



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 15, 2009

Mr. Charles G. Pardee
President and Chief Nuclear Officer
Exelon Nuclear
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: LIMERICK GENERATING STATION, UNITS 1 AND 2 - AUDIT OF EXELON
GENERATION COMPANY, LLC'S MANAGEMENT OF REGULATORY
COMMITMENTS (TAC NOS. ME1086 AND ME1087)

Dear Mr. Pardee:

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 regulatory commitments are being effectively implemented.

An audit of the commitment management program for Limerick Generating Station (LGS), Units 1 and 2 was performed during the period of May 11 through May 15, 2009. Based on the audit, the NRC staff concludes that: (1) LGS had implemented NRC commitments on a timely basis; and (2) LGS had implemented an effective program for managing NRC commitment changes. Details of the audit are set forth in the enclosed audit report.

Sincerely,

A handwritten signature in black ink that reads "Peter Bamford".

Peter Bamford, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-352 and 50-353

Enclosure: Audit Report

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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION
REGULATORY COMMITMENTS MADE BY EXELON GENERATION COMPANY, LLC TO
THE NUCLEAR REGULATORY COMMISSION
FOR LIMERICK GENERATING STATION, UNITS 1 AND 2
DOCKET NOS. 50-352 AND 50-353

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, "Guidelines for Managing NRC Commitment Changes" (ADAMS Accession No. ML003680088) 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 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.).

2.0 AUDIT PROCEDURE AND RESULTS

An audit of the commitment management program for Limerick Generating Station (LGS), Units 1 and 2 was performed during the period of May 11 through May 15, 2009. The audit was performed at LGS using documentation provided by Exelon Generating Company, LLC (Exelon) personnel, as requested by the NRC staff.

Enclosure

The NRC staff reviewed commitments made during the period approximately 3 years prior to the audit. 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

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 licensee commitments associated with LGS for verification. The review included licensing actions and licensing activities with NRC issuance dates in 2006, 2007, 2008 and portions of 2009. The commitments included in the review are shown in Table 1.

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 (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

Table 1 provides the specific details and results of the audit for verification of the licensee's implementation of commitments. All commitments associated with licensing actions or licensing activities were verified to be completed or adequately tracked by the licensee for future completion at an appropriate date.

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 LGS is contained in licensee procedure LS-AA-110, Revision 6, "Commitment Management."

The audit reviewed a sample of commitment changes as shown in Table 2, 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 LS-AA-110, Revision 6, against NEI 99-04. Section 6.1 of the procedure lists NEI 99-04 as a reference. The NRC staff found that LS-AA-110 generally follows the guidance of NEI 99-04 and provides detailed instructions for making regulatory commitments, tracking regulatory commitments, annotating documents to provide traceability of commitments, and for making changes to commitments. The NRC staff concludes that the procedure used by the licensee to manage commitments provides the necessary attributes for an effective commitment management program.

Table 2 provides the specific details and results of the audit of commitment changes for LGS. Areas warranting further discussion are described below.

Attachment 2 to procedure LS-AA-110 contains a flowchart that is intended to match up with Figure A-1 of NEI 99-04. It was noted during the audit that the two flowcharts differ slightly downstream of the "Yes" answer in decision step 3, "Original Commitment Necessary for Compliance." None of the commitments reviewed in this audit would have come to a different conclusion based on the discrepancy, so it was not judged to detract from the commitment program's effectiveness. No readily apparent reason for the discrepancy was immediately available, so the licensee entered the issue into the corrective action program for evaluation (Issue Report AR 00918829).

It was also noted that commitment change evaluation forms sometimes contain multiple commitments in the original commitment description. The NRC staff noted that this could allow a decision block to be skipped for such a "sub-commitment." For example, commitment tracking number T04090 evaluates the deletion of four sub-commitments all relating to an NRC Safety Evaluation Report (SER) dated June 28, 1994. Since question number 2 on the change form only contained three answers it appeared that one of the sub-commitments may not have been fully evaluated. Subsequent to the site review of the commitment program, the licensee determined that one of the answers applied to two different sub-commitments, though this was not clearly identified on the form. Since this commitment change was reported to the NRC as part of the annual report, this example is not consequential or safety significant, however, the licensee agreed to evaluate the generic implications of the potential to not fully evaluate a sub-commitment (Issue Report AR 00919845).

Two commitment change forms (T02935, T02462) did not have strong supporting reasons for the question "Is the changed commitment necessary to minimize recurrence of the adverse condition." The licensee stated that the reason for answering this question "No" was that the station's procedure change process would ensure no recurrence. By deleting the commitment, however, no annotation to the previous events (in this case Licensee Event Reports (LERs)) would be retained in the procedure, inhibiting such a review within the procedure change process. Thus, as written, it appears that a "Yes" answer would have been appropriate. It is probable that there may be other valid reasons not listed on the form to answer "No" to this question in both cases. For example, commitment change T02662 evaluates the frequency of a High Pressure Coolant Injection (HPCI) Turbine Stop Valve Balance Chamber adjustment which is done by procedure M-C-756-014. During the site review, licensee personnel stated that the preventative maintenance program would systematically evaluate any surveillance frequency changes. This rationale was not listed on the form. In the second example, commitment change number T02462, multiple actions from a past LER were evaluated as not necessary to prevent recurrence because "No changes will be made to the process without complete review." This justification is superficial and could be strengthened by specifying what step in the procedure change process will provide this depth of review considering the loss of the annotation to the deleted commitment. Alternatively, the rationale could be changed to specify another applicable reason that recurrence is prevented. The licensee wrote Issue Report AR 00919868 to evaluate this concern, both generically and in these specific cases.

3.0 CONCLUSION

As discussed above, the licensee's procedure used to manage commitments provides the necessary attributes for an effective commitment management program. Several suggestions for program improvement were made that the licensee entered into the corrective action program for evaluation. The NRC staff agrees that this is the proper response to the issues identified.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

S. Gamble

Principal Contributor: P. Bamford

Date: June 15, 2009

Table 1

Written Commitments – 2006-2009

LGS Submittal Date	NRC TAC No.	NRC Issuance	Summary of Commitment and Licensee Tracking Number (if applicable)	Licensee Implementation Status
07/27/2007	MD5937, MD5938	Amendment Nos. 191/152 dated 05/29/2008	Update UFSAR to explicitly specify Technical Requirements Manual information is treated at the same level as information presented in the UFSAR for the purpose of 10 CFR 50.59 evaluations.	Complete – verified incorporation into UFSAR Rev. 14, September 2008.
10/19/2007	MD7048, MD7049	Amendment Nos. 195/156 dated 10/28/2008	Update UFSAR to specify doubling of Local Power Range Monitor uncertainty when using increased surveillance interval. Licensee tracking No. T04666.	In progress - UFSAR update not due until 2010, tracking documentation for inclusion into next update was verified. Procedure changes effective with amendment implementation, procedure NF-AB-120.
04/21/2008	MD8630, MD8631	Amendment Nos. 198/159 dated 03/23/2009	Implement new working hours requirements specified in 10 CFR 26, subpart I, concurrently with implementation of TS amendment to delete references to Generic Letter (GL) 82-12. Licensee tracking No. AR A1657834.	In progress – implementation scheduled for 10/01/2009.
04/11/2008	MD7841, MD7842	Generic Letter 2008-01, dated 01/11/2008	Complete walkdowns of Unit 2 inaccessible piping systems during spring 2009 refueling outage (RFO). Complete evaluations of subject systems within 60 days following startup from 2009 RFO. Licensee tracking No. AR A1659520 Submit supplemental response to NRC with results of completed evaluations within 90 days of startup from spring 2009 RFO. Licensee tracking No. AR A1659520	Complete - verified by work orders during site audit. In-process - due 06/15/2009 In-process – due 07/12/2009'
10/14/2008	MD7841, MD7842	Generic Letter 2008-01, dated 01/11/2008	Install new vents on HPCI/Core Spray/Residual Heat Removal systems during 2009 RFO	Complete – verified sample of completed w/o's documenting new vent additions during audit

Table 2**Changed Commitments**

Tracking Number	Source	Justification for change/deletion	NRC Notification
T00713	Response to Notice of Violation (NOV) 90-13/90-12	Original GET module superseded by fleet wide lesson plans and computer based training. Current Exelon procedures ensure continued compliance.	Yes
T01992	NRC Inspection Report (IR) 92-80	Motor Operated Valve program commitments are covered by Exelon procedures that superseded original procedure with the contained frequencies. Current Exelon procedures ensure continued compliance.	Yes
T04090 *	NRC SER dated June 28, 1994, Amendment Nos. 71/34	<ol style="list-style-type: none">1. Drift analysis determined that drift program is covered by current corrective action program2. Technical specifications have been revised to specify the 18 month surveillance frequency3. All refueling floor ventilation radiation monitor recorders have been replaced.4. Analysis shows no need for 3 millisecond additional margin.	Yes
T02578	GL 93-01	Recommended testing from GL is not a regulatory requirement. Required testing per 10 CFR 50 Appendix E, section VI, paragraph 1 is still required by procedure EP-AA-124, which is subject to 10 CFR 50.54(q) evaluation.	No
T03877	LER 1-95-08	Suction strainer testing is no longer required. NRC was notified and approved cessation of suction strainer testing via safety evaluation dated August 10, 1998.	No
T03645	LER 1-95-08	Only a portion of this commitment, which had multiple entries was deleted. The deleted portion was identical to T03877. The commitment remains open for safety relief valve tailpipe monitoring program, which remains in place.	No

Table 2**Changed Commitments**

Tracking Number	Source	Justification for change/deletion	NRC Notification
T03950	LER 2-96-003	TS have been changed to delete requirement for emergency diesel generator failure reports, thus the procedure references to this tracking are no longer needed.	No
T02289	LER 90-11	Match marking is a standard maintenance practice and is called for in procedures PMQ-500-128 through PMQ-500-131.	No
T02462*	LER 1-87-015	HPCI turbine stop valve balance chamber adjustment is performed by procedure M-C-756-014. Procedure review process will ensure no recurrence.	No
T02935*	LER 87-061	Commitment reflects procedure changes made as a result of 1988 exit interview examiner concerns. Commitment tracking no longer required because procedure review process will ensure no recurrence of condition.	No
T03891	Letter to NRC dated August 19, 1996.	This commitment had two parts. One part was a duplicate of a separate tracked, open commitment (T03941). The second part reflects a UFSAR change made in the past that is no longer applicable after completion of the spent fuel pool rerack.	No
T02950	NRC IR 87-08 & 87-07	The procedure created to resolve this observation (not a finding or violation) from IR 87-07 response, OT-117, still exists and the procedure/plant change process will ensure proper actions are taken in response to Reactor Protection System failures. A second commitment on this form, review NUREG-0899 to ensure Procedure Generation Package incorporates latest recommendations, was a completed one-time action.	No

* Issue Report written, see report for description

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/ra/

Peter Bamford, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
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