dated 7/25/86 for FCR 85-0349 to revise the high alarm setpoint for 4160V safety-related buses C1 and D1 high voltage alarm setpoints. The safety evaluation concluded that changing the high voltage alarm setpoint from 102 percent to 105 percent of 4160V provides a margin of 25 V for the alarm relay setting without creating nuisance alarms. This action was completed - adequate.
13824	GL 81-21, "Natural Circulation Cooldown." dated May 5, 1981 - Toledo Edison justified the selected natural circulation cooldown rate of 1.5-degrees/hour (Serial Numbers 770, 969 and 1124). By letter to the NRC dated June 4, 1987, Toledo Edison reviewed GPUN TMI-1 Topical Report 017, "Natural Circulation Cooldown Analysis Without Reactor Vessel Head Void Formation," dated July 2, 1985, and has concluded that it is applicable to the Davis-Besse configuration. Toledo Edison adopted the report's conclusion of 50 degrees/hour cooldown rate but conservatively limited the plant cooldown rate of 10-degrees/hour. As demonstrated by the Tornado Event of June 24, 1998, there is a need to allow a higher natural circulation cooldown rate than 10 degrees/hour. Commitment was changed to use the 50 degrees/hour cooldown rate.	Commitment was changed to reflect 50 degrees/hour cooldown rate on 1/20/99. Change questionnaire filled. Determined that NRC needed to be informed in next Regulatory Commitment Change. No change forms were available for the first revision from 1.5-degrees/hour to 10-degrees/hour cooldown rate.	By letter to the NRC dated November 15, 2000, Serial Number 2678, the licensee notified the NRC in the Commitment Change Summary Report - adequate
15713	LER 90-005 - Class 1E Circuits Passing through containment without adequate fault protection dated April 16, 1990.	Commitment closed 8/3/90. Commitment Closeout Form not included. Closed out per NRC Inspection Report documenting closeout of the LER. The report stated the backup fault protection will be installed by Mod 90-0036	No documentation existed demonstrating that a formal closeout process was used (i.e., no Commitment Closeout Form could be located), however it was captured by the RCTS - adequate
15714	LER 90-005: Qualify non-Equipment Qualification (EQ) circuits.	Commitment closed 6/11/90. Commitment Closeout Form filled.	No issues - adequate
15715	LER 90-005-01: Revision 1 to LER 90-005 (dated 8/3/90) provided documentation of evaluation of the need to provide backup fault protection.	Commitment was closed 7/31/90. No Commitment Closeout Form was filled.	No documentation existed demonstrating that a formal closeout process was used (i.e., no Commitment Closeout Form could be located), however it was captured by RCTS - adequate

Commitment Number	Description	Disposition	Auditor's Assessment of the Regulatory Commitment disposition (adequate, inadequate)
15772	LER 90-005-01: Revise LER 90-005/Submit letter to NRC regarding Installing Non 1E backup protection during the 7th refueling outage.	Closed out per NRC Inspection Report documenting closeout of the LER. The report stated the backup fault protection will be installed by Mod 90-0036.	No documentation existed demonstrating that formal closeout process was used (i.e., no Commitment Closeout Form could be located), however it was captured by RCTS - adequate
15853	LER 90-005-01: There was a total of 34 electrical circuits involving five containment penetrations that did not have backup fault protection. This includes both class 1E and non-class 1E circuits. Backup protection to one of these circuits was provided in the 6th refueling outage. Toledo Edison will provide backup fault protection to both class 1E electrical circuits that are normally energized during power operation by the end of the 7th refueling outage.	Commitment closed 10/25/91. Commitment Closeout Form filled. Form indicated that field implementation and testing of Mod 90-0036 has been completed.	No issues - adequate
18477	GL 96-05, "Periodic Verification of Design-Basis Capability of Safety-Related Power-Operated Valves": 60-day Written Response to Address GL 96-05: Periodic Verification of Design Basis Capability of SR motor-operated valves (MOVs)	Action completed	No issues - adequate
18478	GL 96-05: 180-day response to Describe MOV Periodic Program	Action completed	No issues- adequate
19819	Commitment was established due to exemption from 10 CFR 50, Appendix K, "ECCS Evaluation Models," for Davis-Besse boric acid precipitation control (BPC) methodology. A plant modification was 12th refueling outage to add significant improvements in the post loss-of-coolant accident (LOCA) methodology by providing two new active means of preventing boric acid precipitation within the reactor vessel core region. However, since there are known single failure vulnerabilities with the methodology, an exemption from 10 CFR Part 50, Appendix K, Section I.D.1 is required in order to credit the methodology per 10 CFR 50.46(a)(1)(ii). This was transmitted to the NRC by letter dated March 15, 2000. Commitment required providing specific guidance to operators to ensure no vapor entrainment	Commitment closed 5/12/00. Commitment Closeout Form filled.	Change DB-OP-02000 was altered via TA00-587 to add Attachment 12. This attachment incorporated the direction necessary by Modification 97-004 for Long Term Boron Dilution. This direction includes direction related to vapor entrainment. It appears that a commitment was created in the March 15, 2000 letter to provide pressure equalization path for DH-1517 and DH-1518 to prevent pressure locking so valves can open post LOCA. This was not in commitment list.
19820	Exemption from 10 CFR Part 50, Appendix K: Ensure Procedure Controls are in Place - Establishing BPC (This was transmitted to the NRC by letter dated March 15, 2000 for the 10 CFR Part 50, Appendix K exemption)	Commitment closed 5/8/00. Commitment Closeout Form filled	Verified that EP DB-OP-02000 was changed and made effective on 5/21/97 to establish BPC. Auditor determined this is a repeat of commitment - adequate
19821	Exemption from 10 CFR Part 50, Appendix K: Ensure Procedural Controls are in place - Component cooling water (CCW) Inlet Flow (This was transmitted to the NRC by letter dated March 15, 2000 for the 10 CFR Part 50, Appendix K exemption)	Commitment closed 5/8/00. Commitment Closeout Form filled.	Verified that Attachment 12 to DB-OP-02000 was added to ensure that the temperature of the CCW inlet flow to the decay heat removal (DHR) cooler is at least 95 degrees prior to establishing the backup BPC method - adequate

Commitment Number	Description	Disposition	Auditor's Assessment of the Regulatory Commitment disposition (adequate, inadequate)
19822	Exemption from 10 CFR Part 50, Appendix K: Valves will be opened after sump switchover (This was transmitted to the NRC by letter dated March 15, 2000 for the 10 CFR Part 50, Appendix K exemption)	Commitment closed 5/8/00. Commitment Closeout Form filled.	Verified in Attachment 13 of DB-OP-02000 that instructions to open valves DH-11 and DH-12 after sump switchover when reactor coolant system pressure is within design and temperature range for DHR drop line piping and components. No issues - adequate
19823	Exemption from 10 CFR Part 50, Appendix K: Operator Will Confirm Need for BPC Based on RCS Conditions	Commitment closed 5/12/00, Closeout form filled	DB-OP-02000, RPS, SFAS, SFRCS Trip or SG Tube Rupture was altered via TA00-0587 to add Attachment 12. This attachment incorporated the direction necessary by Modification 97-004 for long term boron dilution. This direction includes direction related to confirming need for boron precipitation based on RCS conditions - adequate
21176	Exemption from 10 CFR Part 50, Appendix K: Complete Operator Training - Amending Exemption Appendix K, Boric Acid Precipitation Control Methodology	Commitment closed 9/29/04. Commitment Closeout Form filled	The commitment requires training in conjunction with CR 03-00896 which addresses BCP at Davis-Besse. CR 03-00896 drove the development and implementation of ECR 03-0146, "Boron Precipitation Control (BPC) Modification." Training on ECR 03-0146 was completed in training cycle 03-05. Training on ECR 03-0146 was presented using lesson plan OPS-IER-1035 and tracked under training activity code QRQ-CTC 03 05-05 - adequate
21175	Exemption from 10 CFR Part 50, Appendix K: Revise Procedures - Amending Exemption Appendix K, Boric Acid Precipitation Control Methodology	Commitment closed 3/29/05. Commitment Closeout Form filled.	Verified Revised procedures: Amending Exemption: Appendix K, Boric Acid Precipitation Control Methodology. This change was implemented by ECR 03-0146-01. The following procedures were identified requiring a change to support this commitment. <ul style="list-style-type: none"> • DB-OP-0008, "Operation and Control of Locked Valves (Rev 5)" • DB-OP-02000, "RPS, SFAS, SFRCS Trip, or SG Tube Rupture (Rev 15)" • DB-OP-03004, "Locked Valve Verification (rev. 06)" • DB-OP-06012, "Decay Heat and Low Pressure Injection System Operating Procedure (Rev. 23)" • DB-OP-06021, "Spent Fuel Pool Operating Procedure (Rev. 11)"- adequate
21177	Exemption from 10 CFR Part 50, Appendix K: Complete USAR Changes - Amending Exemption Appendix K, Boric Acid Precipitation Control Methodology	Commitment closed 3/29/05. Commitment Closeout Form filled	USAR Change Notice (UCN) No. 04-091U was initiated on 3/29/05 to provide a brief description of the piping and components for a new method of BPC - adequate

Commitment Number	Description	Disposition	Auditor's Assessment of the Regulatory Commitment disposition (adequate, inadequate)
21625	IEB 05-002: Emergency Preparedness & Response Actions for Security Based Events	Commitment closed. Commitment closeout Form filled. Two options per IEB considered. Per M. Reimer, the 60-day response may not be necessary; the 30-day response will address the issue. Per M. Reimer, Option 1 is being used to submit the written response providing the requested information within the requested time period. Therefore, no 30-day response is required	Verified procedures updated. Action completed - adequate
21663	IEB 05-002: E-Plan & emergency action levels (EALs) to be Updated to Reflect Info Provided by NRC IEB 05-002	Commitment closed 1/11/06; closeout form filled	Verified Emergency plan and the EALs were updated by January 20, 2006. RA-EP-01500, Emergency Classification, Revision 5 became effective August 31, 2005. Definitions for the four emergency classifications were updated to reflect the bulletin wording. Security EAL's in Tab 7.1 were modified to incorporate the new security EAL concepts provided in bulletin for NUREG-0654 EALs - adequate
21664	IEB 05-002: Implement Proc Guidance. Establish Accelerated Call Following Discovery of Imminent Threat/Attack	Commitment closed 9/19/05, closeout form filled	Verified procedural guidance (DB-OP-02544) was implemented on September 19, 2005, to establish an accelerated call to the NRC following the discovery of an imminent threat or attack against the station - adequate
21665	IEB 05-002: Conduct Additional Review Onsite Protective actions for Considerations Discussed in IEB 05-002	Commitment closed 1/20/06, closeout form filled	DB-OP-02544, RA-EP-02530 and - 02010 updated for evacuation, sheltering and dispersal of personnel - adequate
21666	IEB 05-002: Consider Development Onsite Protective Measure Tool Enable Rapid Decision RE: Site Evac Routes	Commitment closed 1/20/06	DB-OP-02544 and RA-EP-02530 updated for rapid response and evacuation to security event, and rapid site evacuation process, respectively - adequate
21667	IEB 05-002: Use Mustering Point established for Subset of Davis-Besse Emergency Response Organization, All Others to Response described	Commitment closed 1/12/06	RA-EP-02530 describes the personnel that are required to assemble at the site for credible aircraft threat - adequate
21668	IEB 05-002: Revise E-Plan within 6 months following NRC/FEMA Endorsement of New Evaluated Exercise Process	Due date extended from 1/20/06 to 1/20/07, extension form completed	Projected drill schedule changed - adequate

Commitment Number	Description	Disposition	Auditor's Assessment of the Regulatory Commitment disposition (adequate, inadequate)
21774	GL 06-001, " Steam Generator Tube Integrity and Associated Technical Specifications": SG Tube Integrity & Associated TS Respond in 30/60 days	Answered GL by letter dated 2/16/06, Serial Number 3228. Processed amendment to revise TSs related to SG tube integrity to be consistent; closeout form completed on May 31, 2006 with TSTF-449, Serial Number 3231, letter dated 5/30/06	No issues - adequate
21843	GL 06-001: Change Affected TS Bases Pages for Licensing Action Request 05-0009, TS Improvement RE: SG Tube Integrity	Action completed	No issues - adequate