



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

January 21, 2010

Vice President, Operations  
Entergy Nuclear Operations, Inc.  
Indian Point Energy Center  
450 Broadway, GSB  
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Buchanan, NY 10511-0249

**SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3 - AUDIT OF THE  
LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS  
(TAC NOS. ME2319 AND ME2320)**

Dear Sir or Madam:

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 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.

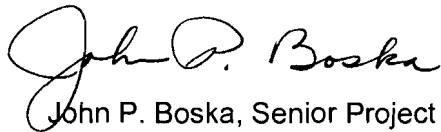
The NRC Office of Nuclear Reactor Regulation has instructed its staff to perform an audit of licensees' commitment management programs once every 3 years to determine whether the licensees' programs are consistent with the industry guidance in NEI 99-04, and that regulatory commitments are being effectively implemented.

An audit of the commitment management program for Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3) was performed at the plant site during the period December 15 and 16, 2009. The NRC staff concludes, based on the audit, that Entergy has implemented an effective program for managing NRC commitments. Details of the audit are set forth in the enclosed audit report.

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Please contact me at (301) 415-2901 if you have any questions on this issue.

Sincerely,

A handwritten signature in black ink, reading "John P. Boska". The signature is fluid and cursive, with the first name "John" being the most prominent part.

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

Docket Nos. 50-247 and 50-286

Enclosure:  
Audit Report

cc w/encl: Distribution via Listserv

# AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

## LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

### ENTERGY NUCLEAR OPERATIONS, INC.

#### INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3

#### DOCKET NOS. 50-247 AND 50-286

## 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 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 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

An audit of the commitment management program for Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3) was performed at the plant site during the period December 15 and 16, 2009. The audit reviewed commitments made since the previous NRC audit report dated May 2, 2006. The audit consisted of two major parts: (1) verification of the licensee's implementation of NRC commitments that have 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.

Enclosure

### 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.). Commitments made in Licensee Event Reports or in response to Notices of Violation may be included in the sample, but the review was limited to verification of restoration of compliance, not the specific methods used. Before the audit, the NRC staff searched ADAMS for the licensee's submittals since the last audit and selected a representative sample for verification.

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 (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 attached Audit Summary provides details of the audit and its results. The NRC staff found that the Entergy corporate procedure for managing regulatory commitments, EN-LI-110, "Commitment Management Program," acceptably implements the NEI-99-04 guidelines, and that the Entergy staff at IP2 and IP3 are following the guidance of EN-LI-110.

## 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 Entergy commitment management system is described in the Entergy corporate procedure EN-LI-110. EN LI 110 is based on and implements the recommendations of NEI 99-04. The audit reviewed a sample of commitment changes that included changes that were or will be reported to the NRC, and changes that were not or will not be reported to the NRC. 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.

### 2.2.1 Audit Results

The attached Audit Summary also provides details of this portion of the audit and its results. The NRC staff found that the Entergy corporate procedure for managing regulatory commitments, EN-LI-110, acceptably implements the NEI-99-04 guidelines pertaining to commitment changes. The Entergy staff at IP2 and IP3 are following the guidance of EN-LI-110 in regard to commitment changes.

### 3.0 CONCLUSION

The NRC staff concludes, based on the above audit, that Entergy has implemented an effective program for managing NRC commitments and changes to those commitments at IP2 and IP3, and has implemented NRC commitments in a timely manner at IP2 and IP3.

### 4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Michael Burney  
Stephen Prussman  
Robert Walpole

Principal Contributor: John Boska

Attachment: Summary of Audit Results

## **AUDIT SUMMARY**

### **IMPLEMENTATION OF COMMITMENTS:**

1. The resolution of the discrepancy noted in the previous NRC audit report, dated May 2, 2006, was reviewed. The commitment was to provide a dedicated operator at IP3 for operating and controlling the chemical and volume control system, including monitoring pressurizer level, whenever pressurizer level in Mode 3 is above the existing Mode 1 Technical Specification limit (commitment NL-03-019-02). Plant procedure 3-POP-3.3 had been revised to require the dedicated operator when level is above the Mode 1 limit. This corrected the discrepancy.
2. An additional item from the previous audit report was reviewed for implementation. These were the regulatory commitments associated with license amendment No. 244 for IP2, which authorized the use of a new gantry crane in the IP2 fuel storage building. During the previous audit, the commitments were verified to be in the commitment database, but they had not yet been implemented in plant procedures as the new gantry crane had not yet been installed at IP2. The gantry crane has now been installed. The commitments pertained to special precautions for use of the gantry crane. For commitment 1 (safe load paths, NL-04-126-01), the safe load paths have been added to plant procedure 2-DCS-026-GEN, revision 4, attachment 2, and to 2-DCS-008-GEN, revision 10, attachment 6. For commitment 2 (procedures, NL-04-026-02), plant procedure 2-DCS-026-GEN, revision 4, is in place to direct operation of the crane, and plant procedure 2-DCS-008-GEN, revision 10, is in place to direct the loading and handling of the multi-purpose canister and the HI-TRAC cask. For commitment 3 (training of crane operators, NL-04-126-03), operators are trained in accordance with procedure EN-TQ-201, and qualification guide 801024 provides on-the-job training. For commitment 4 (special lifting devices, NL-04-126-04), the crane was designed with lift paddles which engage the trunnions on the HI-TRAC cask. The paddles are inspected per plant procedure 2-DCS-027-GEN, revision 1. For commitment 5 (lifting devices that are not specifically designed, NL-04-126-05), the lifting devices were designed to meet the specified requirements. For commitment 6 (crane inspection, test and maintenance, NL-04-126-06), plant procedure 2-DCS-027-GEN, revision 1, implements the required inspections, tests and maintenance.
3. In Entergy letter NL-09-111, dated August 6, 2009, Entergy provided a list of 40 regulatory commitments made during the license renewal review for IP2 and IP3. NRC staff verified that the commitments were entered in Entergy's commitment management program, for implementation prior to entering the period of extended operation. One commitment, NL-09-111-34, to install an Appendix R diesel generator at IP2, has been completed.
4. In Entergy letter NL-06-060, dated June 8, 2006, Entergy made four commitments to install modifications and maintain compensatory measures related to nonconforming fire barriers. NRC staff verified that the commitments were entered in Entergy's commitment management program, and had been completed.
5. In Entergy letter NL-09-068, dated July 15, 2009, Entergy committed to make a future contribution to the IP2 decommissioning trust fund for spent fuel management expenses. NRC staff verified that this commitment (A-10321) was entered in Entergy's commitment management program, for future implementation.

**MANAGEMENT OF CHANGES TO REGULATORY COMMITMENTS:**

During this audit period, Entergy submitted the following letters to the NRC which stated if any reportable changes to regulatory commitments had been made:

1. Entergy Letter NL-06-118, "Indian Point 2 (IP2) Nuclear Power Plant Amendment Update to the Final Safety Analysis report (FSAR), Revision 20," dated November 15, 2006 (no changes reported).
2. Entergy Letter NL-07-111, "Indian Point 3 Nuclear Power Plant 2007 Amendment Update to the Final Safety Analysis Report (FSAR), Revision 02," dated September 26, 2007 (no changes reported).
3. Entergy Letter NL-08-163, "Indian Point 2 (IP2) Nuclear Power Plant Amendment Update to the Final Safety Analysis report (FSAR), Revision 21," dated October 20, 2008 (no changes reported).
4. Entergy Letter NL-09-136, "Indian Point 3 Nuclear Power Plant 2009 Amendment Update to the Final Safety Analysis Report (FSAR), Revision 03," dated October 13, 2009 (three changes reported).

The three changes reported in the fourth letter were reviewed to ensure they met the criteria of the Entergy procedure on commitment management and NEI 99-04. No discrepancies were noted.

- 2 -

Please contact me at (301) 415-2901 if you have any questions on this issue.

Sincerely,

**/RA**

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

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