



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

February 19, 2014

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, UNITS 2 AND 3 - AUDIT OF  
THE LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS  
(TAC NOS. MF3015 AND MF3016)

Dear Mr. Pacilio:

The U.S. Nuclear Regulatory Commission (NRC) informed licensees in Regulatory Issue Summary (RIS) 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000, that the Nuclear Energy Institute (NEI) document NEI 99-04, "Guidelines for Managing NRC Commitment Changes," contains acceptable guidance for controlling regulatory commitments. RIS 2000-17 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 Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, was performed during the period November 5, 2013, through February 12, 2014. The previous audit of the licensee's commitment management program for PBAPS was documented in an NRC letter dated September 30, 2010.

As discussed in the enclosed audit report, the NRC staff concludes that Exelon's procedures used to manage commitments provide the necessary attributes for an effective commitment management program. There were no findings as a result of the audit.

The NRR staff has discussed the results of this audit with NRC Region I staff.

M. Pacilio

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If you have any questions, please contact me at (301) 415-1420.

Sincerely,

A handwritten signature in black ink, appearing to read "R B Ennis". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Richard B. Ennis, Senior 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

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

PEACH BOTTOM ATOMIC POWER STATION, UNITS 2 AND 3

DOCKET NOS. 50-277 AND 50-278

1.0 INTRODUCTION AND BACKGROUND

The U.S. Nuclear Regulatory Commission (NRC) informed licensees in Regulatory Issue Summary (RIS) 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000,<sup>1</sup> that the Nuclear Energy Institute (NEI) document NEI 99-04, "Guidelines for Managing NRC Commitment Changes,"<sup>2</sup> contains acceptable guidance for controlling regulatory commitments. RIS 2000-17 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. 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.

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. 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 (e.g., amendments, reliefs, exemptions) and activities (e.g., bulletins, generic letters).

An audit of the commitment management program for Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3, was performed during the period November 5, 2013, through February 12, 2014. The audit was performed at NRC Headquarters in Rockville, Maryland using documentation provided by Exelon Generation Company, LLC (Exelon, the licensee) as requested by the NRC staff. The previous audit of the licensee's commitment management program for PBAPS was documented in an NRC letter dated September 30, 2010.<sup>3</sup>

<sup>1</sup> Agencywide Documents Access and Management System (ADAMS) Accession No. ML003741774.

<sup>2</sup> ADAMS Accession No. ML003680088.

<sup>3</sup> ADAMS Accession No. ML093580177.

## 2.0 AUDIT PROCEDURE AND RESULTS

The audit was performed in accordance with the guidance in NRR Office Instruction LIC-105, Revision 5, "Managing Regulatory Commitments Made by Licensees to the NRC," dated September 5, 2013.<sup>4</sup>

The NRC staff reviewed commitments made during the period since the previous audit. The audit consisted of three major parts: (1) verification of the licensee's implementation of NRC commitments that have been completed; (2) verification of the licensee's program for managing changes to NRC commitments; and (3) verification that all regulatory commitments were correctly applied.

### 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. 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.

#### 2.1.1 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 submittals since the last audit and selected a representative sample for verification. 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, and Updated Final

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<sup>4</sup> ADAMS Accession No. ML13193A358.

Safety Analysis Reports. Fulfillment of these commitments was indicated by the licensee having taken timely action in accordance with the subject requirements.

### 2.1.2 Audit Results

Table 1 provides the specific details and results of the audit for verification of the licensee's implementation of commitments. There were no findings identified as a result of this part of the audit.

## 2.2 Verification of the Licensee's Program for Managing Changes to NRC Commitments

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 Exelon procedure LS-AA-110, Revision 10, "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.

### 2.2.1 Audit Results

The NRC staff reviewed the licensee's procedure LS-AA-110, Revision 10, against NEI 99-04. Section 6.1 of the procedure lists NEI 99-04 as a reference.

The NRC staff found that the process described in LS-AA-110 generally follows the guidance of NEI 99-04 and provides detailed instructions for: (1) making and identifying commitments; (2) tracking commitments; (3) annotating implementing documents to provide traceability of commitments; (4) changing commitments; and (5) periodic reporting of commitment changes. 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 PBAPS. There were no findings identified as a result of this part of the audit.

As part of this process, the PBAPS "Annual Commitment Revision Report for the Period 1/1/13 through 12/31/13," submitted by letter dated January 10, 2014,<sup>5</sup> was reviewed. There were no findings based on the review of this letter.

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<sup>5</sup> ADAMS Accession No. ML14016A148.

### 2.3 Verification that all Regulatory Commitments were Correctly Applied

On September 19, 2011, the NRC's Office of the Inspector General (OIG) issued an audit report titled "Audit of NRC's Management of Licensee Commitments."<sup>6</sup> The audit identified, in part, that the definition and use of commitments is not consistently understood throughout the NRC. The OIG concluded that this could potentially result in the misapplication of commitments by the NRC staff. 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. 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).

As one of the corrective actions taken in response to the issues raised in the OIG audit, the NRC staff added further guidance on proper use of regulatory commitments in NRR Office Instruction LIC-101, Revision 4, "License Amendment Review Procedures" dated May 25, 2012.<sup>7</sup> As stated in Section 4.4.1 of LIC-101, NRC staff safety evaluations may rely on a commitment if the commitment is escalated into an obligation (e.g., a license condition or technical specification requirement) or is subsequently incorporated into a mandated licensing basis document (e.g., Updated Final Safety Analysis Report). In cases where a commitment has been escalated to an obligation or incorporated into a mandated licensing basis document, the "commitment" is no longer considered a commitment and is no longer subject to change via the licensee's commitment management program since other regulatory processes would govern the change (e.g., Title 10 of the *Code of Federal Regulations*, (10 CFR) Section 50.90, 10 CFR 50.59).

Another corrective action taken in response to the issues raised in the OIG audit included further guidance, concerning performance of commitment audits, being added in Revision 4 of LIC-105. Section 4.3 of LIC-105 states that the NRC staff should take the following actions to identify misapplied commitments:

- 1) Determine if the commitment reviewed involves actions that were safety significant (i.e., commitments used to ensure safety).
- 2) Determine if the commitment reviewed involves actions that were necessary for approval of a proposed licensing action.

As discussed in LIC-105, the scope of this portion of the audit includes reviewing each of the commitments selected for the audit sample (i.e., Tables 1 and 2) to determine if any had been misapplied (i.e., per the 2 criteria shown above). In addition, the NRC staff is directed to identify all license amendments, relief requests and exemptions that have been issued for a facility since the previous audit. Table 3 lists each of these documents for PBAPS. The NRC staff is directed to identify all commitments discussed in these documents and evaluate each commitment to determine if it has been misapplied based on the 2 criteria discussed above. There were no findings identified as a result of this part of the audit.

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<sup>6</sup> ADAMS Accession No. ML112620529.

<sup>7</sup> ADAMS Accession No. ML113200053.

### 3.0 CONCLUSION

Based on the above audit, the NRC staff concludes that the licensee's procedure used to manage commitments provides the necessary attributes for an effective commitment management program. There were no findings as a result of the audit.

### 4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

David Helker  
Richard Gropp  
Wendy Croft

Principal Contributor: J. Whited

Date: February 19, 2014

#### Attachments:

1. Table 1 - Verification of Licensee's Implementation of NRC Commitments
2. Table 2 - Verification of the Licensee's Program for Managing NRC Commitment Changes
3. Table 3 - Review of NRC License Amendments, Relief Requests and Exemptions

**TABLE 1**  
**NRC Audit of Licensee Commitments for Peach Bottom Atomic Power Station (PBAPS) Units 1 and 2**  
**Verification of Licensee's Implementation of NRC Commitments**  
**(See Note 1)**

Item No.	Licensee Submittal (ADAMS Acc. No.)	Subject	Commitment as stated in Licensee Submittal (Licensee Tracking No.)	Commitment Status/Audit Results
1	Letter dated 8/29/12 (ML12243A286)	PBAPS Units 2 and 3 - License amendment request (LAR) to Add Limiting Condition for Operation (LCO) 3.0.8 on the Inoperability of Snubbers Using the Consolidated Line Item Improvement Process	Attachment 4 to this submittal made the following 2 commitments:  1) EGC [Exelon Generation Co.] will ensure appropriate plant procedures and administrative controls are revised to implement the following Tier 2 Restrictions: <ul style="list-style-type: none"> <li>• For Boiling Water Reactor (BWR) plants, one of the following two means of heat removal must be available when LCO 3.0.8.a is used:</li> <li>• At least one high pressure makeup path (e.g., using high pressure coolant injection (HPCI) or reactor core isolation cooling (RCIC) or equivalent) and heat removal capability (e.g., suppression pool cooling), including a minimum set of supporting equipment, not associated with the inoperable snubber(s), or</li> <li>• At least one low pressure makeup path (e.g., low pressure coolant injection (LPCI) or core spray (CS)) and heat removal capability (e.g., suppression pool cooling or shutdown cooling), including a minimum set of supporting equipment, not associated</li> </ul>	Both Commitments are still open.  1) Per Action Request (A/R) No. 01490690 this commitment is still open until the full benefits of the TS amendment are realized. Plant procedures and administrative controls will be updated during implementation of the amendment. Procedure changes are being tracked by A/R No. 01411373.

Item No.	Licensee Submittal (ADAMS Acc. No.)	Subject	Commitment as stated in Licensee Submittal (Licensee Tracking No.)	Commitment Status/Audit Results
			<p>with the inoperable snubber(s).</p> <ul style="list-style-type: none"> <li>• When LCO 3.0.8.b is used at BWR plants, it must be verified that at least one success path exists, using equipment not associated with the inoperable snubber(s), to provide makeup and core cooling needed to mitigate Loss of Offsite Power (LOOP) accident sequences (i.e., initiated by a seismically-induced LOOP event with concurrent loss of all safety system trains supported by the out-of-service snubbers). To be implemented with the license amendment. (T04781)</li> </ul> <p>2) EGC will ensure appropriate plant procedures and administrative controls are revised to implement the following restriction:</p> <ul style="list-style-type: none"> <li>• Every time the provisions of LCO 3.0.8 are used licensees will be required to confirm that at least one train (or subsystem) of systems supported by the inoperable snubbers would remain capable of performing their required safety or support functions for postulated design loads other than seismic loads. LCO 3.0.8 does not apply to non-seismic snubbers. In addition, a record of the design function of the inoperable snubber (i.e., seismic vs. non-seismic), implementation of any applicable Tier 2 restrictions, and the</li> </ul>	<p>2) Per A/R No. 01490690 this commitment is still open until the full benefits of the TS amendment are realized. Plant procedures and administrative controls will be updated during implementation of the amendment. Procedure changes are being tracked by A/R No. 01411373.</p> <p>Section 3.16, Snubbers, of the Technical Requirements Manual (TRM) Bases has been updated to state, in part, that: "The allowance of Technical Specification 3.0.8 to not declare the LCO(s) not met for inoperable snubbers shall not be used at PBAPS until appropriate procedures are developed to implement the T04781 and T04782 commitments and</p>

Item No.	Licensee Submittal (ADAMS Acc. No.)	Subject	Commitment as stated in Licensee Submittal (Licensee Tracking No.)	Commitment Status/Audit Results
			<p>associated plant configuration shall be available on a recoverable basis for staff inspection. To be implemented with the license amendment. (T04782)</p>	<p>other actions associated Technical Specification amendment 285/288 dated 1/22/13.”</p> <p><b>No findings.</b></p>
2	Letter dated 11/3/11 (ML113081441)	PBAPS Units 2 and 3 - LAR - Use of Neutron Absorbing Inserts in Units 2 and 3 Spent Fuel Pool Storage Racks	<p>Attachment 11 to this submittal made the following 4 commitments:</p> <p>1) The rack inserts will be installed in stages as discussed in Section 3.1.5 of Attachment 1. Prior to crediting the neutron absorption capabilities of the NETCO-SNAP-IN® rack inserts for each individual spent fuel storage rack. (A/R 01447764 Assign #: 03)</p> <p>2) Exelon will implement the Rio Tinto Alcan Composite Surveillance Program as described in Section 3.9 of Attachment 1 to ensure that the performance requirements of the Rio Tinto Alcan composite in the NETCO-SNAP-IN® rack inserts are met over the lifetime of the spent fuel storage racks with the rack inserts installed. A description of the program will be added to the PBAPS, Units 2 and 3 UFSAR upon implementation of the</p>	<p>Commitments to implement surveillance program and submit 10 year report are open. Other commitments are closed.</p> <p>1) The commitment is closed. A procedure outlining the installation of rack inserts was created. A/R 01447764 Assign #03 documents implementation of this commitment.</p> <p>2) The commitment is open. A/R 01447764 Assign #04 is tracking the completion of the procedures associated with the commitment. Currently scheduled to be completed 6/30/14.</p> <p>See Table 3, Item 15. The associated amendment implementation statement escalated this commitment into a mandated licensing basis document (UFSAR). A review of Chapter 10 and</p>

Item No.	Licensee Submittal (ADAMS Acc. No.)	Subject	Commitment as stated in Licensee Submittal (Licensee Tracking No.)	Commitment Status/Audit Results
			<p>proposed change. Upon implementation of the proposed change. (T04786)</p> <p>3) The k-infinity limitations will be incorporated into reload design documents and spent fuel pool criticality compliance procedures. Additionally, the design limitations will be reflected in Section 10.3.4 of the PBAPS, Units 2 and 3 UFSAR. Upon implementation of the proposed change. (T04788)</p> <p>4) Exelon will submit the data and analysis associated with the first 10-year surveillance of the NETCO-SNAP-IN® rack inserts to the U.S. Nuclear Regulatory Commission. Within 60 days following completion of the analysis. (AR 01447764-08)</p>	<p>Appendix Q of the UFSAR confirmed it was updated to incorporate the commitment associated with this amendment request.</p> <p>3) The commitment is closed. A/R 01447764 Assign #06 documents implementation of this commitment.</p> <p>See Table 3, Item 15. The associated amendment implementation statement escalated this commitment into a mandated licensing basis document (UFSAR). A review of Chapter 10 of the UFSAR confirmed it was updated to incorporate the commitment associated with this amendment request.</p> <p>4) Commitment is open. Per A/R No. 01447764 Assign # 08 this commitment is being tracked for completion on 3/31/2023.</p> <p><b>No findings.</b></p>

Note 1: The scope of this portion of the audit includes verification of the licensee's implementation of commitments associated with NRC licensing actions (e.g., amendments, relief requests, exemptions, orders) or licensing activities (e.g., bulletins, generic letters) during the time since the previous audit. For purposes of this audit, the scope included samples based on review of licensee submittals dated December 17, 2009, through December 31, 2013. See Audit Report Section 2.1 for further details.

**TABLE 2**  
**Verification of the Licensee's Program for Managing NRC Commitment Changes**  
**(See Note 1)**

Item No.	Licensee Tracking No.	Description of Commitment Change	Audit Results - Verification of Licensee's Program for Managing Commitment Changes
1	T04180	<p>In a licensee event report dated 5/6/99 (ADAMS Legacy Library Accession No. 9905120304) LER 3-99-02, the licensee made the following 5 commitments:</p> <p>1) Developed and implemented a pre-job brief/work control standard. This pre-job briefing for all activities associated with work on the security system ensures that security supervision is aware of the scope of the job, is adequately prepared to support the job, controls the initiation of the job, and can pre-plan compensatory measures, as applicable. This pre-job brief/work control standard was initiated May 6, 1999.</p> <p>2) Developed and implemented a new security instruction titled "Nuclear Security Section Turnovers." The security instruction details how to effectively transmit and disseminate information during shift turnovers. A shift turnover video was also developed to demonstrate proper turnovers and is documented in PEP 10009658, Evaluation #4. Security Instruction SI-30 for shift turnovers was implemented May 18, 1999.</p> <p>3) Developed and implemented a security instruction titled "Nuclear Security Section Verbal Communication Instructions." This security instruction details how to verbally communicate effectively to ensure all messages are clearly transmitted and received. Security instruction SI-29 was initiated May 18, 1999. Security personnel</p>	<p>The commitments were deleted. This change was reported to the NRC via the licensee's letter dated January 28, 2011 (ADAMS Accession No. ML110310401).</p> <p>The Commitment Change Evaluation Form (Attachment 1 to LS-AA-110) dated October 2, 2009, was reviewed. The form states that the commitments were being deleted. The form further states that the justification for deletion of the commitments was because standardization of human error prevention tools are annotated in Exelon Fleet standard procedures. These processes include pre-job brief, work control standards, use of STAR, Self Check, and proper communication techniques.</p> <p><b>No findings.</b></p>

Item No.	Licensee Tracking No.	Description of Commitment Change	Audit Results - Verification of Licensee's Program for Managing Commitment Changes
		<p>received training on SI-29 and SI-30 via a read and sign of the procedures and review by security shift supervision to reinforce managements expectation of the procedure requirements.</p> <p>4) Developed a recurring work order (A/R G0016491) to reinforce the self checking training module program. This training module will be administered by security supervision every six (6) months.</p> <p>5) Developed a recurring work order (A/R G0016489) to reinforce the "STAR" concept. The "STAR" video will be shown to all security personnel on an annual basis. The cumulative affects of the initiation of the pre-job brief program, development and implementation of shift turnover video, shift turnover security instruction, verbal communications security instruction, initial and semi-annual self checking training module and initial and annual training on the "STAR" concept are expected to sensitize and heighten the awareness of security personnel to validate all processes associated with operating within the nuclear security section and the overall nuclear environment.</p> <p>Based on review of a spreadsheet provided by the licensee of commitments that have been changed (i.e., modified or deleted) for the last 3 years, the above commitment was shown as having been deleted. The spreadsheet indicated that this commitment change was reported to the NRC.</p>	
2	T00542	<p>Based on NRC Information Notice 88-34 (ML031150113), the licensee made the following commitment:</p> <p>Nuclear Material Control and Accountability of Non-Fuel</p>	<p>The commitment was deleted.</p> <p>The Commitment Change Evaluation Form (Attachment 1 to LS-AA-110) dated February 15,</p>

Item No.	Licensee Tracking No.	Description of Commitment Change	Audit Results - Verification of Licensee's Program for Managing Commitment Changes
		<p>Special Nuclear Material at Power Reactors A-44 will be reviewed for procedure compliance and additional requirements.</p> <p>Based on review of a spreadsheet provided by the licensee of commitments that have been changed (i.e., modified or deleted) for the last 3 years, the above commitment was shown as having been deleted. The spreadsheet indicated that this commitment change was not reported to the NRC.</p>	<p>2010, was reviewed. The form states that the commitment was being deleted. The form further states that the justification for deletion of the commitment was that, "[n]o longer meets the definition of a commitment per LS-AA-110. Step 4.6.1 encourages the deletion of commitments that have negligible safety significance and/or regulatory interest. IN 88-34 did not require any specific action or written response and therefore this commitment is not needed."</p> <p><b>No findings.</b></p>

Item No.	Licensee Tracking No.	Description of Commitment Change	Audit Results - Verification of Licensee's Program for Managing Commitment Changes
3	T01086	<p>Based on NRC Inspection Report from combined Inspection Nos. 50-277/91-19 and 50-278/91-19 dated July 18, 1991, (ADAMS Legacy Library Accession No. 9107300091) the licensee made the following commitment:</p> <p>ST 7.8.12, Revalidation of Vital Area Access Authorization did not provide adequate instruction on the process. Furthermore, this process was being used to add personnel and areas to which personnel were to be granted access to the list. This exceeded the purpose and intent of the procedure and was not consistent with Section 5.4.1.2(1) of the Plan which allows only certain licensee personnel to approve access to vital areas. This deficiency was brought to the attention of the Branch Head – Nuclear Security and corrected prior to the close of business that day. Procedure ST 7.8.12 still required revision to document the changes; the Branch Head – Nuclear Security committed to revise it on a priority basis. The inspectors had no further questions in this area.</p> <p>Based on review of a spreadsheet provided by the licensee of commitments that have been changed (i.e., modified or deleted) for the last 3 years, the above commitment was shown as having been deleted. The spreadsheet indicated that this commitment change was not reported to the NRC.</p>	<p>The commitment was deleted.</p> <p>The Commitment Change Evaluation Form (Attachment 1 to LS-AA-110) dated April 23, 2012, was reviewed. The form states that the commitment was being deleted. The commitment change form goes on to say that the commitment was promptly addressed at the time of the inspection and was not the result of a finding, violation, or un-resolved issue.</p> <p>This does not meet the definition of a regulatory commitment. Therefore, the commitment can be deleted.</p> <p><b>No findings.</b></p>
4	T04783	<p>By letter dated November 15, 1996, (ADAMS Legacy Library Accession No. 9611250166) the licensee made the following commitment:</p> <p>The requirement to verify on a periodic basis that safety-related motor operated valves (MOVs) will continue to be capable of performing their safety function as part of the</p>	<p>This commitment is still open.</p> <p>The Commitment Change Evaluation Form (Attachment 1 to LS-AA110) dated July 30, 2012, was reviewed. The form states that the commitment change is required to be reported to the NRC in the next annual Commitment Change Summary Report.</p>

Item No.	Licensee Tracking No.	Description of Commitment Change	Audit Results - Verification of Licensee's Program for Managing Commitment Changes
		<p>response to Generic Letter 89-10, they have established a way to verify on a periodic basis that safety-related MOVs will continue to be capable of performing their safety function within the current Licensing bases of the facility. By letter dated May 14, 1998, (ADAMS Legacy Library Accession No. 9805260132) the licensee changed the commitment by stating the following:</p> <p>All previous discussion provided by PECO Energy in Reference 1 [letter dated November 15, 1996] regarding a final (revised) program is superseded by this revised commitment to adopt the JOG [Joint Owners Group] program.</p> <p>Section 4.2.3, JOG Long-Term MOV Periodic Verification Recommendations, of letter dated September 25, 2006 (ADAMS Accession No. ML061280315), states, in part, that, "The JOG proposed an implementation schedule of 6 years for its long-term MOV periodic verification program following issuance of this SE."</p>	<p>The commitment change was reported to the NRC by letter dated January 28, 2013 (ADAMS Accession No. ML13028A476). The letter stated the following as the Summary of Justification for changing the commitment, "This commitment is being temporarily revised since two MOVs (MO-3-12-018 and MO-2-12-015) were not able to meet the 6-year implementation schedule to be included in the long-term MOV periodic verification program following issuance of the 9/25/06 NRC SER. These two valves are classified as JOG Class D valves due to the use of non-JOG tested disk to guide material pairings in service temperatures greater than 1200 F. Operability Evaluations were performed for the two valves that are not yet modified to justify operability until appropriate modifications are completed. These valves are normally open Primary Containment Isolation Valves for the Reactor Water Cleanup System."</p> <p><b>No findings.</b></p>

Note 1: The scope of this portion of the audit includes verifying that the licensee has established appropriate administrative controls for modifying or deleting regulatory commitments made to the NRC. The scope includes commitment changes reported to the NRC and commitment changes not reported to the NRC since the previous audit. See Audit Report Section 2.2 for further details.

**TABLE 3**  
**Review of NRC License Amendments, Relief Requests and Exemptions**  
**(See Note 1)**

Item No.	NRC letter date (Accession No.)	Description	Safety Evaluation Discusses Commitments? (Yes/No)	Audit Results
1	1/28/10 (ML100130814)	PBAPS Units 2 and 3, Amendments 274 and 278, to Incorporate TSTF-478, BWR Technical Specification Changes that Implement the Revised Rule for Combustible Gas Control.	No	No findings.
2	4/30/10 (ML100900319)	PBAPS Units 2 and 3, Amendments 275 and 279, Adoption of TSTF-400, Clarify SR [Surveillance Requirements] on Bypass of DG [Diesel Generator] Automatic Trips.	No	No findings.
3	7/20/10 (ML101870555)	PBAPS Unit 2, Amendment 276, One-Time Five Year Containment Type A Integrated Leak Rate Test Interval Extension.	No	No findings.
4	7/30/10 (ML101940378)	PBAPS Units 2 and 3, Amendments 277 and 280, Adoption of TSTF-439, Eliminate Second Completion Times Limiting Time from Discovery of Failure to Meet an LCO [Limiting Condition for Operation].	No	No findings.
5	8/27/10 (ML102100388)	PBAPS Units 2 and 3, Amendments 278 and 281, Adoption of TSTF-425, Relocate SR Frequencies to Licensee Controlled Document.	No	No findings.
6	9/28/10 (ML102571768)	PBAPS Unit 2, Amendment 279, Safety Limit Minimum Critical Power Ratio Value Change.	No	No findings.

Item No.	NRC letter date (Accession No.)	Description	Safety Evaluation Discusses Commitments? (Yes/No)	Audit Results
7	5/31/11 (ML110470320)	PBAPS Units 2 and 3, Amendments 280 and 282, Storage of Low Level Radioactive Wast Produced at Limerick Generating Station.	No	<b>No findings.</b>
8	8/10/11 (ML111861341)	PBAPS Units 2 and 3, Amendments 281 and 283, Exelon Cyber Security Plan.	Yes	<p>The safety evaluation stated that: "The NRC staff acknowledges that, in its submittal dated July 23, 2010, Exelon proposed several CSP [cyber security plan] milestone implementation dates as regulatory commitments. The NRC staff does not regard the CSP milestone implementation dates as regulatory commitments that can be changed unilaterally by the licensee, particularly in light of the regulatory requirement at 10 CFR 73.54 that "[i]mplementation of the licensee's cyber security program must be consistent with the approved schedule." As the NRC staff explained in its letter to all operating reactor licensees dated May 9, 2011 (ADAMS Accession No. ML110980538), the implementation of the plan, including the key intermediate milestone dates and the full implementation date, shall be in accordance with the implementation schedule submitted by the licensee and approved by the NRC. All subsequent changes to the NRC-approved CSP implementation schedule thus will require prior NRC approval pursuant in 10 CFR 50.90."</p> <p>Based on the above, the commitments are being relied on by the NRC staff, however, they are appropriately being treated as obligations (i.e., no misapplied commitments).</p> <p><b>No findings.</b></p>

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Item No.	NRC letter date (Accession No.)	Description	Safety Evaluation Discusses Commitments? (Yes/No)	Audit Results
9	9/30/11 (ML111860015)	PBAPS Unit 3, Amendment 284, Safety Limit Minimum Critical Power Ratio Value Change.	No	<b>No findings.</b>
10	9/30/11 (ML112570049)	PBAPS Units 2 and 3, Amendments 282 and 285, Liquid Nitrogen Storage	No	<b>No findings.</b>
11	4/23/12 (ML120940055)	PBAPS Units 2 and 3, Amendments 283 and 286, Revise Actions for Reactor Coolant System Leakage Instrumentation	No.	<b>No findings.</b>
12	5/25/12 (ML121220204)	PBAPS Units 2 and 3, Amendments 284 and 287, Reactivity Anomalies Surveillance.	No.	<b>No findings.</b>
13	1/22/13 (ML12262A236)	PBAPS Units 2 and 3, Amendments 285 and 288, Inoperability of Snubbers.	Yes	<p>See Table 1, Item 1 for a discussion on the commitments that the licensee made in association with these amendments.</p> <p>The safety evaluation (SE) discusses certain operational restrictions which must be put in place in implementing the amendment (see SE pages 15 and 16). The licensee's commitments for this amendment correspond to these restrictions. However, consistent with the requirements in 10 CFR 50.34(b), the licensee stated in its application that the UFSAR would be revised to describe the operational restrictions. As such, the staff did not rely on any of the commitments as part of the basis for acceptance of the amendment (i.e., no misapplied commitments).</p> <p><b>No findings.</b></p>
14	4/1/13 (ML13079A219)	PBAPS Units 2 and 3, Amendments 286 and 289, Relocation of Pressure and Temperature Limit Curves to the Pressure and Temperature Limits	No	<b>No findings.</b>

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Item No.	NRC letter date (Accession No.)	Description	Safety Evaluation Discusses Commitments? (Yes/No)	Audit Results
		Report.		
15	5/21/13 (ML13114A929)	PBAPS Units 2 and 3, Amendments 287 and 290, Use of Neutron Absorbing Inserts in Spent Fuel Pool Storage Racks.	Yes	<p>In its submittal dated November 3, 2011 (ADAMS Accession No. ML113081441), the licensee made six regulatory commitments, two of which were relied on by the NRC staff. However, in its submittal dated November 13, 2012 (ADAMS Accession No. ML12319A230), the licensee agreed to make these two commitments license conditions.</p> <p>Based on the above, the commitments are being relied on by the NRC staff, however, they are appropriately being treated as license conditions (i.e., no misapplied commitments).</p> <p>The safety evaluation (SE) specifically discussed the commitment made by the licensee to update the UFSAR sections associated with the amendment request. The license amendment implementation statement stated, in part, that:</p> <p>“Implementation of the amendment shall include revision of the Updated Final Safety Analysis Report as described in Attachment 11 to the licensee's letter dated November 3, 2011.”</p> <p>Consistent with the discussion in Section 4.4.1 of NRR Office Instruction LIC-101, in cases where a commitment has been escalated to an obligation or incorporated into a mandated licensing basis document (e.g., the UFSAR as is the case for this amendment), the “commitment” is no longer considered a commitment and is no longer subject to change via the licensee’s commitment management</p>

Item No.	NRC letter date (Accession No.)	Description	Safety Evaluation Discusses Commitments? (Yes/No)	Audit Results
				<p>program since other regulatory processes would govern the change (e.g., 10 CFR 50.90, 10 CFR 50.59).</p> <p>Based on the amendment implementation statement, it appears that the staff relied on the commitments. However the commitments were appropriated escalated via incorporation into a mandated licensing basis document (i.e., no misapplied commitments).</p> <p><b>No findings.</b></p>
16	6/18/13 (ML13109A463)	PBAPS Units 2 and 3, Amendments 288 and 291, Revise Technical Specification to Add Residual Heat Removal System Drywell Spray Function Requirements.	No	<b>No findings.</b>
17	6/20/13 (ML13079A372)	PBAPS Units 2 and 3, Amendments 289 and 292, Staff Qualifications Education and Experience Eligibility Requirements for Licensed Operators.	No	<b>No findings.</b>
18	8/27/10 (ML101870631)	PBAPS Units 2 and 3, Requests for Relief I3R-48, I3R-49, and I3R-50.	No	<b>No findings.</b>
19	1/24/12 (ML112770217)	PBAPS Units 2 and 3, Requests for Relief I4R-51 and I4R-52.	No	<b>No findings.</b>
20	3/30/11 (ML102430566)	PBAPS Units 2 and 3, Exemption from 10 CFR 50, Appendix R, Section III.G for the Use of Operator Manual Actions.	No	<b>No findings.</b>

Note 1: The scope of this portion of the audit includes a review of all license amendments, relief requests and exemptions issued since the previous audit for PBAPS Units 2 and 3. The intent of the review is to determine the extent to which commitments have been misapplied (e.g., commitment relied on by NRC staff rather than making the commitment an obligation or incorporating the commitment into a mandated licensing basis document). See Audit Report Section 2.3 for further details.

M. Pacilio

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If you have any questions, please contact me at (301) 415-1420.

Sincerely,

*/ra/*

Richard B. Ennis, Senior Project Manager  
Plant Licensing Branch I-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-277 and 50-278

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