



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

February 19, 2015

Mr. Joseph E. Pacher
Vice President
R.E. Ginna Nuclear Power Plant
Exelon Generation Company, LLC
1503 Lake Road
Ontario, NY 14519

SUBJECT: R.E. GINNA NUCLEAR POWER PLANT - AUDIT OF THE LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS, REGULATORY COMMITMENTS CHANGES, AND APPROPRIATE APPLICATION OF REGULATORY COMMITMENTS. (TAC NO. MF5095).

Dear Mr. Pacher:

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 the 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 the 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 those regulatory commitments are being effectively implemented.

On December 4 and 5, 2014, the NRC staff performed an audit of the licensee's commitment management program at R.E. Ginna Nuclear Power Plant (Ginna). The NRC staff selected a sample of the licensee's records of regulatory commitments and regulatory commitment changes. The selected sample was used to review the licensee's management of the regulatory commitments, regulatory commitment changes, and verification that the regulatory commitments are being appropriately applied to ensure that they did not constitute obligations under the NRC's regulatory requirements.

Based on the audit of a selected sample of the regulatory commitments, the NRC staff concludes that the licensee has implemented its regulatory commitments management program and regulatory commitments change program in accordance with the industry guidance in NEI 99-04. The NRC staff's review of the sample confirmed that the licensee is applying the regulatory commitments in an appropriate manner to ensure that the regulatory commitments did not involve any obligations under the NRC's regulatory framework. The details of the audit, including the NRC staff observations and recommendations, are set forth in the enclosed audit report.

AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION
LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS PROGRAM
R.E. GINNA NUCLEAR POWER PLANT, LLC
R.E. GINNA NUCLEAR POWER PLANT
DOCKET NO. 50-244

1.0 INTRODUCTION

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 the 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 the 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.

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 audit is to be performed every 3 years.

2.0 AUDIT PROCEDURE AND RESULTS

On December 4 and 5, 2014, the NRC staff performed its triennial audit of the regulatory commitment management program; regulatory commitments change program, and verification that the regulatory commitments are being appropriately applied at R.E. Ginna Nuclear Power Plant (Ginna). The audit consisted of (1) verification of the licensee's documentation and implementation records to ensure that the regulatory commitments are being implemented consistent with the program and in accordance with the industry guidance contained in NEI 99-04, (2) verification of the licensee's documentation and implementation of regulatory commitment changes to ensure that the regulatory commitment changes are consistent with the guidance contained in NEI 99-04, and (3) verification that all the regulatory commitments reviewed were being correctly applied to ensure that they did not constitute regulatory obligations under the NRC's regulatory requirements framework.

Enclosure

2.1 Verification of Licensee's Implementation of Regulatory Commitments

Ginna is a part of Constellation Energy Nuclear Group's (CENG's) fleet that was acquired by Exelon. As a result of the consolidation of the CENG's fleet into the Exelon's corporate structure, the Ginna's commitment management activities were folded into the Exelon's template of the management of regulatory commitments.

The NRC staff's primary focus of this part of the audit was to confirm that the licensee has implemented the regulatory commitments made to the NRC as part of past licensing processes. For commitments that had not yet been implemented, the NRC staff ascertained that they have been captured in the management program for appropriate implementation. The audit also verified that the licensee's commitment management system includes a mechanism to ensure tracking of the regulatory commitments.

2.1.1 Audit Scope

The NRC staff focused the audit on a sample of regulatory commitments. The sample was selected from information obtained from the licensee prior to the audit visit and consisted of regulatory commitments made in writing to the NRC as a result of past licensing actions (amendments, exemptions, relief requests etc.) or licensing activities (bulletins, generic letters, etc.). The sample was representative of the licensee's regulatory commitments database.

The audit excluded the following types of commitments that were part of licensee's internal 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).
- (3) Commitments made as an internal reminder to take actions to comply with existing regulatory requirements such as regulations, Technical Specifications (TSs), and Updated Final Safety Analysis Reports.

The attached Table 1 summarizes the details of the audit results. Table 1 displays the regulatory commitment source document in column 1, regulatory commitments description and status and actions are in summarized in column 2, and if any changes were made to regulatory commitments, they are described in Column 3. If no changes are made, the commitments change column is left blank. The commitment closure status is indicated in the commitment description in column 2. The licensee provided the accession numbers for all the documents related to actions taken including changes made to the regulatory commitments.

Table 1- Regulatory Commitments Record Sample Audited

Source Document	Commitment	Changes
Cyber Security Amendment (113)	Complete Task 8 in the implementation schedule (ML110980538)	Changed implementation date commitment by letter dated 08/29/2014 (ML14241A526)
Fukushima/FLEX	Complete the implementation schedule in Attachment 1 of Letter from John Spina to NRC Dated 05/11/2012 (ML12136A231)	
Fukushima/FLEX	Perform Flood hazards reevaluation by 03/12/2015, and other actions, in letter from Sam Belcher to NRC dated 06/08/2012 (ML12164A369)	
Fukushima/FLEX	Submit intention to follow guidance or propose alternative approach within 60 days of issuance of NRC guidance, in letter from Sam Belcher to NRC dated 06/08/2012 (ML12164A369)	
Fukushima/FLEX	Improvements related to FLEX will be implemented prior to RFO startup in Fall 2015, per letter from Mary Korsnick to NRC dated 10/26/2012	
Fukushima/FLEX	Submit seismic walkdown results by 07/31/2013 and submit seismic walkdown results for internal inspections of MCC C and Bus 14 by 01/31/2016, per letter from John Spina to NRC dated 12/21/2012 (ML12362A452, ML12362A448, ML12362A451)	By letter from Mary G Korsnick to NRC dated 07/25/2013, move date to 18 months sooner (by 07/31/2014) (ML13210A034)
Fukushima/FLEX	Include the status of the implementing actions identified in Section 4.12 of the Communications Assessment as part of the six-month status reports prepared pursuant to Section IV.C.2 of NRC Order EA-12-049 in six-month intervals from 02/28/2013 by letter from Mary G Korsnick to NRC dated 02/28/2013. (ML13066A171)	
Fukushima/FLEX	Ensure the final design details and associated procedure guidance for the SFP Integrated Plan, as well as any revisions to the information contained in the attachments, is provided in the 6-month Integrated Plan updates required by NRC Order Number EA-12-051. by letter from Mary G Korsnick to NRC dated 02/28/2013. (ML13067A172)	

Source Document	Commitment	Changes
Fukushima/ FLEX	Submit the base case velocity profile and supporting subsurface materials and properties (Electric Power Research Institute (EPRI) Technical Report 1025287, Section 4, "Seismic Hazard and Screening Report," 2nd Bullet, "Seismic Hazard Results: GMRS," Items 3.a and 3.b) by September 12, 2013 for Ginna. by letter from Mary G Korsnick to NRC dated 04/26/2013, (ML13120A105)	
Fukushima/ FLEX	Submit the remaining EPRI Technical Report 10/252/87, Section 4, "Seismic Hazard and Screening Report," information seven months following the NRC endorsement of the revised EPRI ground motion attenuation model for the CEUS, or the NRC determines that the industry is unable to address its concerns with the EPRI updated ground motion model for CEUS licensees by letter from Mary G Korsnick to NRC dated 04/26/2013. (ML13120A105)	Changed due date to 03/31/2014 by letter from John Spina to NRC dated 09/12/2013 (ML13259A044)
Fukushima/ FLEX	Submit a schedule for implementing the ESEP activities and the Seismic Risk Assessment for Ginna within 60 days following the NRC's endorsement, acceptance, or rejection of the Augmented Approach guidance. By letter from Mary G Korsnick to NRC dated 04/26/2013. (ML13120A105)	
Fukushima/ FLEX	Ginna will implement multi-source dose assessment capability by 12/31/2014 by letter from Mary G Korsnick to NRC dated 06/21/2013.	
Fukushima/ FLEX	CENG will submit the Ginna Expedited Seismic Evaluation Process (ESEP) report by 12/31/2014 by letter from Mary G Korsnick to NRC dated 06/28/2013. (ML13190A471)	
Fukushima/ FLEX	If Ginna does not screen out based on the Augmented Approach screening criteria, Ginna will complete the ESEP Modifications not requiring outages two years after the ESEP report submittal by 12/31/2016 by letter from Mary G Korsnick to NRC dated 06/28/2013. (ML13190A471)	Ginna screens out of the ESEP and does not need to prepare reports summarizing the ESEP evaluations and results. Per the screening process, an ESEP Report will not be submitted for Ginna. Since Ginna screens out based on the ESEP screening criteria, no ESEP modifications will be completed for Ginna. By letter from Mary G Korsnick to NRC dated 03/31/2014. (ML14099A196)

Source Document	Commitment	Changes
Fukushima/ FLEX	If Ginna does not screen out based on the Augmented Approach screening criteria, Ginna will complete the ESEP Modifications within two outages after December 2014 by 04/30/2017. Letter from Mary G Korsnick to NRC dated 06/28/2013. (ML13190A471)	Ginna screens out of the ESEP and does not need to prepare reports summarizing the ESEP evaluations and results. Per the screening process, an ESEP Report will not be submitted for Ginna. Since Ginna screens out based on the ESEP screening criteria, no ESEP modifications will be completed for Ginna. By letter from Mary G Korsnick to NRC dated 03/31/2014. (ML14099A196)
Fukushima/ FLEX	If Ginna does not screen out based on the SPID screening criteria, Ginna will complete the Seismic Risk Evaluation (with a SFP Evaluation and High Frequency Confirmation) by 06/30/2017 by letter from Mary G Korsnick to NRC dated 06/28/2013. (ML13190A471)	Ginna screens out of the ESEP and does not need to prepare reports summarizing the ESEP evaluations and results. Per the screening process, an ESEP Report will not be submitted for Ginna. Since Ginna screens out based on the ESEP screening criteria, no ESEP modifications will be completed for Ginna. By letter from Mary G Korsnick to NRC dated 03/31/2014. (ML14099A196)
Fukushima/ FLEX	Provide specific requirements of the procedure controlling irradiated equipment or materials stored in the Spent Fuel Pool (SFP), including details of the analysis to be performed, to the NRC in the August 28, 2015 Ginna Overall Integrated Plan (OIP) status update, due 08/28/2015 by letter from Mary G Korsnick to NRC dated 09/23/2013. (ML13269A011)	
Fukushima/ FLEX	The full hydrodynamic/seismic qualification details will be forwarded to the NRC on February 28, 2014 with the second Ginna OIP status update, due 02/28/2014 by letter from Mary G Korsnick to NRC dated 09/23/2013. (ML13269A011)	
Fukushima/ FLEX	The final mounting details for the horn antenna, waveguide assembly, waveguide piping, and radar sensor will be available upon completion of the final design and will be forwarded to the NRC on February 28, 2014 with the second Ginna OIP status update, due 02/28/2014 by letter from Mary G Korsnick to NRC dated 09/23/2013. (ML13269A011)	

Source Document	Commitment	Changes
Fukushima/FLEX	Further details of the qualification and test program used to confirm the reliability of the permanently installed equipment during and following Beyond Design Bases Events, including seismic conditions, will be forwarded to the NRC on 02/2/2014 with the second Ginna OIP status update, due 02/28/2014 by letter from Mary G Korsnick to NRC dated 09/23/2013. (ML13269A011)	
Fukushima/FLEX	Further details on independence and channel separation of the permanently installed equipment will be provided in the August 28, 2015 Ginna OIP status update, due 08/28/2015 by letter from Mary G Korsnick to NRC dated 09/23/2013. (ML13269A011)	
Fukushima/FLEX	Further details on the AC and DC power supplies of the permanently installed equipment will be forwarded to the NRC on 02/28/2014 with the second Ginna OIP status update, due 02/28/2014. Letter from Mary G Korsnick to NRC dated 09/23/2013.	
Fukushima/FLEX	The final calibration methodology will be forwarded to the NRC on 08/2/2014 with the third Ginna OIP status update, due 08/28/2014 Letter from Mary G Korsnick to NRC dated 09/23/2013, (ML13269A011)	
Fukushima/FLEX	Specific details of the functional and calibration test program, including frequencies, will be developed as part of the final instrument design and will be forwarded to the NRC on 08/28/2014 with the third Ginna OIP status update, due 08/28/2014 by letter from Mary G Korsnick to NRC dated 09/23/2013. (ML13269A011)	
Fukushima/FLEX	The primary and alternate access route evaluation, continuous habitability at display location(s), continual resource availability for personnel responsible to promptly read displays, and provisions for verbal communications with decision makers for the various SFP drain down scenarios and external events will be evaluated as part of the response to Order EA-12-049. This information will be provided in the August 28, 2015 Ginna OIP status update, due 08/28/2015 by letter from Mary G Korsnick to NRC dated 09/23/2013. (ML13269A011)	

Source Document	Commitment	Changes
Fukushima/ FLEX	The reasons justifying why the display locations selected enable the information from these instruments to be considered "promptly accessible" from a response time perspective, including a discussion of various drain-down scenarios, will be provided in the August 28, 2015 Ginna OIP status update, due 08/28/2015 by letter from Mary G Korsnick to NRC dated 09/23/2013. (ML13269A011)	
Fukushima/ FLEX	The list of procedures for operating (both normal and abnormal response), calibration/test, maintenance and inspection, along with the technical objectives to be achieved within each procedure will be provided in the August 28, 2015 Ginna OIP status update, due 08/28/2015 by letter from Mary G Korsnick to NRC dated 09/23/2013. (ML13269A011)	
Fukushima/ FLEX	The preventive maintenance, test and calibration program will be available following completion of the final design and will be summarized in the 08/28/2014 Ginna OIP status update, due 08/28/2014 by letter from Mary G Korsnick to NRC dated 09/23/2013. (ML13269A011)	
Fukushima/ FLEX	The compensatory actions to take when both channels are out of service, and the applicable administrative requirements and implementation procedures will be available and the information summarized in the August 28, 2015 Ginna OIP status update, due 08/28/2015 by letter from Mary G Korsnick to NRC dated 09/23/2013. (ML13269A011)	
Fukushima/ FLEX	The compensatory actions to take when a channel is not restored within 90 days, and the applicable administrative requirements and implementation procedures will be available and the information summarized in the Ginna OIP status update, due 08/28/2015 by letter from Mary G Korsnick to NRC dated 09/23/2013. (ML13269A011)	

Source Document	Commitment	Changes
Fukushima/ FLEX	Ginna will provide the information requested by the NRC's Requests for Additional Information contained in the Interim Staff Evaluation regarding the Overall Integrated Plan for Implementation of Order EA-12-051, Reliable Spent Fuel Pool Instrumentation, due 09/30/2014 by letter from Mary G Korsnick to NRC dated 02/24/2014. (ML14069A180)	
Fukushima/ FLEX	Ginna will perform a High Frequency Confirmation due in accordance with the NRC prioritization process by letter from Mary G Korsnick to NRC dated 03/31/2014. (ML14099A196)	
Fukushima/ FLEX	Ginna will revise the Mitigating Strategies Overall Integrated Plan (OIP) to reflect the FLEX equipment storage design criteria regarding the protection of FLEX equipment for high wind hazards in accordance with Section 7.3.1.1 of NEI 12-06, and will design tornado protection based on these design criteria. This change will be incorporated in the next 6-month update report, due 08/28/2014, by letter from Mary G Korsnick to NRC dated 05/16/2014. (ML14176A129)	

2.1.2 Audit Results

The NRC staff found that the Exelon's administrative procedure LS-AA-110, Revision 10, "Commitment Management," and Exelon's procedure, "Commitments Tracking Program For Use with Passport," generally implement the industry guidance for management of regulatory commitments and management of regulatory commitment changes contained in the NEI-99-04 guidelines. The documentation provided by the licensee during the audit confirmed the NRC staff's conclusion that the licensee's regulatory commitments are being tracked effectively.

2.2 Verification of the Licensee's Regulatory Commitment Change Management

The NRC staff's primary focus of this part of the audit was to confirm that the licensee has implemented regulatory commitment changes consistent with the industry guidance contained in NEI 99-04. Table 2, "Regulatory Commitments Changes," summarizes the licensee's records of the changes made to the regulatory commitments as part of licensing processes. The commitment changes are described by identifying the source of the commitment, description of the commitments, and the change(s) made to the commitments. The changes are reported to the NRC as provided in the industry guidance in NEI 99-04. The NRC staff's audit of the commitment change program verified that the licensee was following the industry guidance and informing the NRC of the changes made. The audit also verified that the licensee's commitment management system includes a mechanism to ensure tracking of the regulatory commitment changes.

Table 2-Regulatory Commitments Change Records

Source Document	Commitment	Changes
License Renewal	Perform 2 structural integrity tests at design pressure during period of extended operation. (ML041400502)	Perform 2 structural integrity tests during period of extended operations at a pressure that is consistent with the ILRT Type A methodology set forth in R.G. 1.163 (ML11119A230)
Cyber Security (113)	Complete Task 8 in the implementation schedule (ML110980538)	Changed implementation date commitment by letter dated August 29, 2014 (ML14241A526)
Commitment Change 2012-001	Perform inspections of thimble tubes for wear and stress corrosion cracking	Change from RFOs beginning in 2005 and 2009 to RFOs beginning in 2015 (ML13070A051)
Fukushima/FLEX	Submit seismic walkdown results by 07/31/2013 and submit seismic walkdown results for internal inspections of MCC C and Bus 14 by 01/31/2016, per letter from John Spina to NRC dated 12/21/2012 (ML12362A452, ML12362A448, ML12362A451)	By letter from Mary G Korsnick to NRC dated 07/25/2013, move date to 18 months sooner (by 07/31/2014)
Fukushima/FLEX	Submit the remaining EPRI Technical Report 1025287, Section 4, "Seismic Hazard and Screening Report," information seven months following the NRC endorsement of the revised EPRI ground motion attenuation model for the CEUS, or the NRC determines that the industry is unable to address its concerns with the EPRI updated ground motion model for CEUS licensees by letter from Mary G Korsnick to NRC dated 04/26/2013. (ML13120A105)	Changed due date to 03/31/2014 by letter from John Spina to NRC dated 09/12/2013 (ML13259A044)
Fukushima/FLEX	If Ginna does not screen out based on the Augmented Approach screening criteria, Ginna will complete the ESEP Modifications not requiring outages two years after the ESEP report submittal by 12/31/2016 by letter from Mary G Korsnick to NRC dated 06/28/2013. (ML13190A471)	Ginna screens out of the ESEP and does not need to prepare reports summarizing the ESEP evaluations and results. Per the screening process, an ESEP Report will not be submitted for Ginna. Since Ginna screens out based on the ESEP screening criteria, no ESEP modifications will be completed for Ginna. By letter from Mary G Korsnick to NRC dated 03/31/2014. (ML14099A196)

2.2.1 Audit Results

The NRC staff found that the Exelon's administrative procedure LS-AA-110, Revision 10, "Commitment Management," and Exelon's procedure, "Commitments Tracking Program For Use with Passport," generally implement the industry guidance for management of regulatory commitments and management of regulatory commitment changes contained in the NEI-99-04 guidelines. The documentation provided by the licensee during the audit confirmed the NRC staff's conclusion that the licensee's regulatory commitments are being tracked effectively.

2.3 Verification of Appropriate Application of Regulatory Commitments.

The NRC staff reviewed the licensee's regulatory commitments in Table 1 to determine if any of the audited regulatory commitments constituted obligations under the NRC's regulatory requirements. Based on this review, the staff concludes that the licensee is applying the regulatory commitments in an appropriate manner.

3.0 CONCLUSION

Based on the above, the NRC staff concludes that: (1) Ginna is implementing and tracking the regulatory commitments and changes to the regulatory commitments consistent with the NRC accepted industry guidance contained in NEI 99-04, (2) Ginna has implemented an effective programs to manage regulatory commitment changes, and (3) there were no misapplied regulatory commitments in the sample audited by the NRC staff.

4.0 LICENSEE PERSONNEL CONTACTED

The licensee's staff supporting the NRC staff's audit included Mr. Thomas Harding, and Mr. Ken Charland. The NRC staff appreciates the considerable assistance provided by the licensee's staff to facilitate timely completion of the NRC staff's audit.

J.E. Pacher

- 2 -

The licensee's staff supporting the NRC staff's audit included Mr. Thomas Harding, and Mr. Ken Charland. The NRC staff appreciates the considerable assistance provided by the licensee's staff to facilitate timely completion of the NRC staff's audit.

If there are any questions, please contact me at (301) 415-1476 or email mohan.thadani@nrc.gov.

Sincerely,

/RA/

Mohan C. Thadani, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Enclosure: Audit Report

Docket No. 50-244

cc w/encl: Distribution via Listserv

DISTRIBUTION:

PUBLIC
LPL1-1 Reading File
RidsNrrDorlDpr

RidsNrrDorlLp1-1
RidsNrrLAKGoldstein
RidsRgn1MailCenter

RidsNrrPMREGinna
RidsAcrcAcnw_MailCTR

ADAMS ACCESSION NO.: ML15043A716

OFFICE	LPL1-1/PM	LPL1-1/LA	LPL1-1/BC	LPL1-1/PM
NAME	MThadani	KGoldstein	BBeasley	MThadani
DATE	02/19/2015	02/18/2015	02/19/2015	02/19/2015

OFFICIAL RECORD COPY