



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

August 31, 2012

Mr. Ken Langdon
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

**SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NOS. 1 AND 2 - AUDIT OF THE
LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS
(TAC NOS. ME8905 AND ME8906)**

Dear Mr. Langdon:

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

On May 27, 2003, the Office of Nuclear Reactor Regulation Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC (Nuclear Regulatory Commission)," was published. LIC-105, which is publicly available electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC website (Accession Number ML022750041), provides the NRC staff and its stakeholders with a common reference for handling regulatory commitments made by licensees for commercial nuclear reactors to the NRC staff. LIC-105 specifies that the NRC staff will audit a licensee's commitment management program 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 Nine Mile Point Nuclear Station (NMPNS), Unit Nos. 1 and 2 was performed onsite and in the NRC office on August 13 - 16, 2012.

The NRC staff concludes that, based on the audit, (1) the licensee's program for managing Regulatory commitment is generally consistent with NEI 99-04, (2) the licensee had implemented NRC commitments on a timely basis; (3) the licensee had implemented an effective program to manage regulatory commitment changes, and (4) there were no misapplied commitments.

K. Langdon

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However, as described in the enclosed audit report, the NRC audit team noted that the implementation of the NMPNS's Commitment Management Program/Procedure is not consistent and uniform. Therefore, the licensee's program document CNG-NL-1.01-1006, Revision 0200, needs considerable improvements, to provide specificity, clarity, consistency, and uniformity for proper implementation of the program.

During the exit meeting on August 16, 2012, the NRC audit team's observations were discussed with the licensee. The licensee informed the NRC audit team that the Nine Mile Point Corrective Action Program Condition Report #CR-2012-006793 will address and track these program and procedure weaknesses.

Details of the audit are set forth in the enclosed audit report.

The NRC staff appreciates the resources that were made available by your staff for performing the audit.

If you have any questions, please contact me at 301-415-3308.

Sincerely,

A handwritten signature in black ink, appearing to read "B.K. Vaidya", written over a horizontal line.

Bhalchandra K. Vaidya, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-220 and 50-410

Enclosure: As stated

cc w/encl: Distribution via Listserv



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION (NRR)
REGULATORY COMMITMENTS MADE BY THE LICENSEE TO
THE NUCLEAR REGULATORY COMMISSION (NRC)
NINE MILE POINT NUCLEAR STATION (NMPNS), UNIT NOS. 1 AND 2
DOCKET NOS. 50-220 AND 50-410

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 U. S. 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.

On May 27, 2003, the Office of Nuclear Reactor Regulation Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC (Nuclear Regulatory Commission)," was published. LIC-105, which is publicly available electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC website (Accession Number ML022750041), provides the NRC staff and its stakeholders with a common reference for handling regulatory commitments made by licensees for commercial nuclear reactors to the NRC staff. LIC-105 specifies that the NRC staff will audit a licensee's commitment management program 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.).

The commitments will be controlled in accordance with the licensee's Commitment Management Program (CMP) in accordance with NEI 99-04. Any change to the regulatory commitments is subject to licensee management approval and subject to the procedural controls established at the plant for commitment management in accordance with NEI 99-04, which include appropriate notification to the NRC. In accordance with NEI 99-04, the NRC is informed of any regulatory commitment change that has safety or regulatory significance.

Table 1 lists the commitments audited, the current status of licensee regulatory commitments and the auditor's comments in bold italics, where applicable.

2.0 AUDIT PROCEDURE AND RESULTS

An audit of the Nine Mile Point Units 1 and 2 (NMP 1 and 2) commitment management program was performed at the plant site as well as at the NRC Headquarters during the period August 13-17, 2012. The following paragraphs describe the methodology used to conduct the audit:

a) The scope of the audit included the following:

1. Review of NMPNS regulatory commitment management program, including the commitment tracking system and procedures for management of changes to the regulatory commitments;
2. verification of the licensee's implementation of NRC regulatory commitments that have been completed; and
3. verification of the licensee's program for managing changes to NRC regulatory commitments.

b) For the purpose of this audit, the NRC staff considered:

1. The commitments made by the licensee since the previous audit on April 21-24, 2008 (ADAMS Accession No. ML081210539), on the completed licensing actions, as described in NEI 99-04, such as, License Amendment Requests, Requests for Exemptions, Requests Reliefs, Responses to Generic Communications, etc.
2. The "open" commitments on the licensing actions completed prior to previous audit on April 21-24, 2008, when the NRC staff found it necessary to include them in the sample upon reviewing the "Description of the commitment".
3. A sample of individual and unrelated regulatory commitments that were approved by the NRC to justify a licensing action or resolve a licensing activity. This sample emphasized regulatory commitments encompassing a variety of systems, engineering disciplines, and licensing actions.

c) Before the audit, the NRC staff searched the licensee's submittals for licensing actions and licensing activities in ADAMS since the previous audit on April 21-24, 2008. The NRC staff also used the agency's Time Resource Inventory Management (TRIM) database to generate a licensing action report for each of the Nine Mile Point Units from the previous commitment audit, April 21-24, 2008. The licensing action documents were searched for commitments that fit the LIC-105 definition. Several license amendments, a relief request, and generic letter (GL) resolution letters were selected for review. The scope of the audit and the regulatory commitments selected for the audit was provided to NMPNS a few days in advance of the site visit to facilitate an effective audit.

NRR Office Procedure LIC-105, "Managing Regulatory Commitments Made By Licensees to the NRC," limits the focus of the audit of regulatory commitments to those made in writing to the NRC as a result of past licensing actions (amendments, reliefs, exemptions, etc.) or licensing activities (bulletins, generic letters, etc.). Accordingly, the commitments integrated into the final safety analysis report (FSAR), quality assurance program, site security plan, emergency plan, or other documents governed by a change-control mechanism contained in regulations such as Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.59 or 50.54 are excluded from the scope of the audit. Commitments made in Licensee Event Reports or in response to Notices of Violation may be included in the sample, but the review will be limited to verification of restoration of compliance, not the specific methods used.

The audit excluded 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 10 CFR 50.73.
- (2) Commitments made on the licensee's own initiative among internal organizational components.
- (3) Commitments that pertain to milestones of licensing actions/activities, i.e., 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 (UFSARs), commitments that respond to an NRC request for additional information (RAI) by a certain date, etc.. Fulfillment of these commitments was indicated by the licensee having taken timely action in accordance with the subject requirements.
- (4) Commitments made as part of Condition Reports. These commitments are controlled by the licensee's corrective action process which is a separate licensee-controlled management program than the Electronic Performance Improvement Center (e-PIC).
- (5) The steps to implement the License Conditions imposed as the result of the NRC approval of the amendment for extended power uprate for Unit 2 (TAC No. ME1476).
- (6) Commitments made as part of the NRC approval of the Application for License Renewal (TAC Nos. MC3272 & MC3273) for Units 1 and 2 respectively. These commitments are a part of the respective UFSAR, Appendix C, and therefore, are controlled by the licensee's UFSAR change program.

Table 1 contains the list of the NMPNS regulatory commitments selected for the audit.

2.1 Review of NMPNS Regulatory Commitment Management Program

The focus of this part of the audit is to review the NMPNS regulatory commitment management program, including the commitment tracking system and procedures for management of changes to the regulatory commitments.

The licensee does not have a dedicated system for managing regulatory commitments. The licensee utilizes its existing system called e-PIC. The licensee's regulatory commitments are entered into e-PIC either as Nuclear Licensing actions items (NLs) or Action Items (AIs). NMPNS manages their regulatory commitments through its "Constellation Nuclear Generation [CNG] Fleet Administrative Procedure - Commitment Management," CNG-NL-1.01-1006, Revision 0200. Revision 0200 of the procedure became effective on December 15, 2010, and is also applicable to Calvert Cliffs and R.E. Ginna Nuclear Power Plants as well as for corporate offices of CNG. The procedure describes the process and establishes the controls for identifying, implementing, closing, changing, and managing regulatory commitments in correspondence between CNG and the NRC or other regulatory agencies. The licensee provided the following additional explanations about its Commitment Management Program:

- 1) NMPNS does not have a plant specific instruction to supplement the corporate procedure, CNG-NL-1.01-1006, for Commitment Management. The computer system used for commitments is governed by the corrective action program and associated training. The software application for implementing the corrective action program is called "e-PIC". A module within e-PIC for tracking NLs is used for commitments. The training for using the module of the computer system for action item tracking is available.
- 2) This system is not exclusively used for Regulatory Commitments.
- 3) Regulatory commitments are identified in the text of the description.
- 4) NMPNS used an, "old," system, "Nuclear Commitment Tracking System," (NCTS) up to 2010, when NCTS was retired and all the existing commitments were transferred over into e-PIC. Items transferred from NCTS have a note included in the text referring to the NCTS system. The data from NCTS is available for reference.
- 5) Commitment changes are identified by completing the checklist (Attachment 1) of CNG-NL-1.01-1006, "NRC Regulatory Commitment Change Evaluation Summary." This form is attached to changed commitments in e-PIC. The text of the commitment is updated to explain the change.
- 6) Recurring commitments are tracked by opening new sub-actions under the original NL and cross-referencing within the NL that a new action was created, with a requirement in the new action to create another action when the current action is completed. For example, NL-2010-000018 is the action item tracking the recurring commitment for completing examinations of the HPCS nozzles safe end weld. This commitment recurs every 4 years. Sub actions NL-2010-000018-003 and 004 are tracking the completion of this commitment in 2016. In 2016, when these 2 sub-actions are closed, new sub-actions NL-2010-000018-005 and 006 will be created.

- 7) The commitments that have been modified or deleted that were reported and were not reported have been annotated in the attached pdf files in the system.
- 8) Commitments made as part of license renewal are included in Appendix C of the NMP1 UFSAR and NMP2 USAR, Appendix C. The commitments are also included in the commitment management database.

The NRC staff reviewed Procedure CNG-NL-1.01-1006, and compared it with the guidance in NEI 99-04 and the NRR Office Instruction, LIC-105. In general, the NRC staff found that the licensee's program/procedure is generally consistent with the NEI guidance, NEI 99-04 for commitment management. It sets forth the need for identifying, tracking, and reporting regulatory commitments, and it provides a mechanism for changing regulatory commitments. NEI 99-04 provides only the core requirements for the commitment management program.

However, the NRC audit team noted that the implementation of the NMPNS's CMP/Procedure is not consistent and uniform. Therefore, the licensee's program document CNG-NL-1.01-1006, Revision 0200, needs considerable improvements, to provide specificity, clarity, consistency, and uniformity for proper implementation of the program as enumerated below:

- The Document CNG-NL-1.01-1006, Commitment Management, Revision 00200 does not address the instructions for using the software system (e-PIC) for entering and tracking the regulatory commitments - or- does not refer to the instructions either, such as, special access is needed to enter "NL type" commitments. There is more than one system used, as observed by the commitment nos. provided by the licensee; e-PIC, NCTS, and some other system during transition (e.g., NMP2-2160). The conversion from the historical NCTS system occurred in 2010. The current system is called e-PIC.
- The licensee's explanations listed previously in this section should be part of the program document, CNG-NL-1.01-1006 (e.g., the commitments are "closed" either when they are changed or completed; for Recurring/On-Going Commitments, they are tracked by opening new sub-actions under the original NL and cross-referencing within the NL that a new action was created).
- When entering the commitment, as a minimum, the input should include: the source document; the text of the commitment in verbatim to ensure that the correct commitment is entered, tracked, and implemented; the due date for implementation of the commitment; the frequency of implementation for a recurring commitment; and the status of the commitment. Sub-Action Items (i.e., -00X) should be used for the actions required to implement the commitment, such as a revision of a procedure/design/drawing, development of a procedure/design/drawing, etc. (with corresponding responsible department/person), and its own due date for implementation. Instructions should also be provided for closing the completed commitment, including the instructions as to which closure documents are needed to be attached to the regulatory commitment in the e-PIC system, (e.g., updated procedure pages, TS Bases pages, UFSAR pages, Drawings, pages from the engineering change packages, etc.)
- Regulatory Commitments are not uniquely identified in the system. They are identified either as "NL", "AI", or some other symbol during transition from old to new system. All

commitments identified in the system as "NL" or "AI" are not "Regulatory Commitments, i.e., part of a submission to the NRC (via a letter to NRC).

- For tracking the commitment and the sub-action in the system, the input in the system should show the status in a consistent manner (i.e., open, closed-revised, closed completed, revised-NRC informed, revised-NRC not informed, etc.)
- Similar to the process flow chart for changing the regulatory commitments, the process flow diagram for entering (documenting), implementing (completing), and closing the commitment should be included in the procedure, CNG-NL-1.01-1006.

The remainder of the audit evaluated the effectiveness of the procedures by exploring the products produced by the procedures.

2.2 Verification of Licensee's Implementation of NRC Regulatory 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 aimed to ascertain that those commitments had been properly entered in the program for future implementation.

Audit Results

The NRC staff reviewed licensee's program for tracking the commitments listed in Table 1 to evaluate the status of completion. The NRC staff found that the licensee's commitment tracking program had captured all the regulatory commitments that were identified by the NRC staff before the audit.

The NRC staff reviewed the documentation associated/included in licensee's e-PIC system with each of the commitments listed in Table 1 to evaluate the status of completion of various components of each commitment. In general, each commitment comprises multiple tasks and components, such as revising appropriate plant procedures, revising appropriate sections of the UFSAR, revising appropriate sections of TS Bases, revising training manuals, and training of the personnel, etc.. The NRC staff reviewed the information associated with each commitment to determine the status of completion. The NRC staff found that the licensee's e-PIC captured all the regulatory commitments that were identified by the NRC staff before the audit.

The NRC staff also reviewed other sources of information, in particular licensee submittals, to verify implementation of commitments. The review results are shown in the far right column of Table 1, where appropriate. Table 1 lists the commitments audited and summarizes what the NRC staff observed as the current status of licensee regulatory commitments and the auditor's comments in bold italics, where applicable. The NRC staff did not identify any issues regarding the implementation status of these regulatory commitments.

However, the audit team made the following observations pertaining to utilization of the system:

- 1) The source document and/or closure documents are not attached or referenced in the system in consistent manner. See notes in Table 1 for affected commitments.

- 2) The commitments made by the corporate office are neither entered, nor tracked in the licensee's system (i.e., items related to license transfer and cyber security licensing actions). See notes in Table 1 for affected commitments. These types of commitments must be entered and tracked in the NMPNS program.

While the licensee staff provided the audit team with the correct documents to address the specific question on the sample commitments, the licensee should take appropriate steps in timely manner, to address the current extent of similar situations, and to avoid similar situations.

2.3 Verification of the Licensee's Program for Managing 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 NMP 1 and 2 is contained in Procedure CNG-NL-1.01-1006. Section 5.4 and Attachments 1 and 2 of the procedure CNG-NL-1.01-1006 provide details regarding making changes to a commitment. In general, CNG-NL-1.01-1006 is consistent with the guidance of NEI-99-04. It provides a mechanism for changing commitments which includes notifying the NRC.

The audit also verified 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.

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.

Audit Results

The attached Table 1 provides details of this portion of the audit and its results. Notes in Table 1 provide the audit team's comments, if any, in bold italics.

There was one commitment in the sample that was changed. The change involved the change to the scheduled implementation date (Items No. 6, in Table 1, NCTS-504646, Task #5, for Unit 2, also, NL-2010-000019-002 & -004). It was noted that the commitment change, while explained in the letter to the NRC, did not include the completed checklist, as required by the procedure.

However, the NRC staff found no reason to differ from the licensee's reported status of the audited commitments. Thus, the NRC staff finds that the procedure used by the licensee to manage commitment changes is appropriate and effective.

2.4 Review to Identify Misapplied Commitments

The commitments reviewed for this audit were also evaluated to determine if they had been misapplied. A commitment is considered to be misapplied if the action comprising the

commitment was relied on by the NRC staff in making a regulatory decision such as a finding of public health and safety in an NRC safety evaluation associated with a licensing action. Reliance on an action to support a regulatory decision must be elevated from a regulatory commitment to a legal obligation (e.g., license condition, condition of a relief request, regulatory exemption limitation or condition). A commitment is also considered to have been misapplied if the commitment involves actions that were safety significant (i.e., commitments used to ensure safety).

Each of the commitments selected for the audit sample was reviewed to determine it had been misapplied, as described in paragraph above.

The audit team also reviewed the description of all "open" commitments from the inception of the licensee's commitment management program to determine if any should be included in the audit sample. Based on its review, the NRC staff did not find it necessary to include in the audit sample any "open" commitments prior to the last audit in April 20-24, 2008.

Review of Safety Evaluations for Licensing Actions since the Last Audit to Determine if They Are Properly Captured as Commitments or Obligations

In addition to the review of the descriptions of the commitments selected for the audit sample, all safety evaluations for the license amendments, exemptions, and relief requests that have been issued for a facility since the last audit were identified. These documents were evaluated to determine if they contained any misapplied commitments as described above.

The NRC staff found that the safety evaluation either: (a) did not discuss the commitments (therefore, it can be concluded that the staff did not rely on the commitments to make its determination regarding the licensing action), or (b) stated that the NRC staff found that the commitments need not be elevated from a regulatory commitments to a legal obligations. Notes in Table 1 provide the audit team's comments, if any, in bold italics. Based on the NRC staff evaluation of the safety evaluations that have been issued since the last audit, the NRC staff did not find any misapplied commitments

3.0 CONCLUSION

The NRC staff concludes that, based on the audit, (1) the licensee's program for managing Regulatory commitment is generally consistent with NEI 99-04, (2) the licensee had implemented NRC commitments on a timely basis; (3) the licensee had implemented an effective program to manage regulatory commitment changes, and (4) there were no misapplied commitments.

During the exit meeting on August 16, 2012, the NRC audit team's observations were discussed with the licensee. The licensee informed the NRC audit team that the Nine Mile Point Corrective Action Program Condition Report #CR-2012-006793 will address and track these program and procedure weaknesses.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

John Dosa
Dennis Vandeputte
Theresa Darling
Kenneth Kristensen

Principal Contributors: B. Vaidya
S. Basturescu

Date: August 31, 2012

TABLE 1

LIST OF AUDITED COMMITMENTS AND RELATED INFORMATION

(May 2008 THROUGH August 2012)

Item No.	Licensee's Commitment Tracking Number (NL#)	Licensee's Source of Submittal	Commitment	NRC TAC No. and NRC Document	Licensee Implementation Status and NRC staff Comments, if any (in bold italics)
1	NMP2L 2160 NCTS 504633 Task 1	May 31, 2007 ML071580314	<p>Environmental qualification of SLC system components for the post-LOCA environment associated with the new suppression pool pH control function will be established in accordance with the station design change process prior to completing implementation of the AST license amendment.</p> <p>Implementation:</p> <p>120 days following NRC approval of the license amendment request.</p>	<p>MD5758 LAR Pursuant to 10 CFR 50.90: Application of Alternative Source Term. ML081230439 (No discussion of Commitments) TAC Closed 05/29/2008</p>	<p>CLOSED - COMPLETED 9/19/2008</p>
2	NMP2L 2160 NCTS 504633 Task 2	May 31, 2007 ML071580314	<p>The Emergency Operating Procedures (EOPs) and Severe Accident Procedures (SAPs) will be revised, as appropriate, to reflect the post-LOCA function of the SLC system, include instructions to manually actuate the SLC system based on high drywell radiation levels, and assure that, once initiated, the entire contents of the SLC system storage tank are injected to accomplish the pH control function.</p> <p>Implementation:</p>	<p>MD5758 LAR Pursuant to 10 CFR 50.90: Application of Alternative Source Term. ML081230439 (No discussion of Commitments) TAC Closed 05/29/2008</p>	<p>CLOSED - COMPLETED 9/17/2008</p>

Item No.	Licensee's Commitment Tracking Number (NL#)	Licensee's Source of Submittal	Commitment	NRC TAC No. and NRC Document	Licensee Implementation Status and NRC staff Comments, if any (in bold italics)
			120 days following NRC approval of the license amendment request.		
3	NMP2L 2160 NCTS 504633 Task 3	May 31, 2007 ML071580314	<p>Training will be provided to licensed operators and shift technical advisors (STAs) for the procedure revisions that specifically address sodium pentaborate solution injection for pH control following a LOCA.</p> <p>Implementation:</p> <p>120 days following NRC approval of the license amendment request.</p>	<p>MD5758 LAR Pursuant to 10 CFR 50.90: Application of Alternative Source Term. ML081230439 (No discussion of Commitments) TAC Closed 05/29/2008</p>	<p>CLOSED - COMPLETED 9/19/2008 (4)</p>
4	NL-2010-000019-001	October 14, 2008 ML082900036	<p>Upon completion and Nuclear Regulatory Commission (NRC) approval of the new industry generic Technical Specifications currently under development by the Technical Specification Task Force (TSTF), NMPNS will review these requirements and submit License Amendment Requests for NMP 1 and NMP2, as appropriate.</p> <p>Implementation:</p> <p>Upon NRC approval of the TSTF Traveler</p>	<p>ME7848 & MD7849 GL2008-01 TAC Closed 01-21-2010 ML093511024 (SE States that there is "satisfactory implementation of Commitments through TI2515/177)</p>	<p>OPEN (1)</p>
5	NL-2010-000019-003 Unit 1: NCTS 504646, Task#2 Unit 2:	October 14, 2008 ML082900036	<p>NMPNS will complete follow up confirmatory ultrasonic testing (UT) to validate the effectiveness of the evaluations and actions taken to date to address discrepancies.</p> <p>Implementation:</p>	<p>ME7848 & MD7849 GL2008-01 TAC Closed 01-21-2010 ML093511024 (SE States that there is "satisfactory implementation of</p>	<p>CLOSED - COMPLETED <i>The commitment should not have been entered in the new system because it</i></p>

Item No.	Licensee's Commitment Tracking Number (NL#)	Licensee's Source of Submittal	Commitment	NRC TAC No. and NRC Document	Licensee Implementation Status and NRC staff Comments, if any (in bold italics)
	NCTS 504646, Task#3		NMP1: Completion of NMP1 2009 spring refuel outage NMP2: March 2009	Commitments through TI2515/177)	<i>was completed prior to transition to new system..</i>
6	Unit 1: NCTS 504646, Task #4 Unit 2: NCTS 504646, Task #5 NL-2010-000019-002 & 004	October 14, 2008 ML082900036	NMPNS will implement modifications to install new vent valves to improve fill and vent activities outage' of the subject systems. <u>Implementation:</u> NMP1: Completion of NMP1 2009 spring refuel outage NMP2: Completion of NMP2 2010 spring refuel outage	ME7848 & MD7849 GL2008-01 TAC Closed 01-21-2010 ML093511024 (SE States that there is "satisfactory implementation of Commitments through TI2515/177)	CLOSED - COMPLETED TASK #4 04/06/2009 REVISED Task #5 and COMPLETED 05/20/2012 (2), (4)
7	NCTS 504646 Unit 1: Task #6 Unit 2: Task #7	October 14, 2008 ML082900036	NMPNS will revise identified NMP 1 and NMP2 operating and test procedures for Emergency Core Cooling Systems and Shutdown Cooling Systems to incorporate fill and vent improvements identified during Generic Letter (GL) 2008-01 evaluation. <u>Implementation:</u> NMP1: February 2009 NMP2: July 2009	ME7848 & MD7849 GL2008-01 TAC Closed 01-21-2010 ML093511024 (SE States that there is "satisfactory implementation of Commitments through TI2515/177)	CLOSED - COMPLETED BOTH Task#7: 07/08/2009 Task#6: 02/27/2009
8	NCTS 504646 Unit 2: Task #8	October 14, 2008 ML082900036	NMPNS will revise NMP2 calculation related to Loss of Coolant Accident analysis input parameters to address the impact on injection flow rates due to voided piping found in the Low Pressure Core Spray	ME7848 & MD7849 GL2008-01 TAC Closed 01-21-2010 ML093511024 (SE States	CLOSED - COMPLETED 03/09/2009

Item No.	Licensee's Commitment Tracking Number (NL#)	Licensee's Source of Submittal	Commitment	NRC TAC No. and NRC Document	Licensee Implementation Status and NRC staff Comments, if any (in bold italics)
			piping at the outside containment isolation valve. <u>Implementation:</u> March 2009	that there is "satisfactory implementation of Commitments through TI2515/177)	
9	NCTS 504646 Both Units: Task # 9	October 14, 2008 ML082900036	NMPNS will revise the Constellation fleet design change process procedure to incorporate additional controls for evaluating gas intrusion issues. <u>Implementation:</u> June 2009	ME7848 & MD7849 GL2008-01 TAC Closed 01-21-2010 ML093511024 (SE States that there is "satisfactory implementation of Commitments through TI2515/177)	CLOSED - COMPLETED BOTH 06/09/2009
10	NCTS 504646 Unit 2: Task #10	July 6, 2009 ML091950416	NMPNS will evaluate the cause of the voiding in the Nine Mile Point 2 (NMP2) Core Spray Low (CSL) and Residual Heat Removal (RHR) systems and determine what design changes, if any, will be required. The required design changes will be implemented by the end of the spring 2010 refueling outage. <u>Implementation:</u> 11/15/2009	ME7848 & MD7849 GL2008-01 TAC Closed 01-21-2010 ML093511024 (SE States that there is "satisfactory implementation of Commitments through TI2515/177)	CLOSED - COMPLETED 10/22/2009
11	NCTS 504646 Both Units: Task # 11	July 6, 2009 ML091950416	NMPNS will send a supplemental response to the NRC by 12/15/09 informing them of the design changes that will be implemented to minimize the voiding of CSL and RHS piping and the completion dates, if any.	ME7848 & MD7849 GL2008-01 TAC Closed 01-21-2010 ML093511024 (SE States that there is "satisfactory	CLOSED - COMPLETED BOTH 12/15/2009

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			<p><u>Implementation:</u> 12/15/2009</p>	implementation of Commitments through TI2515/177)	
12	NCTS 504646 Task #12 for Both Units	December 14, 2009 ML093631558	<p>NMPNS will implement the design changes to minimize voiding in the Low Pressure Core Spray System (CSL) and Residual Heat Removal System (RHS) at Nine Mile Point Unit 2 (NMP2).</p> <p><u>Implementation:</u> End of Spring 2010 Refueling Outage</p>	ME7848 & MD7849 GL2008-01 TAC Closed 01-21-2010 ML093511024 (SE States that there is "satisfactory implementation of Commitments through TI2515/177)	CLOSED - COMPLETED BOTH 5/1/2010
13	FLL 09-0001 NMP1L 2318 AI-2009-000037-002	January 22, 2009 ML090290101	<p>If NRC approves and the transaction is subsequently consummated, form a Nuclear Advisory Committee and include the requirement for an annual report in the forming document.</p> <p><u>Implementation:</u> On consummation of the transaction</p>	ME0446 & ME0447 License Transfer & LAR TAC Closed 11-02-2009 ML092590194 ML092570594 (SE) (No discussion of Commitments)	CLOSED - COMPLETED 12/31/2009 (5)
14	FLL 09-0001 NMP1L 2318 AI-2009-000037-001	January 22, 2009 ML090290101	<p>Review QATR for changes to duties of CNO, CEO, and other executive officers resulting from EDF transaction and make any changes within six months following the closure of the transaction</p> <p><u>Implementation:</u> On consummation of the transaction</p>	ME0446 & ME0447 License Transfer & LAR TAC Closed 11-02-2009 ML092590194 ML092570594 (SE) (No discussion of Commitments)	CLOSED - COMPLETED 12/31/2009 (5)

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15	FLL 09-0001 NMP1L 2318 AI-2009-000037-003	January 22, 2009 ML090290101	Submit new support agreements to the NRC. <u>Implementation:</u> February 27, 2009	ME0446 & ME0447 License Transfer & LAR TAC Closed 11-02-2009 ML092590194 ML092570594 (SE) (No discussion of Commitments)	CLOSED – COMPLETED 2/27/2009 (5)
16	AI-2009-000094	March 9, 2009 ML090780250	NMPNS will incorporate the revised acceptance criterion value of 7.5 percent into the TS Bases for NMP2 in accordance with the Bases Control Program described in TS 5.5.10. <u>Implementation:</u> N.A.	ME0898 LAR to Adopt TSTF-460-A TAC Closed 08-18-2009 ML092260127 (No Discussion of Commitments)	CLOSED – COMPLETED 10/28/2009 (6)
17	NL-2010-000055-009	April 4, 2011 ML110950664	Revise Section 4/13 of the Cyber Security Plan (RAI 1) <u>Implementation:</u> 7/1/2011	ME4331/4332 Cyber Security Plan MI11152A037 (Implementation Commitments not considered as Reg. Commitments. Any change would require NRC Approval) TAC Closed 08/19/2011	CLOSED - COMPLETED 7/1/2011 (3)
18	NL-2010-000055-010	April 4, 2011 ML110950664	Complete Tasks 1-7 in the implementation schedule (RAI 2) <u>Implementation:</u> 12/31/2012	ME4331/4332 Cyber Security Plan ML11152A037 (Implementation Commitments not considered as Reg. Commitments. Any	OPEN

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				change would require NRC Approval) TAC Closed 08/19/2011	
19	NL-2010-000055-011	April 4, 2011 ML110950664	Complete Task 8 in the implementation schedule is completed (RAI 2) Implementation: 2/26/2016	ME4331/4332 Cyber Security Plan ML11152A037 (Implementation Commitments not considered as Reg. Commitments. Any change would require NRC Approval) TAC Closed 08/19/2011	OPEN
20	FLL 11-009 NMP1L2548 Exelon 01214061-01	May 12, 2011 ML111370174	Provide the NRC with the final effective joint proxy statements/prospectus relating to the transaction filed with the Securities and Exchange Commission Implementation: Upon filing the documents with the SEC.	ME6237/ME6238 Indirect Transfer of Control of Licenses ML113560373 ML113560438 (SE) (No discussion of Commitments) TAC Closed 02/15/2012	CLOSED – COMPLETED 10/13/2011 (5)
21	FLL 11-009 NMP1L2548 Holdco NL-2011-000015-003 & -001	May 12, 2011 ML111370174	Update List of Required Regulatory Approvals. Implementation: As information becomes known.	ME6237/ME6238 Indirect Transfer of Control of Licenses ML113560373 ML113560438 (SE) (No discussion of Commitments) TAC Closed 02/15/2012	CLOSED – COMPLETED 12/28/2012 (5)

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22	FLL 11-009 NMP1L2548 Holdco NL- 2011-000015- 002	May 12, 2011 ML111370174	Submit the final support agreements to the NRC once executed. Implementation: As information becomes known.	ME6237/ME6238 Indirect Transfer of Control of Licenses ML113560373 ML113560438 (SE) (No discussion of Commitments) TAC Closed 02/15/2012	CLOSED – COMPLETED 12/31/2009 (5)
23	NL-2011- 000011-001	June 20, 2011 ML11179A032	In accordance with Reference (a) as approved by Nuclear Regulatory Commission (NRC) in Reference (b), Calvert Cliff Nuclear Power Plant, R. E. Ginna Nuclear Power Plant, and Nine Mile Point Nuclear Station will submit license amendment requests LARs to implement 10 CFR 50.48(c). Implementation: June 29, 2012	ME6593 Extension of Fire Protection Enforcement Discretion ML112000464) (No discussion of Commitments) TAC Closed 07/28/2011	CLOSED/COMPLETED 6/13/2012 (6)
24	NL-2010- 000058-004	November 5, 2010 ML103130512	NMPNS will revise the ACM Rev. 4.1 model to provide bias and uncertainty values over frequency ranges consistent with those used for ACM Rev. 4.0. Implementation: December 10, 2010	ME1476 Extended Power Uprate Operation ML112930470 (SE) (Section 4.0 discussed Commitments. But states that the staff has determined that no "regulatory Requirements are needed) TAC Closed 12/22/2011	CLOSED/COMPLETED 12/10/2010 (2), (4)

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25	NL-2011-000008-001	June 13, 2011 ML11171A059	<p>NMPNS will conduct in-situ Boron-10 Areal Density Gauge for Evaluating Racks (BADSGER) testing on the Phase 1 BORAL® Racks installed at NMP2 in 2001 on a 10 year frequency, beginning in 2012. The BADGER testing program will be the surveillance program for the Phase 1 BORAL® Racks installed at NMP2 in 2001.</p> <p>Implementation: 10-year frequency, beginning in 2012.</p>	<p>ME1476 Extended Power Uprate Operation ML112930470 (SE) (Section 4.0 discussed Commitments. But states that the staff has determined that no "regulatory Requirements are needed) TAC Closed 12/22/2011</p>	<p>OPEN (2)</p>
26	NL-2012-000010-005 NL-2012-000017-001	August 5, 2011 ML11221A011	<p>Prior to power ascension, NMPNS plans to update the sample limit curves using the power ascension strain gage data from the Current Licensed Thermal Power (CLTP). This approach is a lesson learned from the Hope Creek EPU power ascension where plant noise profiles and refurbished strain gauges impacted the limit curves, requiring the regeneration of the curves. The regenerated limit curves will be submitted to the NRC prior to commencing power operations above CLTP.</p> <p>Implementation: Prior to commencing power operations above CLTP.</p>	<p>ME1476 Extended Power Uprate Operation ML112930470 (SE) (Section 4.0 discussed Commitments. But states that the staff has determined that no "regulatory Requirements are needed) TAC Closed 12/22/2011</p>	<p>CLOSED/COMPLET ED 5/31/2012 (6)</p>
27	NL-2011-000022-001	November 1, 2011 ML113120336	<p>In accordance with ASME Section III NB-3200, stress based fatigue monitoring at Nine Mile Point Unit 2 (NMP2) will include all six stress components.</p>	<p>ME1476 Extended Power Uprate Operation ML112930470 (SE) (Section</p>	<p>OPEN (2)</p>

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			<p>Implementation:</p> <p>This commitment will apply for the NMP2 period of extended operation, commencing on November 1, 2026.</p>	<p>4.0 discussed Commitments. But states that the staff has determined that no "regulatory Requirements are needed) TAC Closed 12/22/2011</p>	
28	NL-2010-000051-001	July 25, 2011 ML11214A214	<p>Complete the modification and associated implementing procedures to provide the Division 3 diesel generator (DG) with a source of backup cooling water from the fire protection water supply system and its associated diesel- driven fire water pumps.</p> <p>Implementation:</p> <p>90 days following NRC approval of the license amendment request.</p>	<p>ME3736 Extension of the Completion Time for an Inoperable Diesel Generator TAC Closed 10/31/2011 ML112200155 (Commitments discussed but states that there is no need for "Regulatory Requirements.")</p>	<p>CLOSED/COMPLETED 6/14/2011 <i>(1), (4)</i></p>
29	NL-2010-000051-002	July 25, 2011 ML11214A214	<p>Prepare or revise appropriate procedures and training to include provisions for implementing compensatory measures and configuration risk management controls when entering an extended DG completion time (CT) (greater than 72 hours and up to 14 days), including the following:</p> <p>a. The other two DGs are operable and no planned maintenance or testing activities are scheduled on those two DGs. Should the Division 3 DG become inoperable after entering the extended DG CT, plant shutdown will be initiated if the Division 3 DG cannot</p>	<p>ME3736 Extension of the Completion Time for an Inoperable Diesel Generator TAC Closed 10/31/2011 ML112200155 (Commitments discussed but states that there is no need for "Regulatory Requirements.")</p>	<p>CLOSED/COMPLETED 1/10/2012 <i>(1)</i></p>

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			<p>be restored to operable status within 24 hours (unless the applicable TS Condition is exited by restoring the Division 1 or Division 2 DG to operable status).</p> <p>b. No planned maintenance or testing activities are scheduled in Scriba Substation, the Nine Mile Point Unit 2 (NMP2) 115 kV switchyard, or on the 115 kV power supply lines and transformers which could cause a line outage or challenge offsite power availability.</p> <p>c. The high pressure core spray (HPCS) system is operable and no planned maintenance or testing activities are scheduled.</p> <p>d. The reactor core isolation cooling (RCIC) system is operable and no planned maintenance or testing activities are scheduled.</p> <p>e. The NMP2 and Nine Mile Point Unit 1 (NMP1) diesel-driven fire pumps and the cross-tie between the NMP2 and NMP 1 fire protection water supply systems are available to provide a backup cooling water supply to the Division 3 DG and no planned maintenance or testing activities are scheduled.</p> <p>f. The Division 1 and Division 2 residual heat removal (RHR) pumps and the low pressure core spray (LPCS) pump are operable and no planned</p>		

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			<p>maintenance or testing activities are scheduled.</p> <p>g. Both divisions of the redundant reactivity control system and the standby liquid control system (equipment required for mitigation of anticipated transients without scram (ATWS) events) are operable and no planned maintenance or testing activities are scheduled.</p> <p>h. The stability of existing and projected grid conditions will be confirmed prior to planned entry into the extended DG CT by contacting the transmission system operator (TSO).</p> <p>i. Operating crews will be briefed on the DG work plan. As a minimum, the briefing will include the following important procedural actions that could be required in the event a loss of offsite power (LOOP), station blackout (SBO), or fire condition occurs:</p> <ul style="list-style-type: none"> - Alignment of the fire protection water supply system to provide cooling water to the Division 3 DG. - Establishing the cross-connection to allow the Division 3 DG to power either Division 1 or Division 2 loads. - Utilizing the portable generator as a backup source of AC power to one of the Division 1 or Division 2 battery chargers. 		

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			<p>- Utilizing the portable power supplies to maintain operability of the safety relief valves (SRVs).</p> <p>- Closing containment isolation valves in the drywell floor drain and equipment drain lines.</p> <p>j. The extended DG CT will not be entered for planned maintenance if severe weather conditions (high winds, tornado, or heavy snow/ice) with the potential to degrade or limit offsite power availability are present, or if official weather forecasts are predicting such conditions to occur.</p> <p>k. Except for the room housing the inoperable DG, no hot work permits will be active for the control building or the normal switchgear rooms.</p> <p>1. A portable generator is available as a temporary backup source of AC power to one of the Division 1 or Division 2 battery chargers and is prestaged within the protected area near the NMP2 control building.</p> <p>m. Four portable power supplies are available for use to facilitate operation of safety relief valves to maintain RPV pressure control for an extended SBO condition and are verified to be functional.</p> <p>Implementation:</p> <p>90 days following NRC approval of the license amendment request.</p>		

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30	NL-2011-000024-001	December 30, 2011 ML12009A118	<p>In accordance with BWRVIP guidelines, NMPNS will submit to the NRC an evaluation to support establishment of inspection intervals for the new holddown beams in accordance with criteria contained in the latest revision of BWRVIP-41, "BWR Vessel and Internals Project, BWR Jet Pump Assembly Inspection and Flaw Evaluation Guidelines." This NMPNS evaluation will be submitted approximately one year prior to the next scheduled NMP2 refueling outage following installation of the Modified Alloy 718 jet pump holddown beams.</p> <p>Implementation: March 1, 2013</p>	<p>ME7607 Pre-Application Review for Use of Modified Alloy 718 Material in Jet Pump Holddown Beams No submission/ME7800 Use of Modified Alloy 718 Material in Jet Pump Holddown Beams. TAC Closed 04/13/2012 ML120940373 (Commitments discussed but states that there is no need for "Regulatory Requirements.")</p>	OPEN
31	AI-2009-000649-003	December 18, 2009 ML093580130	<p>NMPNS commits to the guidance of NUMARC 93-01, Revision 2, Section 11, which provides guidance and details on the assessment and management of risk during maintenance.</p> <p>Implementation: Ongoing</p>	<p>ME2994 Add LCO 3.0.9 per TSTF427 using CLIIP TAC Closed 06/29/2010 ML101580181</p>	<p>CLOSED – COMPLETED 07/30/2010 (2), (6) (<i>Commitments discussed. Staff found the commitment "acceptable."</i>)</p>
32	NL-2010-00053-001 NCTS 504668-00,	September 27, 2010 ML102770092	<p>On or before November 30, 2010, we will supplement our Cyber Security Plan to clarify the scope of systems described in Section 2.1, Scope and Purpose.</p>		<p>WITHDRAWN AND REPORTED TO NRC BY LETTER DATED 11/29/2011</p>

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	Task #1		Section 2.1 will be amended to clarify the balance of plant SSCs that will be included in the scope of the cyber security program.		(2)

- Note:**
- (1) The database system used by the licensee incorrectly identified the source document for this commitment.
 - (2) The database system used by the licensee did not identify the source document for this commitment.
 - (3) The database system used by the licensee incorrectly identified the closure document for this commitment.
 - (4) The database system used by the licensee did not identify the closure document for this commitment.
 - (5) The database system used by the licensee did not track the commitment due to it being a corporate commitment.
 - (6) The database system used by the licensee did not show a verbatim listing for this commitment.

K. Langdon

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However, as described in the enclosed audit report, the NRC audit team noted that the implementation of the NMPNS's Commitment Management Program/Procedure is not consistent and uniform. Therefore, the licensee's program document CNG-NL-1.01-1006, Revision 0200, needs considerable improvements, to provide specificity, clarity, consistency, and uniformity for proper implementation of the program.

During the exit meeting on August 16, 2012, the NRC audit team's observations were discussed with the licensee. The licensee informed the NRC audit team that the Nine Mile Point Corrective Action Program Condition Report #CR-2012-006793 will address and track these program and procedure weaknesses.

Details of the audit are set forth in the enclosed audit report.

The NRC staff appreciates the resources that were made available by your staff for performing the audit.

If you have any questions, please contact me at 301-415-3308.

Sincerely,

/ra/

Bhalchandra K. Vaidya, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-220 and 50-410

Enclosure: As stated

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