



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 18, 2009

Mr. Peter P. Sena III
Site Vice President
FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
Mail Stop A-BV-SEB1
P.O. Box 4, Route 168
Shippingport, PA 15077

SUBJECT: BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2 - AUDIT OF THE
LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS (TAC NOS.
MD9851 AND MD9852)

Dear Mr. Sena:

In Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC [Nuclear Regulatory Commission] Staff," dated September 21, 2000, the 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.

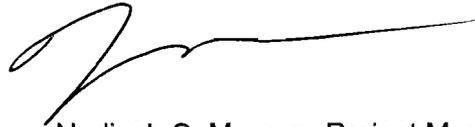
An audit of Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2) commitment management program was performed on site during the period October 28 - October 29, 2008. Based on the audit, the NRC staff concludes that FirstEnergy Nuclear Operating Company: (1) has implemented NRC commitments on a timely basis, and (2) has implemented an effective program for managing NRC commitment changes. Details of the audit are set forth in the enclosed audit report.

P. Sena

- 2 -

If you have questions or concerns, please contact me at (301) 415-1016.

Sincerely,

A handwritten signature in black ink, appearing to be 'Nadiyah S. Morgan', with a long horizontal flourish extending to the right.

Nadiyah S. Morgan, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-334 and 50-412

Enclosure:
As stated

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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2

DOCKET NOS. 50-334 AND 50-412

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, 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 (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.

According to NRR's Office Instruction 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, reliefs, exemptions, etc.) and activities (bulletins, generic letters, etc.).

2.0 AUDIT PROCEDURE AND RESULTS

An audit of the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2) commitment management program was performed onsite at the FirstEnergy Nuclear Operating Company administration building during the period October 28 - October 29, 2008. 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.

2.1.1 Audit Scope

Before the audit, the NRC staff searched ADAMS for a sampling of the licensee's licensing actions dated within the past 3 years. NRC staff identified documents containing regulatory commitments meeting the criteria specified by LIC-105. Table 1 lists the licensee's commitments which were audited.

The list of the selected regulatory commitments for BVPS-1 and 2 was provided to the site licensing group with a request to provide plant documentation used to track each individual commitment. Also, the site personnel were requested to provide status and a copy of the revised documents (plant procedures, Updated Final Safety Analysis Report (UFSAR), Technical Specifications (TSs), etc.) for verification, if the required actions had already been completed. The regulatory commitments were reviewed against the plant documents to verify if the commitment had been implemented satisfactorily in accordance with the approved plant procedures.

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

- (1) Commitments as a result of Licensee Event Reports (LER)s - These commitments are controlled by the licensee's LER process, which is imposed by Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.73.
- (2) Commitments made on the licensee's own initiative among internal organizational components.
- (3) Commitments that pertain to milestones of licensing actions or 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 or activity was completed.
- (4) Commitments made as an internal reminder to take actions to comply with existing regulatory requirements such as regulations, TSs, and UFSARs. 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 NRC staff reviewed the commitments listed in Table 1 to ensure that the selected commitments are included in the plant database used to track the commitments and evaluate the status of completion of each commitment. The NRC staff found that the licensee's commitment tracking program had captured the regulatory commitments that were identified by the NRC staff before the audit.

The NRC staff also reviewed plant procedures and other design bases documents that had been revised as a result of commitments made by the licensee to NRC. These procedures and documents are identified in the right-hand column of Table 1. The NRC staff review indicated that:

1. All the regulatory commitments selected for the audit were being tracked.
2. The actual status of each regulatory commitment was properly documented.
3. Review of the plant documents for the completed regulatory commitments indicated that the commitments were implemented as previously described.

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 process used at BVPS-1 and 2 is contained in the 1/2-ADM-2204, Commitment Management. 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 NRC staff reviewed the licensee's procedure 1/2-ADM-2204, Commitment Management, against NEI 99-04 guidelines. In particular, in regards to managing a change or deviation from a previously completed commitment, Section 1.0 specifically states that the procedure is based on and implements the recommendations of NEI 99-04. In general, 1/2-ADM-2204, Commitment Management follows closely the guidance of NEI-99-04: it sets forth the need for identifying, tracking and reporting commitments, and it provides a mechanism for changing commitments.

As set forth in Section 2.1 above, the NRC staff found that the licensee had properly addressed all the regulatory commitments selected for this audit. As a result of the review of the licensee's information, as well as information from other sources, the NRC staff found no reason to differ from the licensee's reported status of the audited commitments. Thus, the NRC staff judges that the procedure used by the licensee to manage commitments is appropriate and effective.

3.0 CONCLUSION

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

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Thomas Miller

Principal Contributor: N. Morgan

Date: February 18, 2009

TABLE 1

BEAVER VALLEY POWER STATION
AUDIT OF WRITTEN LICENSEE COMMITMENTS
(2005 THROUGH 2008)

Application Info	TAC NO.	Commitment	Licensee Implementation Status	Documents Reviewed
2/11/2005 L-05-006 Attachment C ML050480440 SE issued 2/6/2006 ML060100325	MC3394 & MC3395	Complete and submit a re-analysis of Large Break LOCA for BVPS-1 & 2 within one year following implementation of containment conversion. (Feb – Oct 2006)	Completed	- Corrective Action Form - NRC approved Amd No. 272 (02/06/06) -Paperwork from a local database
2/9/2007 L-07-017 ML070440341 SE issued 3/11/2008 ML080420549	MD4291	Revise BVPS-2 operating procedures to instruct the operators to secure a train of the recirculation spray system if no service water is available for that train, prior to 5/2008.	Completed (5/9/2008)	-Commitment Tracking Orders -EOP
10/31/2005 L-05-164 ML053110146		Perform spot Radiographic Testing examination of the completed full penetration steel liner plate weld during the BVPS-1 outage scheduled for February 2006.	Completed (4/27/2006)	-Commitment Evaluation Form -Vendor Technical Info Review Form
12/6/2005 L-05-056 ML053480357		FENOC radiation protection personnel will be provided additional training for selection, approval, issue, equipment set-up, operation and maintenance instructions for the Delta Protection Supplied-Air Containment Mururoa V4 MTH2 Suits. (12/4/06) – 12/28/06	Completed 12/19/2006	-General Action Item form - Commitment Evaluation Form -RP Program OP

Application Info	TAC NO.	Commitment	Licensee Implementation Status	Documents Reviewed
4/7/2006* L-06-044 ML061020306 SE issued 10/23/2006 ML062790072	MD1140 & MD1141	Eddy current examination will be used to supplement ultrasonic examination of the volume immediately under the surface for the nozzle-to-safe end or safe end-to-pipe welds when sufficient surface roughness calls into question the applicability of the ultrasonic examination qualification to detect axial flaws.	Completed	-Commitment Tracking order -Reactor vessel exam summary Unit 1
3/8/2007** L-07-039 ML070720511 SE issued 9/17/2007 ML072050488	MD4828	The installed weld overlay will be added to the BVPS-1 ISI Plan in accordance with Subarticle Q-4300 of Nonmandatory Appendix Q for at least one inservice examination.	Completed (10/29/2007)	L-07-143 Pressurizer Weld Overlay Exam Report
1/11/2007 L-06-172 ML070170390 SE issued 6/14/2007 ML071300203	MD4020, MD4021, & MD4022	The staff of the BVPS-1 and 2 will establish TS Bases for LCO 3.0.8, which will provide guidance and details on how to implement the new requirements of LCO 3.0.8.	Completed (10/12/2007)	Revised TS Bases pages
12/7/2006*** L-06-162 ML063450214 SE issued 2/21/2007 ML070160593	MC6285, MC6286, MC6579 - MC6612, MC6614 - MC6626, & MC6783 - MC6792	Include in the Bases for ITS 3.8.4, DC Sources - Operating the requirement to maintain at least a 5% design margin for the EnerSys model 2GN- 13 batteries (Unit 2 Batteries 2-3 and 2-4) and a least a 2% design margin for the EnerSys model 2GN- 21 batteries (Unit 1	Completed	- RCT Commitment Tracking -Calculation Addendum

Application Info	TAC NO.	Commitment	Licensee Implementation Status	Documents Reviewed
		Batteries 1-1 and 1-2 and Unit 2 Batteries 2-1 and 2-2).		
3/10/2006 L-06-035 ML060750572 SE issued 7/19/2006 ML061720376	MC4645 & MC4646	The Power Ascension Test Plan will be approved and implemented prior to power ascension for BVPS-2. The plan will include provisions for recording and analyzing data at each power incremental increase (as noted in Figure 2 of L-06-035) to confirm that the response is as expected and the acceptance criteria are met.	Completed	-SAP -General Action Item Order

* The following commitment applies to reactor nozzle-to-safe end, nozzle-to-piping and safe end-to-piping welds examined from the inner diameter surface. Examinations conducted during the remainder of the third 10-Year Inservice Inspection Interval at BVPS-1 and second 10-year Inservice Inspection Interval at BVPS-2.

** To be completed within the next two refueling outages but no later than the end of 1R20. Maintenance and refueling outage 1R20 is currently scheduled to end October 28, 2010.

*** Upon implementation of BVPS ITS Conversion License Amendment Request Nos. 296 (Unit 1) and 169 (Unit 2).

P. Sena

- 2 -

If you have questions or concerns, please contact me at (301) 415-1016.

Sincerely,

/ra/

Nadiyah S. Morgan, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-334 and 50-412

Enclosure:
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