

July 27, 2007

Mr. Christopher M. Crane  
President and Chief Nuclear Officer  
Exelon Generation Company, LLC  
4300 Winfield Road  
Warrenville, IL 60555

SUBJECT: BRAIDWOOD STATION, UNITS 1 AND 2 - AUDIT OF THE LICENSEE'S  
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NOS. MD2575 AND  
MD2576)

Dear Mr. Crane:

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 Exelon Generation Company, LLC (Exelon, the licensee) for Braidwood Station, Units 1 and 2, 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.

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) 415-3733.

Sincerely,

/RA/

Robert F. Kuntz, Project Manager  
Plant Licensing Branch III-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. STN 50-456 and STN 50-457

Enclosure:  
Regulatory Commitments Audit Report

cc w/encl: See next page

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AUDIT REPORT OF REGULATORY COMMITMENTS

MADE BY EXELON GENERATION COMPANY, LLC

TO THE NUCLEAR REGULATORY COMMISSION

BRAIDWOOD STATION, UNITS 1 AND 2

DOCKET NOS. STN 50-456 AND STN 50-457

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 Exelon Generation Company, LLC (Exelon, the licensee) Commitment Management Program for Braidwood Station Units 1 and 2 (Braidwood) was performed at the Braidwood facility from July 5 through July 7, 2006. The NRC staff defined the scope of the 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 PassPort. The roles and responsibilities for tracking commitments are documented in Exelon Nuclear, Revision 2 of LS-AA-110-1001 "Commitment Tracking Program T&RM." PassPort is able to (1) adequately record activities and, (2) provide an adequate method of associating 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 NRC staff notes that the PassPort system is used to track additional items that are not

commitments. The use of the PassPort system for item other than commitments can lead to misidentification of items, and could potentially lead to a commitment being misidentified, and not properly tracked. The NRC staff notes that an item in the PassPort system was identified as a commitment, but was not a regulatory commitment. Exelon procedure LS-AA-110, "Commitment Management," states that a regulatory commitment is an "explicit statement to take specific action agreed to or volunteered by Exelon/PSEG [Public Service Enterprise Group] Nuclear and submitted in formal regulatory correspondence by authorized management." However, the item that was identified in the PassPort system was the result of a conversation with the NRC, and was never submitted in a formal regulatory correspondence. This misidentification of an item as a regulatory commitment is conservative in nature in respect to proper tracking of commitments, but the NRC staff notes that by tracking commitments in a system with items other than commitments could result in misidentification of commitments, and thereby not properly tracking a regulatory commitment.

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. In general, the NRC staff found that the procedures had been revised in accordance with the commitments made to the NRC.

## 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 Exelon procedure LS-AA-110, "Commitment Management," Revision 4. The analysis and implementation of the proposed commitment changes, when required, are documented in Attachment 2, "Decision Making Guidance for Proposed Commitment Changes." The attachment was compared to Figure A-1, "Commitment Management Change Process," in NEI 99-04 as well as the corresponding guidance in Section 4.2 "Regulatory Commitments." The NRC staff noted two inconsistencies between LS-AA-110 Attachment 2 and Figure A-1 of NEI 99-04. The first inconsistency was noted in Decision Step 1 of NEI 99-04. In the NEI guidance, the decision step includes consideration of 10 CFR 50.54, 50.59, or 50.82. Exelon procedure LS-AA-110 does not include 10 CFR 50.82. This omission is consistent with Section 4.2 of NEI 99-04 which states that "commitments made under 10 CFR 50.82 apply to plants seeking license termination," which is not applicable to Braidwood.

The second inconsistency between LS-AA-110 and NEI 99-04 is in Decision Step 3. As stated in NEI 99-04, Decision Step 3 is intended to address those commitments made "to restore compliance with a violated obligation by a certain date." The initial question in Decision Step 3 asks if the original commitment is necessary for compliance. If the commitment is necessary for compliance, NEI 99-04 then asks if the commitment change is necessary and justified. If the change is necessary and justified, then NEI 99-04 instructs the licensee to notify the NRC before changing the commitment and prior to original date to address the commitment. The licensee's guidance document, LA-AA-110, decision 3, asks the same initial question. If the

original commitment is necessary for compliance, LS-AA-110 then asks if the changed commitment preserves compliance. If the changed commitment preserves compliance, LS-AA-110 directs the licensee staff to the response to decision step 4, is the original commitment implemented. The results of Decision Step 4 in both NEI 99-04 and LA-AA-110 is to either provide timely notification of intended change to the NRC, or to provide notification of the change to the NRC annually or in the Updated Final Safety Analysis Report. The difference between Decision Step 3 between NEI 99-04 and LA-AA-110 would result in delaying NRC notification of changes to commitments which were made to restore compliance.

### 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.

### 4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

L. Dworakowski  
D. Ambler

Principal Contributor: R. Kuntz

Date: July 27, 2007

## Audited Braidwood Station Commitments

Assignment Report Number	Description	Disposition	Auditor's Assessment of the Regulatory Commitment disposition (adequate, inadequate)
00482799 Assign#: 02	Document the plan to address the upset material in control rod drive mechanism #74	Open	Inadequate: The NRC staff notes that this item was misidentified as a commitment.
00327283 Assign #: 02	During Braidwood Station, Unit 2, Refueling Outage 11 and the subsequent operating cycle, no steam generator tube sleeves that have a connecting joint below 17 inches from the top of the hot leg tubesheet will be installed.	Closed: Implemented appropriate procedures.	Adequate
00159637 Assign #: 03	Ensure compensatory actions (i.e., credit for protected equipment and scheduling of work activities) have been reflected in the work schedule	Complete: Compensatory measures taken.	Adequate
00282077 Assign #: 58	Generic Letter (GL) 2004-02 Downstream Effects Related Modifications: Braidwood Station, Unit 2 will complete GL 2004-02 downstream effects related modifications to the emergency core cooling system throttle valves and the core spray system cyclone separators prior to the completion of the spring 2008 refueling outage.	Open	Adequate
00289498 Assign #: 44	Revise operating procedures required to fulfill regulatory commitment identified in license amendment request submitted February 15, 2005, and clarified in the request for additional information response dated February 13, 2006. The purpose of the commitments are to maintain the fuel handling building ventilation system and associated radiation monitoring availability.	Open	Adequate
00305053 Assign #: 02	Complete final debris head loss analysis in accordance with Generic Safety Issue 191 resolution.	Open	Adequate
00342581 Assign #: 01	Commitment to provide the NRC, using an industry database, the operating data (for each calendar month) that is described in Generic Letter 97-02 "Revised Contents of the Monthly Operating Report," by the last day of the month following the end of each calendar quarter.	Complete: Procedures updated to satisfy commitment	Adequate
00162792 Assign #: 07	Braidwood Station will complete the review of the impact of adding more than 1 reactor water storage tank (RWST) volume inside containment.	Complete: Evaluation provided and detailed in tracking system.	Adequate
00162792 assign #: 08	If more than 1 RWST volume inside containment does not have a negative impact, Braidwood Station will modify necessary procedures to permit injecting more than 1 RWST	Complete: Procedures modified	Adequate
00162792 Assign #: 09	Braidwood Station will provide necessary operator training and any necessary changes, to Braidwood Station Units 1 and 2 procedures, 1/2BwEP ES-1.2 to emphasize a rapid cooldown during a small break loss of cooling accident.	Complete: Procedures modified	Adequate
00162792 Assign #: 11	If sump level instrumentation proves to be reliable, post-accident, Braidwood Station will revise the necessary procedures to implement the sump level input	Closed: Procedures created	Adequate
00162792 assign #: 12	Braidwood Station will implement the Westinghouse Owners Group sump blockage guideline.	Closed: Procedures created	Adequate