



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

December 16, 2008

Mr. Stewart B. Minahan  
Vice President-Nuclear and CNO  
Nebraska Public Power District  
72676 648A Avenue  
Brownville, NE 68321

SUBJECT: COOPER NUCLEAR STATION - AUDIT OF THE LICENSEE'S MANAGEMENT  
OF REGULATORY COMMITMENTS (TAC NO. MD9996)

Dear Mr. Minahan:

An audit of the Cooper Nuclear Station (CNS) commitment management program was performed at the site during the period December 2-3, 2008. 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.

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 the regulatory commitments are being effectively implemented.

The NRC staff concludes, based on the audit, that (1) Nebraska Public Power District (the licensee) has implemented NRC commitments on a timely basis, and (2) the licensee has implemented an adequate program for managing NRC commitment changes at CNS. The details of the audit including the NRC staff observations and recommendations are set forth in the enclosed audit report.

I appreciate the assistance of Ms. Bray of your staff during the conduct of the audit. If there are any questions, please contact me at (301) 415-2296 or by e-mail at [Fred.Lyon@nrc.gov](mailto:Fred.Lyon@nrc.gov).

Sincerely,

A handwritten signature in black ink that reads "CF Lyon".

Carl F. Lyon, Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-298

Enclosure: As stated

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UNITED STATES  
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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

NEBRASKA PUBLIC POWER DISTRICT

COOPER NUCLEAR STATION

DOCKET NO. 50-298

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.

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 the 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, relief requests, exemptions, etc.) and licensing activities (bulletins, generic letters, etc.). The audit is to be performed every 3 years.

2.0 AUDIT PROCEDURE AND RESULTS

An audit of the Cooper Nuclear Station (CNS) commitment management program was performed at the site during the period December 2-3, 2008. The audit reviewed commitments made since the previous audit, dated October 21, 2005 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML052800067). The audit consisted of two major parts: (1) verification of the licensee's implementation of NRC commitments that have

ENCLOSURE

been completed, and (2) verification of the licensee's program for managing changes to NRC commitments.

## 2.1 Verification of Licensee's Implementation of NRC Commitments

The primary focus of this part of the audit is to confirm that the licensee has implemented commitments made to the NRC as part of past licensing actions/activities. For commitments not yet implemented, the NRC staff determines whether they have been captured in an effective program for future implementation.

### 2.1.1 Audit Scope

The audit addressed a sample of commitments made during the review period. The audit focused on regulatory commitments, as defined above, made in writing to the NRC as a result of past licensing actions (amendments, exemptions, relief requests, etc.) or licensing activities (bulletins, generic letters, etc.). Before the audit, the NRC staff searched ADAMS for the licensee's submittals since the last audit and selected a representative sample of regulatory commitments for verification. The identified list of commitments was forwarded to the licensee with a request to locate documentation for the listed regulatory commitments prior to the NRC staff visit.

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 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 licensee has implemented site-wide Administrative Procedures 0.42, "Regulatory Correspondence Control," and 0.42.1, "Regulatory Commitment Tracking and Commitment Changes," which describes the regulatory commitment management process at Nebraska Public Power District (NPPD). The process is similar to the guidance provided in Nuclear Energy Institute (NEI) 99-04, "Guidelines for Managing NRC Commitment Changes." The procedure includes a consistent process to change NRC regulatory commitments of low safety significance without adversely affecting the level of safety. The process provides a means of identifying commitments (i.e., Attachment 3 of Procedure 0.42, List of Regulatory Commitments) and a means for evaluating proposed changes to commitments (i.e., Attachment 2 of Procedure 0.42.1, Commitment Change Evaluation). Administrative Procedure 0.42.1 provides

administrative controls and responsibilities for the creation, implementation, and maintenance of the Regulatory Commitment/Correspondence Tracking System (RCTS), a database of regulatory requirements and commitments applicable to CNS, including cross-references to the documents or procedures that implement each requirement.

The database and documents furnished by the licensee during the audit provided the status of the commitments and appropriate backup documentation, as needed (e.g., plant procedures, training or examination records, and/or other plant documentation). The NRC staff reviewed the database and documents and summarized the selected commitments information in the attachment to this audit report.

The NRC staff audit was intended to confirm that the licensee has documented its implementation of its regulatory commitments made to the NRC staff as part of past licensing communications, and the commitments that had not yet been implemented or incorporated in design bases documents are captured in an effective manner for future implementation.

The process prescribed in Administrative Procedures 0.42 and 0.42.1 provides acceptable tools for the licensee to capture the NRC guidance on commitment management programs. The licensee enters the regulatory commitments made to the NRC into the RCTS database. The regulatory commitments are appropriately coded in the RCTS. Each commitment is numbered and listed. Status of the commitments, implementation dates, target implementation (documents which finally capture the commitment) document information associated with each specific commitment, and comments are captured in the database.

The NRC staff audit of the licensee's commitment management program for CNS did not identify any regulatory commitments that were not met. The licensee has maintained the database adequately and the commitments selected for this audit were easily traceable in the database. For commitments that had been completed, the database generally provided an accurate status of the commitment and provided reference to the implementation documentation. No deficiencies were noted.

In general, documents or procedures that are used to fulfill a commitment are changed to reference the commitment. This provides a means to ensure that commitments are neither removed nor changed without management approval in accordance with the plant procedures. No deficiencies were noted.

Based on the results of the on-site audit, the NRC staff concludes that the licensee has implemented the regulatory commitments management program adequately and consistent with NEI 99-04. The attachment to this audit report contains references to the licensee's commitments selected for review and a summary of the audit results.

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

The primary focus of this part of the audit is to verify that the licensee has established administrative controls for modifying or deleting commitments made to the NRC. The NRC staff compared the licensee's process for controlling regulatory commitments to the guidelines in NEI 99-04, which the NRC has found to be an acceptable guide for licensees to follow for managing and changing commitments. The process used at CNS is contained in Administrative Procedures 0.42 and 0.42.1. The primary focus of the audit was to ensure that commitments

made to the NRC are implemented and, if changed, the change is made in accordance with the approved plant procedures and with the approval of the plant's management. 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.

### 2.2.1 Audit Results

Detailed processes are provided by which the licensee tracks and implements its regulatory commitments. Any changes to the commitments are processed through Administrative Procedure 0.42.1. Changes to commitments are reported to the NRC in accordance with the guidance of NEI 99-04. The licensee's process identifies the affected commitments, their origin, original criteria, proposed changes, and justification for change. The commitment changes are documented on Commitment Change Evaluation forms.

For the period covered by the audit, the NRC staff reviewed both a sample of commitment changes determined to be reportable to the NRC, and a sample of changes determined to be not reportable. Commitment changes were appropriately justified and reported to the NRC in accordance with the licensee's process. No deficiencies were noted.

Based on the results of the on-site audit, the NRC staff concludes that the licensee has implemented regulatory commitment changes appropriately, consistent with NEI 99-04.

## 3.0 CONCLUSION

Based on the results of the audit, the NRC staff concludes that the licensee has implemented the regulatory commitments management program satisfactorily, and implemented regulatory commitment changes appropriately, consistent with NEI 99-04.

## 4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

D. Van Der Kamp  
L. Bray

Principal Contributor: F. Lyon

Date: December 16, 2008

Attachment: Summary Table

SUMMARY TABLE  
 AUDIT OF REGULATORY COMMITMENTS  
 COOPER NUCLEAR STATION  
 DECEMBER 2-3, 2008

REFERENCE FOR LICENSEE COMMITMENTS	IMPLEMENTATION STATUS
Letter dated December 8, 2005, "Request for Use of Delta Protection Single-Use Supplied-Air Suits" (ADAMS Accession No. ML053470189), and Letter dated June 7, 2006, "Modification of Request for Use..." (ADAMS Accession No. ML061630233)	Implemented in procedure 9.RESP.1; lesson plans GEN 002-05-01 and RAD907401; qualification standard TQD 0459; job performance measure SKL018-02-66; and training records.
Letter dated January 30, 2006, "Application for Technical Specification Change to Add LCO 3.0.8 on the Inoperability of Snubbers Using the Consolidated Line Item Improvement Process" (ADAMS Accession No. ML060340126)	Implemented in the TS Bases.
Letter dated February 23, 2006, "10 CFR 50.55a Requests for Fourth Ten-Year Inservice Inspection Interval" (ADAMS Accession No. ML060590300)	Open.
Letter dated April 7, 2006, "Response to Request for Additional Information Re: Fuel Handling Accident - Alternative Source Term Amendment" (ADAMS Accession No. ML061020078)	Implemented in procedures 6.SC.602 and 0.50.5 and the TS Bases.
Letter dated May 4, 2006, "Supplemental Response to Report of Inspection of Nuclear Reactor Safeguards Interim Compensatory Measure - Section B.5.b - Temporary Instruction 2515/164" (ADAMS Accession No. ML061290435) (Non-Publicly Available)	Implemented in procedure 10.6.
Letter dated October 17, 2006, "License Amendment Request to Revise Technical Specification - Onsite Spent Fuel Storage Expansion" (ADAMS Accession No. ML062990429), and Letter dated April 17, 2007, "Response to Request for Additional Information..." (ADAMS Accession No. ML071130012)	Implemented in procedures 10.6 and 10.24, and by letter to NRC dated September 20, 2007 (ADAMS Accession No. ML072680663).
Letter dated November 19, 2007, "License Amendment Request to Revise Technical Specifications - Appendix K Measurement Uncertainty Recapture Power Uprate" (ADAMS Accession No. ML073300571)	Implemented in procedures 10.1, 10.13, 8.4.1.1B, 2.2.77.1, 4.5, 4.9, 2.1.10, 4.1.3, 6.1CSCS.703, 6.1ADS.704, 6.1ARI.301, 6.1LLS.701, 6.1RHR.302, et al.; the Technical Requirements Manual; Work Orders 4634284, et al.; Startup Test SP07-002; lesson procedure IAC920-30-00 and training records; simulator modification SMP 07-0042 and tests CED6023681, et al.; software change completion reports MSA 4570212, et al.; and letter to NRC dated October 22, 2008 (ADAMS Accession No. ML083030042).

<p>Letter dated August 15, 2005, "30-Day Response to NRC Bulletin 2005-02" (ADAMS Accession No. ML052310344) (Non-Publicly Available)</p>	<p>Implemented in procedures 5.5Aircraft, 5.5Security, and 3.3Aircraft Threat, the Emergency Plan, work order 4480118, and EPIP 5.7.21, Att.3.</p>
<p>Letter dated June 17, 2005, "Revised Commitments for NRC Generic Letter 2003-001" (ADAMS Accession No. ML051720149)</p>	<p>Implemented in procedures 3.45 and 0.55 and by License Amendment No. 230.</p>
<p>Letter dated September 29, 2005, "License Amendment Request for Application of the Alternative Source Term for Reevaluation of the Fuel handling Accident Dose Consequences" (ADAMS Accession No. ML052770499)</p>	<p>Implemented in procedures 5.1, 5.2, 0.50.5, 10.25, and alarm procedure 2.3_9-4-2; one commitment withdrawn by letter to NRC dated April 7, 2006 (ADAMS Accession No. ML061020078).</p>
<p>Letter dated August 8, 2005, "Response to Commission Order Imposing Additional Security Measures..." (ADAMS Accession No. ML052220251) (Non-Publicly Available)</p>	<p>Implemented by letter to NRC dated January 16, 2006 (Non-Publicly Available).</p>
<p>Letter dated August 1, 2005, "Response to Request for Additional Information Re: License Amendment Request to Revise the Required Channels per Trip System..." (ADAMS Accession No. ML052170167)</p>	<p>Implemented in the TS Bases.</p>
<p>Letter dated July 21, 2005, "Application for Technical Specification Improvement to Revise Control Rod Scram Time Testing Frequency" (ADAMS Accession No. ML052090146)</p>	<p>Implemented in the TS Bases.</p>
<p>Letter dated January 26, 2005, "Regulatory Commitment Related to Control Blade Shadow Corrosion-Induced Channel Bow" (ADAMS Accession No. ML050310393)</p>	<p>Implemented in procedures 10.33 and 4.3.</p>
<p>Letter dated November 24, 2004, "Application for Technical Specification Improvement to Eliminate Requirements to Provide Monthly Operating Reports..." (ADAMS Accession No. ML043350030)</p>	<p>Implemented in procedure 0-PI-01.</p>

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Sincerely,  
/RA/

Carl F. Lyon, Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-298

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