



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

December 29, 2010

Mr. Paul Freeman
Site Vice President
c/o Michael O'Keefe
Seabrook Station
NextEra Energy Seabrook, LLC
P.O. Box 300
Seabrook, NH 03874

SUBJECT: SEABROOK STATION, UNIT NO. 1 - AUDIT OF THE LICENSEE'S
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NO. ME5073)

Dear Mr. Freeman:

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 regulatory commitments are being effectively implemented.

An audit of NextEra Energy Seabrook, LLC's (NextEra's) commitment management program for Seabrook Station, Unit No. 1 was performed during the month of December, 2010. Based on this audit, the NRC staff concludes that: (1) the licensee had implemented NRC commitments on a timely basis; and (2) the licensee had implemented an acceptable program for managing NRC commitment changes. Details of the audit are set forth in the enclosed audit report.

P. Freeman

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The NRC staff appreciates your timely and complete responses to information requests throughout the audit. If you have any questions, please have your staff contact me at (301) 415-2481.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Edward Miller". The signature is fluid and cursive, with a large initial "G" and "M".

G. Edward Miller, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-443

Enclosure:
As stated

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UNITED STATES
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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION
REGULATORY COMMITMENTS MADE BY NEXTERA ENERGY SEABROOK, LLC
TO THE NUCLEAR REGULATORY COMMISSION
SEABROOK STATION, UNIT NO. 1
DOCKET NO. 50-443

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 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 Seabrook Station, Unit No. 1, commitment management program was performed during December of 2010. The audit reviewed commitments made since the previous audit, which was completed on December 21, 2007 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML073480410).

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. For commitments

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that had not yet been 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 ADAMS and the plant amendment log book 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:

- Commitments made on the licensee's own initiative among internal organizational components.
- Commitments that pertain to milestones of licensing actions/activities (e.g., response 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.
- 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.

The NRC staff reviewed licensee submittals for those containing commitments. From this list, the NRC staff selected a representative sample of regulatory commitments to audit, including some that were identified in the search of licensee submittals. The selection of the sample list covered a variety of systems, disciplines and licensing actions important to NRC staff's decision-making process. The NRC staff ensured that the sample selected related to the licensee's licensing action and licensing activity submittals and asked the licensee to provide documentation to support the audit.

The licensee provided the documentation to support the NRC staff's audit in each of the sample areas discussed above. The licensee's documentation included summary sheets providing the status of the commitment and appropriate backup documentation, as needed (i.e., plant procedures, examination records, and/or other plant documentation). Table 1 summarizes the licensee's commitments, and associated documentation that was audited by the NRC staff.

2.1.2 Audit Results

The NRC staff reviewed the report generated by the licensee's tracking program and associated documentation of the selected representative sample items. Additionally, the NRC staff's review of the commitment list found that the licensee's commitment tracking programs had captured all the regulatory commitments that were identified by the NRC staff before the audit. The NRC staff also reviewed plant procedures that had been revised or implemented as a result of

commitments made by the licensee to the NRC. The NRC staff also reviewed items originally added to the commitment tracking system but later modified. In these cases, the NRC staff verified that the licensee correctly applied the NEI-99-04 definition in determining that they were not commitments.

The NRC staff noted that, where appropriate, procedures have annotations to refer to commitments. These annotations serve to prevent future procedure changes from inadvertently deleting or altering an item without having gone through the commitment change process. Additionally, the annotations specifically refer to its related commitment allowing for enhanced traceability.

The NRC staff noted one instance in which a date for completion of a commitment recorded in the database differed from the actual commitment date. Record ID No. 277 indicated that the commitment date for providing an interim response to GL 2008-01 was October 13, 2008, while the original commitment per Seabrook letter SBK-L-08058, dated May 9, 2008 (ADAMS Accession No. ML081350608) was October 11, 2008. The licensee clarified that the reason for this offset was due to October 11, 2008, falling on a non-business day. The new date was the next business day. Additionally, the response letter was not submitted until October 14, 2008 (Seabrook letter SBK-L-08179, ADAMS Accession No. ML082910040). There were no adverse safety impacts or consequences to this change and it appears that the commitment change control process would have allowed this change without notification to the NRC. The NRC staff only notes this discrepancy to suggest that a good practice would be to document changes of this nature for future reference.

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. The process used at Seabrook is contained in North Atlantic Regulatory Compliance manual (NARC), Revision 132. 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 clearly defines responsibilities and 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 commitments are appropriately evaluated.

In Section 1.4 of the NARC procedure, it states that the Licensing Manager has responsibility for identification of new regulatory commitments contained in regulatory correspondence (incoming and outgoing). Additionally, the Licensing Manager is tasked with maintenance and review of the database. Approval by Executive Management at, or above, the Director level is required for making regulatory commitments.

Section 1.5 of the NARC procedure describes the licensee's tracking database. It is identified in this section that, prior to December 2009, Seabrook utilized a "Lotus Notes" based system to track commitments. Subsequently, tracking was performed by the Nuclear Asset Management System. Commitments contained in the previous database were not transferred to the new system. Instead, tracking to completion was done with the old system and the system will be retained in a read-only capacity for station personnel.

As set forth in Section 2.1 of this audit report, the NRC staff generally found that the licensee had properly addressed each regulatory commitment selected for this audit. As a result of this review of the licensee's information, as well as information from other sources, the NRC staff found no reason to differ from the licensee's reported status of the audited commitments. Therefore, the NRC staff surmises that the procedures used by the licensee to manage commitments are 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 regulatory commitments; and (2) the licensee had implemented an acceptable program to manage regulatory commitment changes.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Michael O'Keefe
Gary Kilby
Victoria Brown

Principal Contributor: G. E. Miller

TABLE 1
DOCUMENTS REVIEWED DURING AUDIT OF
REGULATORY COMMITMENT MANAGEMENT PROGRAM
SEABROOK STATION, UNIT NO. 1
NEXTERA ENERGY SEABROOK, LLC.

1. Record ID 267, "Demonstrate compliance with regulatory requirements and identify corrective actions to NRC"
 - ADAMS Accession No. ML082210425, Final Response and Notice of Completion for NRC Generic Letter 2004-02 "Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized-Water Reactors"
2. Record ID 268 & 269, "Update estimated foreign debris in Tables 3.d-1 and 3.e-1"
 - ADAMS Accession No. ML082210425, Final Response and Notice of Completion for NRC Generic Letter 2004-02 "Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized-Water Reactors"
 - Engineering Evaluation EE-07-032, Support evaluation for GL 2004-01 response
3. Record ID 272, "Complete and submit results of downstream analysis"
 - ADAMS Accession No. ML082210425, Final Response and Notice of Completion for NRC Generic Letter 2004-02 "Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized-Water Reactors"
4. Record 277, "Provide interim response to GL 2008-01 by October 11, 2008"
 - ADAMS Accession No. ML082910040, Nine-Month Response to NRC Generic Letter 2008-01, "Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems"
5. Record 280, "Revise TS Bases to add RHR [residual heat removal] pump suction from ECCS [emergency core cooling system] Recirculation and define sufficiently full"
 - TS Bases change package 09-01
6. Record 285, "Complete containment walk-down and evaluation for GL 2008-01"
 - Engineering Evaluation EE-10-001, Piping inspections inside containment

7. Record 286, "Develop or revise procedures for notification of NRC of actual or imminent cyber attack"
 - ADAMS Accession No. ML092800096, "Transmittal of OS1290.03"
 - Procedure OS1290.03, "Response to a security threat"
8. Record 287, "Remove work-hour TSs concurrent with implementation of 10 CFR Part 26 requirements"
 - Procedure AD-AA-101-1004, Rev 4, "Work Hour Controls"
 - Procedure SY-AA-100-1011, Rev 1, "Fatigue Management"
 - ADAMS Accession No. ML091831305, "Amendment 121, Eliminate work-hour requirements"
9. Record 288, "Confirm that bottom of expansion transition values are within expected values"
 - AR No. 0025794, "Review Westinghouse Report LTR-SGMP-09-128 on BET"
10. AR No. 00593745, "Perform Ultrasonic Testing of Reactor Vessel Nozzle Welds"
 - Commitment to be satisfied in Spring 2011 outage
11. Commitment Management Program
 - NARC, Rev 132

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The NRC staff appreciates your timely and complete responses to information requests throughout the audit. If you have any questions, please have your staff contact me at (301) 415-2481.

Sincerely,

/ra/

G. Edward Miller, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-443

Enclosure:
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