



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

September 30, 2010

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: PEACH BOTTOM ATOMIC POWER STATION (PBAPS), UNITS 2 AND 3 -
AUDIT OF EXELON GENERATION COMPANY, LLC'S MANAGEMENT OF
REGULATORY COMMITMENTS (TAC NOS. ME2442 AND ME2443)

Dear Mr. Pacilio

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 regulatory commitments are being effectively implemented.

An audit of the commitment management program for PBAPS Atomic Power Station, Units 2 and 3 was performed during the period of December 16 through December 17, 2009. Based on the audit, the NRC staff concludes that: (1) for licensing activities (NRC generic letters and bulletins) PBAPS has implemented NRC commitments on a timely basis; (2) for licensing actions (specifically, license amendment requests) some discrepancies were noted regarding the implementation of commitments, and; (3) overall, PBAPS has implemented an adequate 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 "John D. Hughey".

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

Docket Nos. 50-277 and 50-278

Enclosure:
Audit Report

cc w/encl: Distribution via Listserv



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

AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION
REGULATORY COMMITMENTS MADE BY EXELON GENERATION COMPANY, LLC TO
THE NUCLEAR REGULATORY COMMISSION
PEACH BOTTOM ATOMIC POWER STATION (PBAPS), UNITS 2 AND 3
DOCKET NOS. 50-277 AND 50-278

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 activities (bulletins, generic letters, etc.) and licensing actions (Technical Specification (TS) amendments, reliefs, exemptions, etc.).

2.0 AUDIT PROCEDURE AND RESULTS

An audit of the commitment management program for PBAPS Units 2 and 3 was performed during the period of December 16 through December 17, 2009. The audit was performed at PBAPS using documentation provided by Exelon Generation 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, 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 (TS amendments, exemptions, etc.) or licensing activities (bulletins, generic letters, etc.). Before the audit, the NRC staff searched ADAMS for licensee commitments associated with PBAPS for verification. The review included licensing actions and licensing activities with NRC issuance dates in 2006, 2007, 2008, and 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.

2.1.2 Audit Results

Table 1 provides a summary of the audit for verification of the licensee's implementation of commitments. A subset of all commitments was selected to be verified.

In summary, the NRC audit identified that a commitment was not implemented related to TS Amendment Nos. 269 (Unit 2) and 273 (Unit 3), which were issued September 5, 2008 (ADAMS Accession No. ML083500217). The implementation of 4 of 8 commitments related to the authorization to use Delta Mururoa BLU respiratory suits (approved July 15, 2007) required clarification. In addition, the NRC observed complications due to the use of two tracking systems and inadequacies in the assignment of commitments at the corporate level.

The aforementioned non-implemented commitment related to TS Amendment Nos. 269 (Unit 2) and 273 (Unit 3) pertains to fuel moving and core loading with secondary containment inoperable. After receiving the approved TS amendments on September 5, 2008, the licensee decided not to conduct fuel moving and core loading with secondary containment inoperable and, therefore, the licensee did not implement the commitment. However, the licensee did not

process a commitment change to evaluate and document this decision. This discrepancy, identified by the NRC staff during the audit, was entered in to the licensee's corrective action program under Assignment Report 01005151.

The commitments related to the authorization to use Delta Mururoa BLU respiratory suits are required to be implemented at PBAPS before the suits are used. The licensee indicated that the associated commitments had not been implemented since the suits have not been used at PBAPS. However, the NRC staff noted that there was no indication in the commitment tracking system documenting that the site did not have to comply with the commitments until the suits were used. The NRC staff sought to determine whether those commitments had been captured in an effective program for future implementation and found opportunities for improvement. The NRC staff identified issues related to adequately recording implementation documents, maintaining consistency within procedures and with the manufacturer's procedures, and establishing two-way communication channels with the manufacturer.

The second commitment associated with the authorization for use of the Delta Mururoa BLU respiratory suits states that the users are to be trained on the suits and their emergency escape features. The procedure for the use of the suit, RP-AA-835-1012, is common to Exelon and is listed in the commitment tracking system. However, the NRC audit identified that the procedure does not specify the content of the required training. However, the associated training plan is developed at the plant level and PBAPS has not yet developed a lesson plan since the suits have not been used at PBAPS. The analogous training plan for Limerick Generating Station (LGS) satisfies the same commitment and is available for PBAPS to adopt when and if the suits are used at PBAPS. The commitment would be fully implemented at PBAPS by the procedure as well as the lesson plan; therefore, both should be listed as implementation documents in the Commitment tracking system. The same circumstance exists for the required additional training for radiation personnel in the eighth commitment.

According to the third commitment, the suits are to be used in accordance with the recommendations in the manufacturer's Topical Report, MURUBLU05NP, Attachments 6.6.4, 6.6.5, and 6.6.6. Within the licensee's implementing procedure, two different sequences of events are specified in case the suit begins to lose air, condensation appears on the visor, or if the wearer feels unusual warmth. In Section 4.7 of RP-AA-835-1012, the user is instructed to get air then leave the area. In Section 4.5.9, the user is supposed to leave the area first, and then get air. Attachments 6.6.4 and 6.6.5 of the manufacturer's topical report suggests that the user leave the area and reminds the user that the suit will remain pressurized for a little while after losing air flow. Thus, the manufacturer does not state that one must get air or must leave the area first. However, the presence of two different interpretations of the manufacturer's recommendation within the licensee's procedure is ambiguous and could lead to confusion in actual use of the suit.

The seventh commitment related to use of the suits requires that the licensee establish two-way communication channels with Delta Protection in order to report any defects in the suits and receive notification if anyone else reports such defects. The licensee's procedure establishes a means of reporting defects to Delta Protection. However, there is no such mechanism that would ensure that Delta Protection would report defects to PBAPS. Therefore, this commitment is not satisfied. Since the corporate procedure listed in the PBAPS commitment tracking system did not establish the required notification mechanism, it is possible that PBAPS would not have done so prior to using the suits.

The NRC's concerns regarding the Delta Mururoa BLU suit commitments were entered in to the licensee's corrective action program under Assignment Report 01006958. The remaining 4 commitments associated with use of the respiratory suits were found to be adequately captured in the commitment tracking program to facilitate future implementation at PBAPS.

While verifying the commitments, the NRC staff observed that the use of two separate systems to track commitments between the plant and corporate organizations presented challenges to commitment management. Corporate and site personnel have access to both systems, but a manual interface is required to coordinate the two systems. The NRC staff identified issues regarding the tracking of fleet wide commitments at PBAPS. One such commitment was to revise the placement of dosimetry in response to the use of new weighting factors for the determination of the deep-dose equivalent for external exposures. The commitment was not included on a list of recent PBAPS regulatory commitments provided to the NRC by the licensee, but the commitment had been identified by the NRC staff as an active commitment during audit preparation. Upon investigation, the licensee found that the commitment had not been routed to the plant site correctly, and therefore, did not appear in the licensee's search. This discrepancy, identified by the NRC staff during the audit, was entered in to the licensee's corrective action program under Assignment Report 01005832. Separate corporate and plant tracking issues also contributed to the commitments associated with TS Amendment Nos. 269 (Unit 2) and 273 (Unit 3) not being implemented, as discussed above.

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 PBAPS is contained in licensee procedure LS-AA-110, Revision 7, "Commitment Management."

Section 3 of the procedure states that the Site Regulatory Assurance Commitment Tracking Coordinator has responsibility for identification of new regulatory commitments contained in regulatory correspondence (incoming and outgoing) associated with PBAPS. Similarly, a Corporate Licensing Commitment Tracking Coordinator is responsible for identifying commitments in incoming correspondence or outgoing correspondence initiated from Exelon corporate. Additionally, the Site Regulatory Assurance Commitment Tracking Coordinator is tasked with maintenance and review of the PBAPS commitment tracking database. Attachment 2 of procedure LS-AA-110, Revision 7, provides decision-making guidance for proposed commitment changes.

The NRC staff reviewed the PBAPS Commitment Revision Reports for 2007 through 2008 dated January 28, 2009 (ADAMS Accession No. ML090330076), and for 2009, dated January 15, 2010 (ADAMS Accession No. ML100191205). The NRC staff found that the licensee had properly addressed each identified regulatory commitment change. Based on the review of the direction and responsibilities established in LS-AA-110, Revision 7, and the review of the commitment revision reports listed above, the NRC staff concludes that the procedures used by the licensee to manage commitments are appropriate and adequate.

3.0 CONCLUSION

The NRC staff concludes that: (1) for licensing activities (NRC generic letters and bulletins) PBAPS has implemented NRC commitments on a timely basis; (2) for licensing actions (specifically, license amendment requests) some discrepancies were noted regarding the implementation of commitments, and; (3) overall, PBAPS has implemented an adequate program for managing NRC commitment changes. The issues identified in this audit were entered into the licensee's corrective action program for evaluation and will also be forwarded to NRC Region I staff for consideration in future inspection activities.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

William Nelle and James Armstrong.

Principal Contributor: J. Hughey

Date: September 30, 2010

Table 1

Written Commitments Selected for Verification– 2006-2009

Peach Bottom Submittal Date	NRC Issuance	Summary of Commitment and Licensee Tracking Number (if applicable)	Licensee Implementation Status
6/9/2008	TS Amendment No. 272, issued 8/11/2009	To establish TS bases for those TSs requested to be revised (Revision of Control Rod Notch Surveillance Test Frequency, Clarification of SRM Insert Control Rod Action.) (Tracking No. 00794832)	Implemented. The appropriate TS bases for each unit were revised.
9/15/2006	TS Amendment Nos. 262 and 266, issued 9/14/07	To incorporate the revised acceptance criteria value of 7.5% into the TS bases for the control rod scram time testing frequency (Tracking No. A1604878)	Implemented. The appropriate TS bases for each unit were revised.
2/15/2007	Authorization granted 7/5/2007	Authorization to use Delta Protection Mururoa BLU respiratory suit. Eight commitments were involved:	Partially implemented as documented in licensee's Assignment Report 1006958. Implementation is required prior to use. PBAPS has not used the suits, and has not implemented all commitments.
		1. BLU suits will be used in a specific configuration, including a Micronel C500X-012EK-AB60 blower, and four matching particulate cartridges. (More detail included in commitment.) (Tracking No. T04646)	Implemented in Exelon corporate procedure RP-AA-835-1012.
		2. Procedures for use of the suit systems are integrated into the respiratory programs required by 10 CFR 20. Users are trained on the suits and their escape features prior to use. (Tracking No. T04647)	Not implemented for PBAPS, but it is anticipated that it would be prior to use of the suits (commitment implemented for LGS).
		3. Suits are used in accordance with recommendations in Attachments 6.6.4, 6.6.5, and 6.6.6 of vendor Topical Report MURUBLU05NP (Tracking No. T04648)	Partially implemented in Exelon corporate procedure RP-AA-835-1012.
		4. Suits are discarded after a single use, are stored with specific conditions, and are exposed only to a certain range of temperatures. (Tracking No. T04649)	Implemented in Exelon corporate procedure RP-AA-835-1012.

Table 1

Written Commitments Selected for Verification-- 2006-2009

Peach Bottom Submittal Date	NRC Issuance	Summary of Commitment and Licensee Tracking Number (if applicable)	Licensee Implementation Status
		5. Suits are used with a fully charged battery pack with a max period of use dependent on the setting for the blower. (Tracking No. T04650)	Implemented in Exelon corporate procedure RP-AA-835-1012.
		6. Suits are only used in atmospheres that meet certain requirements listed in detail in the commitment. (Tracking No. T04651)	Implemented in Exelon corporate procedure RP-AA-835-1012.
		7. Communication channels are established with Delta Protection to report any defects and to receive any manufacturer's notification. (Tracking No. T04652)	Partially Implemented in Exelon corporate procedure RP-AA-835-1012. It is not anticipated that PBAPS would have fully implemented commitment prior to use of the suit since this was not fully implemented at LGS. (Assurance of notification from the manufacturer was not in place.)
		8. In addition to repeating some of the commitments above, it provided for additional training for Radiation Protection personnel on various aspects of the suit. (Tracking No. T04653)	Partially implemented in Exelon corporate procedure RP-AA-835-1012.
4/21/2008	TS Amendment Nos. 271 (Unit 2) and 275 (Unit 3), issued 3/23/2009.	To implement the 10 CFR 26, Subpart I requirements concurrently with the implementation of the TS amendment to remove the work hour limitations from the technical specifications. (Tracking No. 00766295)	Implemented with procedure LSA-AA-119, Rev. 8.
7/13/2007	TS Amendments 269 (Unit 2) and 273 (Unit 3), issued 9/5/08	TS revised to be consistent with NUMARC 93-01, Revision 3, Section 11.3.6.5, "Safety Assessment for Removal of Equipment from Service During Shutdown Conditions" (Tracking Nos. A1625373 & T04537)	Not Implemented. (Licensee Assignment Report 1005151.)

September 30, 2010

Mr. Michael J. Pacilio
President and Chief Nuclear Officer
Exelon Generation Company, LLC
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: PEACH BOTTOM ATOMIC POWER STATION (PBAPS), UNITS 2 AND 3 -
AUDIT OF EXELON GENERATION COMPANY, LLC'S MANAGEMENT OF
REGULATORY COMMITMENTS (TAC NOS. ME2442 AND ME2443)

Dear Mr. Pacilio

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 regulatory commitments are being effectively implemented.

An audit of the commitment management program for PBAPS Atomic Power Station, Units 2 and 3 was performed during the period of December 16 through December 17, 2009. Based on the audit, the NRC staff concludes that: (1) for licensing activities (NRC generic letters and bulletins) PBAPS has implemented NRC commitments on a timely basis; (2) for licensing actions (specifically, license amendment requests) some discrepancies were noted regarding the implementation of commitments, and; (3) overall, PBAPS has implemented an adequate program for managing NRC commitment changes. Details of the audit are set forth in the enclosed audit report.

Sincerely,

/ra/

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

Docket Nos. 50-277 and 50-278

Enclosure:
Audit Report

cc w/encl: Distribution via Listserv

DISTRIBUTION:

PUBLIC

RidsRgn1MailCenter Resource

RidsAcrcAcnw_MailCTR Resource

RidsNrrPMPeachBottom Resource

RidsNrrLAABaxter Resource

RidsOgcRp Resource

RidsNrrDorLpl1-2 Resource

FBower, R1

PKrohn, R1

LPL1-2 R/F

SMeighan, NRR

ACCESSION NUMBER: ML093580177

*via e-mail

OFFICE	LPL1-2/PM	LPL1-2/LA	LPL1-2/BC
NAME	JHughey	ABaxter (SLittle for)*	HChernoff
DATE	09/30/2010	09/28/2010	09/30/2010

OFFICIAL RECORD COPY