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Nuclear

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10 CFR 50.54(a)(4)

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January 22, 2007

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 STN 50-457

Byron Station, Units 1 and 2
Facility Operating License Nos. NPF-37 and NPF-66
NRC Docket Nos. STN 50-454 and STN 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 No. DPR-2
Renewed Facility Operating License Nos. 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 No. DPR-12
Renewed Facility Operating License Nos. 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

Exelon Generation Company, LLC and AmerGen Energy Company, LLC
10 CFR 71, "Packaging and Transportation of Radioactive Material"
NRC Docket No. 71-008

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

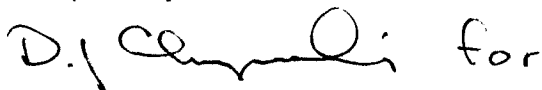
In accordance with 10 CFR 50.54(a)(4), Exelon Generation Company, LLC (EGC) and AmerGen Energy Company, LLC (AmerGen), request approval of a proposed change to the Quality Assurance Topical Report (QATR). The proposed change is a reduction in commitment, and in accordance with 10 CFR 50.54(a)(4), NRC approval is required prior to implementation. The proposed change deletes the requirement to have all changes to Fire Protection Program procedures reviewed by the plant's 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 page.

Approval of the proposed QATR change is requested by January 15, 2008.

If you have any questions concerning this request, please contact David Chrzanowski at (630) 657-2816.

Respectfully,

Handwritten signature of Darin M. Benyak in black ink, followed by the word "for" in a cursive script.

Darin M. Benyak
Manager - Licensing

Attachments:

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

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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 removes the requirement to have all changes to Fire Protection (FP) procedures reviewed by the Plant Operations Review Committee (PORC). This proposed QATR change is considered 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 the scope of review for a Plant Safety Review Committee (i.e., PORC) as well as the requirements for the review and approval of documents including administrative procedures.

The EGC and AmerGen QATR previously approved by the NRC requires that administrative procedures recommended by Regulatory Guide (RG) 1.33, "Quality Assurance Program Requirements," be submitted to the PORC for review prior to implementation. RG 1.33, Appendix A, "Typical Procedures for Pressurized Water Reactors and Boiling Water Reactors," lists "Plant Fire Protection Program" under Section 1, "Administrative Procedures." Specifically, the QATR requires that any change other than editorial or typographical to these RG 1.33 Administrative Procedures, including FP Procedures, must be reviewed and approved by PORC prior to implementation.

EGC and AmerGen have noted several changes in the regulatory requirements for FP in the last several years that make this mandatory PORC review requirement an unnecessary administrative burden without any compensating increase in nuclear safety.

Proposed Change

EGC and AmerGen are requesting NRC approval to remove the requirement to obtain PORC approval of all Plant FP procedure changes.

Currently, the QATR, Chapter 5, "Instructions, Procedures and Drawing," Section 2.3.1, states:

"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."

EGC and AmerGen propose adding the following additional sentence to this paragraph to limit this administrative requirement:

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)

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“Changes to the approved fire protection program may be made without prior PORC approval provided that the changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire, and specific features of the approved program may be altered provided such changes do not otherwise involve a change to the Operating License or technical specifications, or require an exemption.”

Justification for Change

The standards which define, in part, the administrative controls for the EGC and AmerGen nuclear plants contain guidance to assure that an appropriate review and approval is provided for procedures and changes to those procedures. Considering the three standards which cover these requirements for the EGC and AmerGen nuclear plants, the relevant sections of standards addressing approval of procedures and changes to procedures are as follows.

ANSI N18.7 – 1972, “Administrative Controls for Nuclear Power Plants during Operational Phase”

- 4.3 - Subjects Requiring Independent Review
- 5.0 - Facility Administrative Policies and Procedures
- 5.4 - Review and Approval of Procedures

ANSI N18.7 – 1976 /ANS 3.2, “Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants”

- 4.3.4 - Subjects Requiring Independent Review
- 5.2.15 - Review, Approval and Control of Procedures
- 5.3 - Preparation of Instructions and Procedures

ANSI/ANS 3.2 – 1988, “Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants”

- 4.3.1 - Scope of Review (Plant Safety Review Committee)
- 5.2.15 - Review, Approval and Control of Documents

The requirements in these various documents for the control, review and approval of procedures, including those associated with the plant’s FP program are described in the following tables.

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Section	ANSI N18.7 – 1972 (Applicable to Peach Bottom Atomic Power Station)
4.3	<p><i>The following subjects shall be reported to and reviewed by the independent review and audit group:</i></p> <p><i>4.3.1 Evaluations of proposed changes to procedures, equipment, or systems completed under the provisions of § 50.59 (b), Part 50, Title 10, Code of Federal Regulations to verify that such changes do constitute unreviewed safety questions.</i></p> <p><i>4.3.3 Proposed changes in procedures, equipment, or systems which may involve an unreviewed safety question as defined in § 50.59 (c), Part 50, Title 10, Code of Federal Regulations; or changes which are referred by the operating organization.</i></p>
5.0	<p><i>5.1 [In part] ...policies shall assure that documents, including revisions or changes, are reviewed for adequacy and approved for release by authorized personnel ...</i></p>
5.4	<p><i>[In part] In the case of proposed changes to procedures having safety significance, the plant management shall arrange for further review, including the review specified in 4.3 [Subjects Requiring Independent Review], prior to final approval or disapproval by the management representative assigned approval authority.</i></p>

Section	ANSI N18.7 – 1976 (Applicable to Clinton, Limerick, Oyster Creek and TMI Stations)
4.3.4	<p><i>The following subjects shall be reported to and reviewed by the independent review body:</i></p> <p><i>4.3.4.1 Written safety evaluations of changes in the facility as described in the Safety Analysis Report and tests or experiments not described in the Safety Analysis Report which are completed without prior NRC approval under the provisions of 10 CFR 50.59(a)(1). This review is to verify that such changes, tests or experiments did not involve a change in the technical specifications or an unreviewed safety question as defined in 10 CFR 50.59(a)(2). to procedures, equipment, or systems completed under the provisions of § 50.59 (b), Part 50, Title 10, Code of Federal Regulations to verify that such changes do constitute unreviewed safety questions.</i></p> <p><i>4.3.4.2 Proposed changes in procedures, proposed changes in the facility, or propose tests or experiments, any of which involves a change in the technical specifications or an unreviewed safety question as defined in 10 CFR 50.59(c). Matters of this kind shall be referred to the independent review body by the onsite operating organization following its review, or by other functional organizational units within the owner organization, prior to implementation.</i></p> <p><i>4.3.4.5 Any other matter involving safe operation of the nuclear power plant which an independent reviewer deems appropriate for consideration, or which is</i></p>

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Section	ANSI N18.7 – 1976 (Applicable to Clinton, Limerick, Oyster Creek and TMI Stations)
	<i>referred to the independent reviewers by the onsite operating organization by the onsite operating organization or by functional organizational units within the owner organization.</i>
5.2.15	<i>5.2.15 [In part] ...measures shall assure that documents, including revisions or changes, are reviewed for adequacy by appropriately qualified personnel and approved for release by authorized personnel ...</i>
5.3	<i>[In part] Procedures shall be prepared and approved prior to implementation as required by 4.3 [Independent Review Program] and 5.2.15 [Review, Approval and Control of Procedures].</i>

Section	ANS/ANSI 3.2 – 1988 (Applicable to Braidwood, Byron Dresden, LaSalle and Quad Cities Stations)
4.3.1	<p><i>The following subjects shall be reported to and reviewed by the independent review and audit group:</i></p> <p><i>4.3.1 Evaluations of proposed changes to procedures, equipment, or systems completed under the provisions of § 50.59 (b), Part 50, Title 10, Code of Federal Regulations to verify that such changes do constitute unreviewed safety questions.</i></p> <p><i>4.3.3 Proposed changes in procedures, equipment, or systems which may involve an unreviewed safety question as defined in § 50.59 (c), Part 50, Title 10, Code of Federal Regulations; or changes which are referred by the operating organization</i></p>
5.2.15	<i>5.1 [In part] The administrative controls and quality assurance program shall control and coordinate the approval, issuance, and revision of documents which prescribe all activities affecting quality. Such documents include those which describe organizational interfaces, or which prescribe activities affecting structures, systems, or components. These documents also include administrative procedures Documents, including revisions or changes, shall be reviewed for adequacy by appropriately qualified personnel. ... Documents shall be approved for release by authorized personnel ...</i>

Consistent throughout these Quality Standards is the requirement to have procedure changes reviewed by authorized and qualified individuals. Other requirements such as having the Plant Safety Review Committee (i.e., PORC) review changes that may constitute an unreviewed safety question have been modified by changes to 10 CFR 50.59 with the concept of an “unreviewed safety question” being replaced by the determination that a change can be made without prior NRC approval. The criteria that determine if a change can be made focus on conformance to previously established and/or approved acceptance criteria. The current PORC charter is to review those changes that could impact nuclear safety or involve a full 10 CFR 50.59 evaluation. The requirement for the PORC to review all changes (other than editorial or administrative) to RG 1.33-type Administrative Procedures prior to implementation, regardless of the lack of nuclear safety implications, is not based on any of the ANSI Quality Assurance standards to which EGC and AmerGen are committed.

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Changes to the EGC and AmerGen plant FP programs are governed by Corporate procedure LS-AA-128, "Regulatory Review of Proposed Changes to the Approved Fire Protection Program." The review process allows for:

"Changes to the approved fire protection program may be made without prior NRC approval provided that the changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire, and specific features of the approved program may be altered provided such changes do not otherwise involve a change to the Operating License or technical specifications, or require an exemption."

These conditions define the safety significance of a proposed change to the FP Program. Changes that are consistent with NRC regulatory requirements, NEI Guidance Documents, National Fire Protection Association (NFPA) codes and standards, do not require an exemption, and meet the licensing basis, do not affect nuclear safety and therefore are not required to be reviewed by PORC. Conversely, changes to details of the FP program that require a full 10 CFR 50.59 (i.e., beyond the scope of LS-AA-128 changes) would require PORC review and approval.

In summary, the request to delete the mandatory PORC review of all changes to the EGC and AmerGen FP Programs is an unnecessary burden on PORC. Limiting the PORC review to FP Program changes that impact nuclear safety is consistent with the Quality Assurance requirements that form the basis of the QATR.

Precedent

In NRC Regulatory Issue Summary 1999-02, "Relaxation of Technical Specification Requirements for PORC Review of Fire Protection Program Changes,"

"The staff found that existing regulatory controls on the fire protection program provide reasonable assurance of the continued effectiveness of the program and that adequate procedural controls are in place to ensure that the screening process for assessing changes to the fire protection program and its implementing procedures will assign technical reviews to appropriately qualified individuals, as necessary, allowing PORC to focus its attention on more significant procedure and program changes."

In addition the RIS states:

"The NRC has found that requiring the FitzPatrick PORC to review all changes to the fire protection program and its implementing procedures is unnecessary. Removing this burden on PORC from the FitzPatrick technical specifications is acceptable since safety continues to be assured by the rigor of the procedural controls in place for fire protection issues and other regulatory controls on the fire protection program."

While the RIS proposes a relaxation to the PORC review of FP program changes contained in Technical Specifications (TS), the basis for this relaxation is applicable to the current requirements in the EGC and AmerGen QATR (EGC and AmerGen plants no longer have TS requirements for the PORC).

Also, on December 5, 2001, the NRC approved a change to the Entergy Operations, Inc. Quality Assurance Program Manual to eliminate the mandatory review of administrative

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procedure changes by the Entergy On-Site Safety Review Committee (Reference). This change allows the Entergy On-Site Safety Review Committee to review changes based on the procedure's importance to nuclear safety.

Reference

Letter from J. L. Minns (NRC) to M. A. Krupa, "Arkansas Nuclear One, Units 1 and 2; Grand Gulf Nuclear Station, Unit 1; River Bend Station; and Waterford Steam Electric Station, Unit 3 – Revision to the Quality Assurance Program Manual" dated December 5, 2001 (NRC Agencywide Documents Access and Management System (ADAMS) Accession No. ML013370290).

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Markup of Proposed Quality Assurance Topical Report Change

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. ↑

Changes to the approved fire protection program may be made without PORC approval provided that the changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire, and specific features of the approved program may be altered provided such changes do not otherwise involve a change to the Operating License or technical specifications, or require an exemption.

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.