



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

February 9, 2011

Site Vice President
Entergy Nuclear Operations, Inc.
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360-5508

SUBJECT: PILGRIM NUCLEAR POWER STATION - AUDIT OF THE LICENSEE'S
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NO. ME5023)

Dear Sir or Madam:

An audit of the Entergy Nuclear Operations, Inc. (Entergy) commitment management program was performed at the Pilgrim Nuclear Power Station (Pilgrim) site during the period December 14 and 15, 2010. The NRC staff concludes that, based on the audit: (1) Entergy has implemented an effective program for managing NRC commitments and changes to those commitments, and (2) has implemented NRC commitments in a timely manner at Pilgrim. Details of the audit are set forth in the enclosed audit report.

The NRC staff appreciates the resources that were made available by your staff for performing the audit. If you have any questions, I may be reached at (301) 415-1030.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Guzman".

Richard V. Guzman, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-293

Enclosures:

1. Audit Report
2. List of Commitments Reviewed

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UNITED STATES
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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

ENTERGY NUCLEAR OPERATIONS, INC.

PILGRIM NUCLEAR POWER STATION

DOCKET NO. 50-293

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.

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 activities (bulletins, generic letters, etc). The audit is to be performed every 3 years.

2.0 AUDIT PROCEDURE AND RESULTS

An audit of the Entergy Nuclear Operations, Inc. (Entergy or the licensee) commitment management program for Pilgrim Nuclear Power Station (Pilgrim) was performed at the plant site during the period December 14 and 15, 2010. 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.

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 the NRC's official recordkeeping system, Agencywide Documents Access and Management System (ADAMS) for the licensee's submittals since the last audit in January 2007, and selected a representative sample for verification (Enclosure 2). The selection of the sample list covered a variety of systems, disciplines, and licensing actions important to NRC staff's decision-making process.

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 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 (UFSARs). 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's Commitment Management Program is described in the Entergy corporate procedure, "Commitment Management Program," EN-LI-110, Revision 2, dated June 2, 2010. This fleet procedure is applicable to all the licensee nuclear power plants including Pilgrim. The licensee utilizes the Entergy Fleet Commitment Management System (CMS) which is implemented by Pilgrim using a computer-based database called the "Licensing Research System (LRS)." LRS is used to capture the regulatory commitments made to the NRC and track the status of those commitments, including description and origin of the commitment, changes to the commitment, responsible department for actions, and due dates, as applicable.

The NRC staff reviewed documentation generated by the licensee related to the sample items listed in Enclosure 2. For the commitments selected, the NRC staff found that the licensee's commitment tracking program had adequately captured all of the audited regulatory commitments.

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.

2.2.2 Audit Results

The NRC staff reviewed the licensee's procedure EN-LI-110, against NEI 99-04, Revision 0. This corporate fleet procedure follows the NEI guidance and implements the Entergy Fleet CMS at Pilgrim using LRS as its computer-based database to track the history of specific commitment changes and deletions if applicable. Regulatory commitment changes are processed and tracked by the Pilgrim Plant Licensing Personnel (Site Licensing) and are approved by the Site Management. A Commitment Change Evaluation Form (CCEF) is used to document the evaluation of the commitment change or deletion. This procedure also includes a mechanism for notifying the NRC on a periodic basis regarding commitment changes.

The NRC staff found that the licensee's procedure for handling commitment changes, in general, is consistent with the guidance in NEI 99-04. However, the NRC staff noted during the audit that the licensee, in its last periodic notification letter dated October 14, 2009, only transmitted its update of the Updated Final Safety Analysis Report (UFSAR) per 10 CFR 50.71(e), TS Bases changes, and 10 CFR 50.59(d) changes. The letter, however, did not provide a list of completed CCEFs or any indication of whether any commitment changes were completed during the prior operating cycle in accordance with the NEI guidance.

Per the licensee's procedure EN-LI-110, Step 5.7[2]:

A report of completed CCEFs should be submitted to the NRC on a periodic basis. This may be the same frequency as the UFSAR/10 CFR 50.59 summary report, or once per operating cycle. Commitment changes reported to the NRC elsewhere need not be duplicated in this report.

The licensee acknowledged that the October 14, 2009, summary report was not consistent with its intended procedure for following NEI guidance. This inconsistency was discussed with the Pilgrim licensing staff during the exit meeting on December 15, 2010. The licensee has documented the discrepancy in its corrective action program as CR-PNP-2011-00352. As stated, the licensee's corrective action for this discrepancy is to: (1) track and report changes made to the commitments during the prior operating cycle in accordance with the NEI guidance, (2) include the list of changes with the 50.71(e) report, as part of the FSAR and 50.59 report, and (3) to submit this report within 6 months from the end of its next refueling outage (RFO-18).

Aside from this staff-identified discrepancy, 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 Pilgrim 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, and has implemented NRC commitments in a timely manner at Pilgrim.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Walter Lobo
Joseph Lynch
Robert Byrne
Francis McGinnis

Principal Contributor: Richard Guzman

Date: February 9, 2011

LIST OF REVIEWED COMMITMENTS – PILGRIM NUCLEAR POWER STATION

Item Number	Pilgrim Submittal/Source Document(s) and Description	Summary of Commitment	Related Documentation of Licensee Action/Implementation
1	05/17/2007 2.07.029 License Renewal Application Amendment 17	Entergy will submit to the NRC an action plan to improve benchmarking data to support approval of new P-T curves for Pilgrim on or before September 15, 2007.	Commitment completed by Entergy letter dated 09/12/2007 (ML072700723)
2	05/01/2009, 2.09.032 Pilgrim Relief Request (PRR)-19, Jet Pump Instrumentation Nozzle Weld, RPV-N9A-1 Repair Plan	Entergy will complete activities associated with implementation of the licensing action: <ul style="list-style-type: none"> • Weld overlay examination results including a listing of indications detected • Disposition of indications using the standards of ASME Section XI, Subsection IWB-3514-2 and/or IWB-3514-3 completing the final criteria and, if possible, the type and nature of the ultrasonic indications • A discussion of any repairs to the weld overlay material and/or base metal and the reason for the repairs. 	Commitment completed by Entergy letter dated 05/15/2009 (ML091470152)
3		<ul style="list-style-type: none"> • Submit to the NRC a stress analysis summary demonstrating that the N-9A nozzle to safe-end DMW will perform its intended design function after weld overlay installation 	Commitment completed by Entergy letter dated 08/13/2009 (ML092320124)

Item Number	Pilgrim Submittal/Source Document(s) and Description	Summary of Commitment	Related Documentation of Licensee Action/Implementation
4	<p>04/27/2009, ENOC-09-00009</p> <p>License Amendment Request; Proposed Adoption of TSTF-511 Regarding Elimination of Technical Specification Work Hour Restrictions</p>	<p>Removal of the plant-specific Technical Specification requirements will be performed by Entergy concurrently with the implementation of the 10 CFR 26, Subpart I requirements. This commitment will be completed no later than October 1, 2009.</p>	<p>LAR accepted by NRC staff letter dated 08/04/2009 (ML091680321)</p>
5	<p>11/22/2009 2.09.066</p> <p>License Amendment Request – Request for NRC approval of the Pilgrim Station Cyber Security Plan (CSP)</p>	<p>Entergy provided a list of 4 regulatory commitments made in support of the CSP (description of specific commitments are not provided in this table due to security related nature of information under 10 CFR 2.390).</p>	<p>NRC Letter dated 05/17/2010 (ML101310513) requested revised LAR within 60 days.</p>
6	<p>07/15/2010 2.10.034</p> <p>License Amendment Request – Revised Pilgrim Nuclear Power Station CSP Submittal</p>	<p>Entergy submitted 1 of the 4 previously listed commitments (from 11/22/2009 submittal) as a regulatory commitment supporting the CSP implementation; the 7/15/2010 LAR supersedes the 11/22/2009 letter. A separate list of milestone actions with best-estimate completion dates were provided in the 7/15/2010 letter (the milestones actions and target dates were not submitted as regulatory commitments).</p>	<p>Status of commitment is Open.</p>

Item Number	Pilgrim Submittal/Source Document(s) and Description	Summary of Commitment	Related Documentation of Licensee Action/Implementation
7	<p>9/22/2010 2.10.042</p> <p>Entergy Letter designating Pilgrim Balance-of-Plant Systems within the Cyber Security Rule Scope</p>	<p>Entergy will supplement its CSP submittal to clarify the scope of systems described in Section 2.1, "Scope and Purpose" to include the following language, "The scope of 10 CFR 73.54 includes, in part, balance-of-plant equipment that, if compromised, could cause a reactivity event."</p>	<p>Entergy letter dated 11/30/2010 (ML103360039) states that based on North American Electric Reliability Corporation information, Entergy defers the proposed supplement to its CSP until after the NRC has provided direction on how to revise the CSP to reflect the inclusion of balance-of-plant equipment. Status of commitment is Open.</p>
8		<p>In accordance with the requirements of 10 CFR 73.54 (b)(1), a comprehensive identification of systems, structures, and components (SSCs) subject to the requirements of 10 CFR 73.54 will be developed during the implementation of the cyber security program. This identification of SSCs will be available for inspection upon completion and will contain, at a minimum, those SSCs as identified in Attachment 1 of the Bright-Line Survey.</p>	<p>Status of commitment is Open.</p>

February 9, 2011

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Sincerely,

/ra/

Richard V. Guzman, Senior Project Manager
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