

July 21, 2008

Mr. John T. Carlin
Vice President R.E. Ginna Nuclear Power Plant
R.E. Ginna Nuclear Power Plant, LLC
1503 Lake Road
Ontario, NY 14519

SUBJECT: R.E. GINNA NUCLEAR POWER PLANT - AUDIT OF THE LICENSEE'S
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NO. MD8336)

Dear Mr. Carlin:

In Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000, the Nuclear Regulatory Commission (NRC) informed licensees that the Nuclear Energy Institute (NEI) document NEI 99-04, "Guidelines for Managing NRC Commitment Changes," contains acceptable guidance for controlling regulatory commitments and encouraged licensees to use the NEI guidance or similar administrative controls to ensure that regulatory commitments are implemented and that changes to the regulatory commitments are evaluated and, when appropriate, reported to the NRC.

The NRC Office of Nuclear Reactor Regulation has instructed its staff to perform an audit of licensees' commitment management programs once every 3 years to determine whether the licensees' programs are consistent with the industry guidance in NEI 99-04, and that those regulatory commitments are being effectively implemented.

An audit of the Ginna's commitment management program was performed at the plant site on March 25 and 26, 2008. The NRC staff concludes, based on the audit, that the Ginna facility has (1) implemented NRC commitments on a timely basis, and (2) implemented an effective program for managing NRC commitment changes. Details of the audit are set forth in the enclosed audit report.

Sincerely,

/RA/

Douglas V. Pickett, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure:
Audit Report

cc w/encl: See next page

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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

R.E. GINNA NUCLEAR POWER PLANT

DOCKET NO. 50-244

1.0 INTRODUCTION AND BACKGROUND

In Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML003741774), the Nuclear Regulatory Commission (NRC) informed licensees that the Nuclear Energy Institute (NEI) document NEI 99-04 (ADAMS Accession No. ML003680088), "Guidelines for Managing NRC Commitment Changes," contains acceptable guidance for controlling regulatory commitments and encouraged licensees to use the NEI guidance or similar administrative controls to ensure that regulatory commitments are implemented and that changes to the regulatory commitments are evaluated and, when appropriate, reported to the NRC.

The NRC Office of Nuclear Reactor Regulation (NRR) has instructed its staff to perform an audit of licensees' commitment management programs once every 3 years to determine whether the licensees' programs are consistent with the industry guidance in NEI 99-04, and that those regulatory commitments are being effectively implemented.

NEI-99-04 defines a "regulatory commitment" as 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. NRR guidelines direct 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, reliefs, exemptions, etc.) and activities (bulletins, generic letters, etc.). The audit is to be performed every 3 years.

2.0 AUDIT PROCEDURE AND RESULTS

An audit of the R.E. Ginna Nuclear Power Plant commitment management program was performed at the plant site on March 25 and 26, 2008. The audit reviewed commitments made since the previous audit on August 19, 2004 (see report issued on October 21, 2004, ADAMS Accession No. ML042600186). The audit consisted 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.

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 commitments made to the NRC as part of past licensing actions/activities. For commitments not yet implemented, the NRC staff determines whether they have been captured in an effective program for future implementation.

Enclosure

2.1.1 Audit Scope

The audit addressed a sample of commitments made during the review period. The audit focused on regulatory commitments (as defined above) made in writing to the NRC as a result of past licensing actions (amendments, exemptions, etc.) or licensing activities (bulletins, generic letters, etc.). Before the audit, the NRC staff searched ADAMS for the licensee's submittals since the last audit and selected a representative sample for verification.

The audit excluded the following types of commitments that are internal to licensee processes:

- (1) Commitments made on the licensee's own initiative among internal organizational components.
- (2) Commitments that pertain to milestones of licensing actions/activities (e.g., respond 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.
- (3) Commitments made as an internal reminder to take actions to comply with existing regulatory requirements such as regulations, Technical Specifications (TSs), 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.

2.1.2 Audit Results

The attached Audit Summary provides details of the audit and its results.

The NRC staff examined a sample of completed commitments and concluded that they were implemented in a manner that satisfied both the action committed to and the overall intent of the commitment.

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

The primary focus of this part of the audit is to verify that the licensee has established administrative controls for modifying or deleting commitments made to the NRC. The NRC staff compared the licensee's process for controlling regulatory commitments to the guidelines in NEI-99-04, which the NRC has found to be an acceptable guide for licensees to follow for managing and changing commitments. The NRC staff concluded that the process used at Ginna is consistent with the NEI guidance document. The audit reviewed a sample of commitment changes that included changes that were or will be reported to the NRC, and changes that were not or will not be reported to the NRC. The audit also verifies that the licensee's commitment management system includes a mechanism to ensure traceability of commitments following initial implementation. This ensures that licensee personnel are able to recognize that future proposed changes to the affected design features or operating practices require evaluation in accordance with the commitment change control process.

2.2.1 Audit Results

The attached Audit Summary also provides details of this portion of the audit and its results.

The NRC staff determined that the commitment changes were made in accordance with the licensee's programs and procedures. The licensee's technical evaluations adequately justified the change, and the NRC was informed of commitment changes that have safety or regulatory significance.

3.0 CONCLUSION

Based on the above, the NRC staff concludes that; (1) the licensee had implemented or is tracking for future implementation regulatory commitments, and (2) the licensee had implemented an effective program to manage regulatory commitment changes.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Mike Ruby
Dave Skolnik

Principal Contributor: Douglas Pickett

Attachment: Summary of Audit Results

AUDIT OF R.E. GINNA NUCLEAR POWER PLANT

REGULATORY COMMITMENTS

LIST OF COMMITMENTS AUDITED

Commitment No.	Commitment Date	Summary of Commitment	STATUS
----	7/14/93	By letter dated July 14, 1993, in response to NRC Inspection Report 50-244/93-06, the licensee committed to inspect containment fan coolers monthly for fouling. Due to ALARA considerations, the desire to minimize containment entries, and lack of findings, the commitment was changed to inspect fan coolers quarterly.	Commitment change reported in annual change report dated 5/1/07.
AI-2003-011417	3/03/04	In the Ginna license renewal safety evaluation dated March 3, 2004, a commitment was made to develop and submit an aging management program for the reactor vessel internals based on the industry EPRI/MRP efforts by September 2007. Since the MRP effort did not meet expected schedules, this commitment was changed to February 2009.	Commitment change reported by letter to NRC dated 7/31/07.
AI-2007-000119	7/26/07	In the Ginna conforming license amendment for implementation of B.5.b mitigation strategies dated July 26, 2007, the strategies would be implemented by commitment and managed through the licensee's commitment management program. Commitment changes were made in the implementation schedules of some of the mitigation strategies.	Implementation changes were reported by letter to NRC dated 11/28/07.
CATS #12883	8/31/05	With regard to the concern of containment emergency sump blockage, a commitment was made to add a requirement to the review checklists for plant modifications such that potential sources of debris, such as insulation, be assessed for possible adverse effects on the ECCS recirculation functions.	Ginna Engineering Procedure, EP-3-S-0306, "Change Impact Evaluation Form," was modified by adding step 14.16 that asks if changes could effect ECCS recirculation.
AI-2006-014452	12/31/07	By letter dated July 27, 2006, Ginna requested an extension for completing corrective actions for GL 2004-02, "Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized Water Reactors," from the NRC requested dated of December 31, 2007, to the Spring 2008 refueling outage. A commitment was made to maintain NRC Bulletin 2003-01 compensatory measures throughout the proposed extension period.	AI-2006-014452 indicates that the compensatory measures are being maintained.
CATS #14675	9/19/06	By letter dated September 19, 2006, in response to NRC Bulletin 2003-02, Ginna committed to perform a visual inspection of the reactor vessel bottom mounted nozzle (BMN) penetrations and the bottom head surface condition, un-observed by insulation. These inspections are to be performed during each refueling outage.	CATS item #14675 showed that the inspections were conducted during the Fall 2006 RFO. In addition, Work Orders have been completed for similar inspections during future refueling outages.

AI-2006-014676	9/19/06	BY LE DATED SEPTEMBER 19, 2006, IN RESPONSE TO NRC BULLETIN 2003-02, GINNA COMMITTED THAT, PRIOR TO STARTUP FROM THE 2011 REFUELING OUTAGE, THEY WOULD ENGAGE IN INDUSTRY BMN INSPECTION GUIDELINE DEVELOPMENT AND APPLY THE APPROPRIATE INSPECTION OPTION FOR THE GINNA FACILITY.	DOCUMENTATION FROM AI-2006-014676 INDICATES GINNA HAS ACTIVELY PARTICIPATED IN EPRI MEETINGS.
AI-2006-014875	12/31/07	By letter dated January 9, 2007, in response to the B.5.b mitigation strategies, Ginna committed to include the spent fuel pool (SFP) makeup strategy and the SFP external spray strategy in plant procedures by December 31, 2007.	Documentation from AI-2006-014875 indicates action complete.
AI-2006-014876	12/31/07	By letter dated January 9, 2007, in response to the B.5.b mitigation strategies, Ginna committed to include command and control enhancement strategies in plant procedures by December 31, 2007.	Documentation from AI-2006-014876 indicates action complete.
AI-2006-014877	12/31/07	By letter dated January 9, 2007, in response to the B.5.b mitigation strategies, Ginna committed to fully implement the PWR mitigation strategies in plant procedures by December 31, 2007.	Documentation from AI-2006-014877 indicates action complete.
AI-2006-014878	12/31/07	By letter dated January 9, 2007, in response to the B.5.b mitigation strategies, Ginna committed to list the viable site specific reactor/containment strategies in plant procedures by December 31, 2007.	Documentation from AI-2006-014878 indicates action complete.
AI-2006-014879	12/31/07	By letter dated January 9, 2007, in response to the B.5.b mitigation strategies, Ginna committed to conduct training on the mitigation strategies by December 31, 2007.	Documentation from AI-2006-014879 indicates training complete.
AI-2006-014903	12/31/07	By letter dated January 9, 2007, in response to the B.5.b mitigation strategies, Ginna committed to place guidance in emergency plan implementing procedures regarding SFP leakage control strategies by December 31, 2007.	Documentation from AI-2006-014903 indicates action complete.
AI-2007-014980-001	5/23/07	By letter dated February 12, 2007, Ginna committed to implement administrative controls to require that if one SW pump is inoperable due to equipment failure, and a second SW pump fails before the first pump is returned to service, an evaluation of possible common cause and determination of the operability of the remaining pumps will be performed within 24 hours of the second failure.	AI-2007-014980-001 indicates that the requirement was implemented in Rev 45 of the TS Bases.
CATS # 12744	10/31/06	By letter dated April 29, 2005, in support of the proposed power uprate, Ginna committed to modify existing main feedwater isolation valves 3994 and 3995.	CATS # 12744 indicates that modifications to install automatic actuators to the valves are complete.
CATS # 12747	Prior to restart from 2006 RFO	By letter dated April 29, 2005, Ginna committed to implement the license amendment regarding revised accumulator and RWST boron concentrations prior to restart from the 2006 RFO.	Documentation from CATS # 12747 indicates action complete.
CATS # 12748	Prior to restart from 2006 RFO	By letter dated April 29, 2005, Ginna committed to incorporate the post-LOCA subcriticality boron limit curve developed for extended power uprate in cycle-specific reload evaluations.	Documentation from CATS # 12748 indicates action complete.
CATS # 12749	Prior to restart from 2006 RFO	By letter dated April 29, 2005, Ginna committed to revise Emergency Operating Procedure ES-1.3, "Transfer to Cold Leg Recirculation," to instruct operators to re-establish cold leg injection no later than 6 hours after termination of SI in the cold leg.	Documentation from CATS # 12749 indicates procedure has been revised.
CATS # 12750	Subsequent annual 50.46 report following 2006 RFO	By letter dated April 29, 2005, Ginna committed to include the revised peak clad temperatures resulting from the EPU in the next annual ECCS report pursuant to 10 CFR 50.46	Letter to NRC dated March 28, 2006, includes revised PCT data

CATS # 12740	PRIOR TO RESTART FROM 2006 RFO	ALL RELATED CORE DESIGN PARAMETERS WILL BE CHECKED AGAINST THE LOCA ANALYSES LIMITS ON A CYCLE-SPECIFIC BASIS FOR RELOAD CYCLES WHICH UTILIZE THE RELAXED AXIAL OFFSET CONTROL (RAOC) METHODOLOGY	GINNA ADMINISTRATIVE PROCEDURE RE-103, "CONTROL OF RELOAD CORE DESIGN," REV 00200, REVISED TO INCLUDE COMMITMENT.
CATS # 12525	Prior to restart from 2006 RFO	Modify emergency operating procedures and bases to ensure operator actions account for the maximum times available to establish simultaneous RCS injection paths	Documentation from CATS # 12525 indicates that time sensitive EOPs were revised in accordance with commitment.