

June 13, 2006

Mr. Michael R. Kansler
President
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT - AUDIT OF ENTERGY'S
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NO. MD1195)

Dear Mr. Kansler:

The Nuclear Regulatory Commission (NRC) staff performed an audit of the James A. FitzPatrick Nuclear Power Plant (JAFNPP) commitment management program at JAFNPP, which is located near Oswego, New York, on May 31 and June 1, 2006. The Entergy commitment management system is described in the Entergy corporate procedure EN-LI-110, "Commitment Management Program," Rev. 0, dated September 27, 2005. EN-LI-110 is based on and implements the recommendations of Nuclear Energy Institute (NEI) 99-04, "Guidelines for Managing NRC Commitment Changes," Rev. 0. NRC Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made By Power Reactor Licensees to the NRC Staff," describes NEI 99-04 as an acceptable way for licensees to control regulatory commitments. The Office of Nuclear Reactor Regulation's Office Instruction LIC-105, Revision 1, "Managing Regulatory Commitments Made by Licensees to the NRC," provides the NRC staff and its stakeholders with a common reference for handling regulatory commitments. LIC-105 specifies that once every 3 years, the NRC staff shall audit a licensee's commitment management program.

The NRC staff concludes that, based on the audit (1) Entergy has implemented NRC commitments for JAFNPP on a timely basis; and (2) Entergy has implemented an effective program for managing NRC commitment changes at JAFNPP. Details of the audit are set forth in the enclosed audit report.

Sincerely,

/RA/

John P. Boska, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-333

Enclosure:
As stated

cc w/encl: See next page

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FitzPatrick Nuclear Power Plant

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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

REGULATORY COMMITMENTS MADE BY THE LICENSEE TO

THE NUCLEAR REGULATORY COMMISSION

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

DOCKET NO. 50-333

1.0 INTRODUCTION AND BACKGROUND

The Nuclear Regulatory Commission (NRC) staff performed an audit of the James A. FitzPatrick Nuclear Power Plant (JAFNPP) commitment management program at JAFNPP, which is located near Oswego, New York, on May 31 and June 1, 2006. Entergy Nuclear Operations, Inc. (Entergy or the licensee) is the licensee for JAFNPP. The Entergy commitment management system is described in the Entergy corporate procedure EN-LI-110, "Commitment Management Program, " Rev. 0, dated September 27, 2005. EN-LI-110 is based on and implements the recommendations of Nuclear Energy Institute (NEI) 99-04, "Guidelines for Managing NRC Commitment Changes," Rev. 0. NRC Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made By Power Reactor Licensees to the NRC Staff," describes NEI 99-04 as an acceptable way for licensees to control regulatory commitments. The Office of Nuclear Reactor Regulation's (NRR's) Office Instruction LIC-105, Revision 1, "Managing Regulatory Commitments Made by Licensees to the NRC," provides the NRC staff and its stakeholders with a common reference for handling regulatory commitments. LIC-105 specifies that once every 3 years, the NRC staff shall audit a licensee's commitment management program. LIC-105 is publicly available electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site www.nrc.gov (Accession Number ML042320463).

According to LIC-105, which cites the definition from NEI-99-04, a "regulatory commitment" is 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. LIC-105 further directs the NRR Project Manager to "audit the licensee's commitment management program by assessing the adequacy of the licensee's implementation of a sample of commitments made to the NRC in past licensing actions (amendments, reliefs, exemptions, etc.) and activities (bulletins, generic letters, etc.)."

2.0 AUDIT PROCEDURE AND RESULTS

The audit was performed at JAFNPP, which is located near Oswego, New York, on May 31 and June 1, 2006, and reviewed commitments made by Entergy in the past 3 years.

Enclosure

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 those commitments made to the NRC as part of past licensing actions/activities in accordance with the NRC guidance and approved plant procedures. For commitments that had not yet been implemented, the NRC staff aimed to ascertain that they have been captured in an effective program for future implementation.

2.1.1 Audit Scope

Before the audit, the NRC staff searched ADAMS for a sampling of the licensee's licensing actions dated within the past 3 years. NRC staff identified documents containing regulatory commitments meeting the criteria specified by LIC-105. Table 1 lists the licensee's commitments which were audited.

The list of the selected regulatory commitments for JAFNPP was provided to the site licensing group with a request to provide plant documentation used to track each individual commitment. Also, the site personnel were requested to provide status and a copy of the revised documents (plant procedures, Updated Final Safety Analysis Report, Technical Specifications (TSs), etc.) for verification, if the required actions had already been completed. The regulatory commitments were reviewed against the plant documents to verify if the commitment had been implemented satisfactorily in accordance with the approved plant procedures.

LIC-105 limits the audit of commitments to those made in writing to the NRC as a result of past licensing actions (amendments, exemptions, etc.) or licensing activities (bulletins, generic letters, etc.). Accordingly, the audit excludes 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 Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.73.
- (2) Commitments made on the licensee's own initiative among internal organizational components.
- (3) Commitments that pertain to milestones of licensing actions or 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 or activity was completed.
- (4) Commitments made as an internal reminder to take actions to comply with existing regulatory requirements such as regulations, TSs, and Updated Final 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

The NRC staff reviewed the commitments listed in Table 1 to ensure that the selected commitments are included in the plant database used to track the commitments and evaluate the status of completion of each commitment. The NRC staff found that the licensee's commitment tracking program had captured the regulatory commitments that were identified by the NRC staff before the audit.

The NRC staff also reviewed plant procedures and other design bases documents that had been revised as a result of commitments made by the licensee to NRC. These procedures and documents are identified in the right-hand column of Table 1. The NRC staff review indicated that:

1. All the regulatory commitments selected for the audit were being tracked.
2. Review of the plant documents for the completed commitments indicated that the commitments selected for the review were implemented as committed.

Table 1 summarizes what the NRC staff observed as the current status of licensee commitments reviewed during the audit.

2.2 Verification of the Licensee's Program for Managing NRC Commitment Changes

The NRC staff reviewed the licensee's procedure EN-LI-110, "Commitment Management Program," Revision 0, against NEI 99-04 guidelines. In particular, in regards to managing a change or deviation from a previously completed commitment, Section 1.0 specifically states that the procedure is based on and implements the recommendations of NEI 99-04. Section 5.5 of EN-LI-110 defines the process for making changes to a commitment. In general, EN-LI-110 follows closely the guidance of NEI-99-04: it sets forth the need for identifying, tracking and reporting commitments, and it provides a mechanism for changing commitments.

The NRC staff reviewed the submittals from the licensee to the NRC during 2003 to 2006 which reported revisions to the docketed commitments as permitted per NEI-99-04. These submittals included Entergy letters JAFP-03-0065, dated May 12, 2003, JAFP-05-0069, dated May 5, 2005, and JAFP-06-0068, dated April 26, 2006. The NRC staff has no comments on these revisions, but may inspect them in more detail at a later time.

As set forth in Section 2.1 above, the NRC staff found that the licensee had properly addressed all the regulatory commitments selected for this audit. As a result of the review of the licensee's information, as well as information from other sources, the NRC staff found the licensee's reported status of the audited commitments to be acceptable. Thus, the NRC staff judges that the procedure used by the licensee to manage commitments is appropriate and effective.

3.0 CONCLUSION

The NRC staff concludes that, based on the above audit, (1) the licensee had implemented or is tracking for future implementation its regulatory commitments; and (2) the licensee had implemented an effective program to manage changes to regulatory commitment.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

G. Brownell

R. Plasse

J. Costedio

Principal Contributor: J. Boska

Date: June 13, 2006

TABLE 1 (Page 1 of 2)

AUDITED: WRITTEN COMMITMENTS AND RELATED INFORMATION
(2002 THROUGH 2006)

Entergy Submittal	NRC TAC No.	NRC Issuance	Summary of Commitment, and Licensee's Tracking Number	Licensee Implementation Status
6/7/02 JPN-02-016	MB5328	Amend. No. 276, 09/12/02	<p>ENO will revise the FitzPatrick guidelines for assessing systems removed from service during the handling of irradiated fuel assemblies or core alterations to implement the provisions of Section 11.3.6.5 of NUMARC 93-01, Revision 3 [to avoid unmonitored releases and to have a contingency method to close secondary containment]. (JPN-02-016-01)</p> <p>ENO will revise the FitzPatrick UFSAR to reflect the revised fuel handling analyses and alternate source term. (JPN-02-016-02)</p> <p>ENO will submit to the NRC updated technical specification marked-up pages for relaxed secondary containment changes. (JPN-02-016-03, ACT-02-65768)</p>	<p>Complete. Guidelines are in procedure AP-10.09, rev. 19, Outage Risk Assessment, section 7.2.4.</p> <p>Complete. UFSAR has been revised, see for example, section 14.8.2.3.</p> <p>Complete. Submitted on 7/17/02 in JAFP-02-0146.</p>
2/27/03 JAFP-03-0034	MB8030	Amend. No. 278, 05/16/03	<p>ENO will develop and maintain contingency plans for obtaining and analyzing highly radioactive samples from the reactor coolant system, suppression pool, and containment atmosphere. (JAFP-03-0034-1, ACT-03-66634)</p> <p>ENO will establish and maintain the capability for classifying fuel damage events at the Alert level threshold at 300 microcuries / cc dose equivalent iodine. (JAFP-03-0034-2, ACT-03-66635)</p> <p>ENO will develop and maintain an iodine-131 site survey detection capability, including an ability to assess radioactive iodines released to offsite environs, by using effluent monitoring systems or portable sampling equipment. (JAFP-03-0034-3, ACT-03-66636)</p>	<p>Complete. Highly radioactive samples and radioactive iodine samples are obtained and analyzed per plant procedure PSP-17, rev. 24, PASS Operating Procedure.</p> <p>Complete. Classifying fuel damage events is in IAP-2, Rev. 26, Classification of Emergency Conditions, commitment 3.1.1., and p.16, section 1.1.2. and TRM 5.5.c.</p> <p>Complete. See SP-03.09, Rev. 4, Stack Automatic and Particulate Sample System, commitment 2.1.1.</p>
6/22/04 JAFP-04-0087	MC3675	Amend. No. 280, 12/18/04	<p>The drywell hydrogen monitoring system will maintain the capability of diagnosing beyond-design-basis accidents (to the level of Regulatory Guide (RG) 1.97, category 3) (JAFP-04-0087-1)</p> <p>The drywell oxygen monitoring system will maintain the capability of verifying the status of the inerted containment (to the level of RG 1.97, category 2) (JAFP-04-0087-2)</p> <p>The drywell hydrogen and oxygen monitoring capabilities will be maintained in the Technical Requirements Manual (TRM). (JAFP-04-0087-3)</p>	Complete. See OP-37, Rev. 71, Containment Atmosphere Dilution System, and CA-01.02, Rev. 9, Drywell and Torus Atmosphere Sampling and Analysis. See also TRM 3.3.C, function 11, TRS 3.3.c.2, and the TRM Bases.
9/1/04 JPN-04-015	MC4276	Amend. No. 282, 2/3/04	Provide to the NRC using an industry database the operating data (for each calendar month) that is described in Generic Letter 97-02, "Revised Contents of the Monthly Operating Report," by the last day of the month following the end of each calendar quarter. The regulatory commitment will be based on use of an industry database (e.g., the industry's Consolidated Data Entry (CDE) program, currently maintained by the Institute of Nuclear Power Operations)	<p>Ongoing.</p> <p>The licensee is required to submit reports on a regular interval and no further verification is needed.</p>

Entergy Submittal	NRC TAC No.	NRC Issuance	Summary of Commitment, and Licensee's Tracking Number	Licensee Implementation Status
9/27/04 JAFP-04-0159	MB9805	NRC Generic Letter 2003-01	ENO commits to create a preventive maintenance surveillance procedure to annually inspect the Relay Room and components located inside the CRE to ensure CRE unfiltered inleakage vulnerability is maintained as leak tight as possible. (ACT-04-67792)	Complete. A preventive maintenance task has been created as job plan 70DPI-063*002.
12/30/04 JAFP-04-0195	MC5506	Amend. No. 283, 3/5/05	ENO will incorporate the revised acceptance criterion value of 7.5 percent into the TS Bases.	Complete. See the surveillance procedure for TS SR 3.1.4.2., RAP-7.4.01, Rev. 19, Control Rod Scram Time Evaluation, steps 4.7.4 and 10.2.
7/6/05 JAFP-05-0102	MC7508	Relief Request RR-37, 7/8/05	ENO will perform coating of the repair inside the torus. (ACT-05-679490)	Open, with a committed date of 10/1/06, which corresponds to the Fall 2006 refueling outage.