



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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November 13, 2012

Mr. George Hamrick
Vice President
Shearon Harris Nuclear Power Plant
Progress Energy Carolinas, Inc.
Post Office Box 165, Mail Code: Zone 1
New Hill, NC 27562-0165

SUBJECT: SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1 – AUDIT OF THE
LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS
(TAC NO. ME8191)

Dear Mr. Hamrick:

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 if regulatory commitments are being effectively implemented.

An audit of Shearon Harris Nuclear Power Plant, Unit No. 1 (Harris) commitment management program was performed at the plant site in New Hill, North Carolina, between July 23, and July 25, 2012. The NRC staff concludes, based on the audit, that Harris (1) has implemented NRC commitments on a timely basis, and (2) has implemented an effective program for managing NRC commitment changes. Details of the audit are set forth in the enclosed audit report.

G. Hamrick

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Please direct any inquiries to me at 301-415-3302 or via email at Araceli.Billoch@nrc.gov.

Sincerely,

Araceli T. Billoch Colón

Araceli T. Billoch Colón, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-400

Enclosure:
Audit Report

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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

SHEARON HARRIS NUCLEAR POWER PLANT, UNIT NO.1

DOCKET NO. 50-400

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 if 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 Shearon Harris Nuclear Power Plant, Unit No. 1 (Harris) commitment management program was performed at the plant site in New Hill, North Carolina, between July 23 and July 25, 2012. The audit reviewed commitments made since the previous audit completed between June 9 and June 11, 2008. 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. It focused on regulatory commitments (as defined above) made in writing to the NRC as a result of past licensing actions or licensing activities. Commitments made in Licensee Event Reports or in response to Notices of Violation may be included in the sample, but the review will be limited to verification of restoration of compliance, not the specific methods used. Before the audit, the NRC staff searched its Agencywide Documents Access and Management System 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 reviewed the relevant plant procedure to determine whether the licensee had an effective program in place to identify, manage, and close commitments made to the NRC. The procedure reviewed was REG-NGGC-0110, "Regulatory Commitment." In addition, the NRC staff reviewed a sample of open and closed commitments to confirm that the licensee had implemented closed commitments appropriately, and that commitments still open had been captured in an effective program for future implementation.

The NRC staff compared the guidance in procedure REG-NGGC-0110 to the guidance in NEI 99-04. As a result of this comparison, the NRC staff found that the procedure implemented by the licensee is consistent with the NEI guidance for identifying, managing, and closing commitments. The NRC staff also found that roles and responsibilities, processes, and metrics were clearly identified in the REG-NGGC-0110 procedure.

The licensee's commitments are tracked in a computer database called PassPort. Based on reports provided by the licensee and on queries of the PassPort database during the audit, the NRC staff found that PassPort is able to provide the necessary information (e.g., summary of the commitment, commitment type, lead department, responsible individual, due date, extensions, closure method and date, and associated historical information) to effectively manage NRC commitments.

For this part of the audit, the NRC staff reviewed site records associated with commitments involving, generic letters, bulletins, and license amendments to determine whether the licensee had implemented the closed commitments appropriately, and whether the licensee had established a success path for future implementation of the open commitments.

The NRC staff reviewed the documentation associated with the closed regulatory commitments, particularly plant procedures that had been revised as a result of the commitments, and found that the commitments reviewed had been closed in a manner that fully satisfied the commitments made to the NRC.

Based on the sample of commitments reviewed, the NRC staff found that commitments tracked in accordance with procedure REG-NGGC-0110 were implemented satisfactorily. Also, based on the sample of licensee submittals and the NRC staff safety evaluations reviewed, the NRC staff found that commitments were tracked as specified by procedure REG-NGGC-0110. However, the NRC staff identified one instance where the licensee completed a commitment at a later date. This instance, as well as the summary of the overall results of the NRC staff review of the audit, is noted in the attached audit summary table. The licensee volunteered to document this instance in the Harris corrective action program for evaluation.

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 Harris is contained in the procedure REG-NGGC-0110.

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.

2.3 Review to Identify Misapplied Commitments

The commitments reviewed for this audit were also evaluated to determine if they had been misapplied. A commitment is considered to be misapplied if the action comprising the commitment was relied on by the NRC staff in making a regulatory decision such as a finding of public health and safety in an NRC safety evaluation associated with a licensing action. Reliance on an action to support a regulatory decision must be elevated from a regulatory commitment to a legal obligation (e.g., license condition, condition of a relief request, regulatory exemption limitation or condition). A commitment is also considered to have been misapplied if the commitment involves actions that were safety significant (i.e., commitments used to ensure safety).

Each of the commitments selected for the audit sample were reviewed to determine if any had been misapplied. No misapplied commitments were identified for Harris.

2.3.1 Review of Safety Evaluation Reports for Licensing Actions since the Last Audit to Determine if They Are Properly Captured as Commitments or Obligations

In addition to the commitments selected for the audit sample, all license amendment safety evaluations, exemptions and relief request safety evaluations that have been issued for a facility since the last audit were identified. These documents were evaluated to determine if they contained any misapplied commitments as described above.

The NRC staff reviewed the safety evaluations reports for the completed licensing actions since the last audit and no misapplied commitments were identified for Harris.

2.4 Audit Results

The attached Audit Summary also provides details of this portion of the audit and its results.

The NRC staff found that procedure REG-NGGC-0110 was consistent with the guidance found acceptable in NEI 99-04. The NRC staff concludes that the procedure used by the licensee to manage commitment changes is appropriate and that the licensee followed the process in their procedure.

The NRC staff reviewed the documentation associated with the changed commitments. The NRC staff observed that, Harris had complete records and documented changes, appropriately, which ensure the traceability of commitments.

3.0 CONCLUSION

The NRC staff concludes, based on the above audit, that (1) Harris has implemented NRC commitments on a timely basis, and (2) Harris has implemented an effective program for managing NRC commitment changes.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

John Caves - Licensing and Regulatory Programs
Shirelle Allen - Licensing and Regulatory Programs

Principal Contributor: Araceli T. Billoch Colón

Attachment: Summary of Audit Results

AUDIT SUMMARY

LIST OF COMMITMENTS INCLUDED IN THE AUDIT

No.	Category	Action Request No.	Letter No.	Letter Date & Completion Date	Commitment	Completion Notes
1	Regulatory Correspondence on Generic Letter (GL) 2008-01	270886	HNP-08-098	10/14/2008 12/17/2008	The plant surveillance procedure (OST-1107) will be revised to include a requirement to secure the venting process, to notify the SSO and to initiate an NCR in the event air or gas is detected during venting.	OST-1107 was updated in the agreed timeframe according to the GL 2008-01 correspondence.
2	Regulatory Correspondence on NFPA-085	403100	HNP-10-064	6/9/2010 12/22/2010	Providing procedural changes to address potential spurious valve operations identified during the non-power operation review is an outstanding item.	Engineering Change (EC) 67999 was completed to update site procedures and fulfill the commitment in the agreed timeframe.
3	Regulatory Correspondence on NFPA-085	403100	HNP-10-064	6/9/2010 12/22/2010	Completion of the updates to the appropriate change evaluation in order to document that cable 0245B is not within the zone of influence of a significant ignition source is an outstanding item.	Calculation HNP-M/MECH-1117 was completed to fulfill the commitment in the agreed timeframe.
4	Regulatory Correspondence on Measurement Uncertainty Recapture Power Uprate (MUR)	460581	HNP-11-001	4/28/2011 6/2/2012	Relocated Technical Specifications and Design Basis Requirements procedure (PLP-1 14) will be revised to include the leading edge flow meter (LEFM) controls.	The Technical Specifications and design basis requirements were implement in the PLP-114 procedure in the agreed timeframe.

No.	Category	Action Request No.	Letter No.	Letter Date & Completion Date	Commitment	Completion Notes
5	Regulatory Correspondence on MUR	505508	HNP-11-001	4/28/2011 5/14/2012	<p>Procedures and documents for the new LEFM will be established or revised.</p> <p>Incorporate Technical Specification Task Force (TSTF)-493 values into procedure PLP-106 "Technical Specification equipment List Program and Core Operating Limit Report."</p>	PLP-106 was updated according to the commitment and the agreed timeframe.
6	Regulatory Correspondence on MUR	460581	HNP-11-001	4/28/2011 4/5/2012	Appropriate personnel will receive training on the LEFM and affected procedures.	The training was completed before refueling outage and in the agreed timeframe.
7	Regulatory Correspondence on GL 2004-02	137296	HNP-09-011	1/27/2009 Pending Completion	HNP will report how it has addressed the in-vessel downstream effects issue per the guidance contained in the NRC letter dated September (ML082540269).	<p>The commitment is being tracked in PassPort and has been given an appropriate due date consistent with the intent/scope of GL-2004-02.</p> <p>The NRC staff has not issued the safety evaluation related to the WCAP-16793.</p>

No.	Category	Action Request No.	Letter No.	Letter Date & Completion Date	Commitment	Completion Notes
8	Regulatory Commitment Associated with S-RELAP5 LAR	412601	HNP-10-073	July 28, 2010 Pending Completion	<p>After implementation of the HNP TS Amendment approving use of the thermal-hydraulic analysis methodology EMF-2310 (S-RELAP5) for Chapter 15 non loss-of coolant accident (LOCA) transients, EMF-2310 will be used for new replacement safety analysis currently performed using ANF-89-151 methodology.</p> <p>If it becomes necessary to correct an error in the current ANF-89-151 analyses, ANF-89-151 methodology will be used for the error correction.</p>	The commitment is being tracked in PassPort and has been given an appropriate due date consistent with the intent/scope of the LAR.
9	Regulatory Commitment associated with the Schedule Removal of Capsule Y or Z during Refueling Outage -21	481777	HNP-11-034	8/16/2011 Pending Completion	Capsule Y or Z will be removed at the end of Cycle 21 and tested per ASTM E-185-82.	The commitment is being tracked in the PassPort and has been given an appropriate due date consistent with the intent/scope of the HNP-11-034 letter.

No.	Category	Action Request No.	Letter No.	Letter Date & Completion Date	Commitment	Completion Notes
10	Regulatory Commitment associated with the Realistic Large Break LOCA LAR	518870	HNP-12-023	2/23/2012 Pending Completion	CP&L commits to apply a 138 degree Fahrenheit conservative adder to peak cladding temperatures calculated using the plant-specific methodology that implements ARE VA's NRC-approved topical report EMF-2103 (P) (A), "Realistic Large Break LOCA Methodology for Pressurized Water Reactors," Revision 0. The 138 degree Fahrenheit conservative adder will be reflected in reports of peak cladding temperature submitted in accordance with 10 CFR 50.46 (a)(3).	The commitment is being tracked in the PassPort and has been given an appropriate due date consistent with the intent/scope of the HNP-12-023 letter.
11	Commitment associated to LAR to Eliminate Work Hour Controls to Comply with the Revised 10 CFR Part 26	289326	PE&RAS-08-037	10/6/2008 8/17/2009	Removal of the plant-specific TS requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.	The commitment was completed before the agreed upon timeframe.
12	Commitment associated to the Relief Request I3R-05	302413	HNP-08099	10/24/2008 5/5/2009	Replace temporary non-code repair of defect in weld on line 3SW1-267SA-1 with a permanent repair. Temporary non-code repair consists of deferral of code repair until the scheduled outage exceeding 30 days but no later than the next scheduled refueling outage, provided the condition continues to meet the acceptance criteria of GL 90-05.	EC 73305 was implemented to complete the repair. The commitment was completed before the agreed upon timeframe.

No.	Category	Action Request No.	Letter No.	Letter Date & Completion Date	Commitment	Completion Notes
13	Commitment associated to the Relief Request I3R-05	302413	HNP-08099	10/24/2008 Various	Perform weekly inspections of location to detect changes in size or leakage of weld until code repair is performed. The structural integrity and the monitoring frequency will be re-evaluated if significant changes are found in the condition of the weld area during this monitoring.	The operators log confirmed that the surveillance was completed according to the commitment.
14	Commitment associated to the Relief Request I3R-05	302413	HNP-08099	10/24/2008 Various	Perform ultrasonic measurements of the area where the flaw is located at least once every 90 days.	<p>The commitment required to perform ultrasonic measurements on 5/6/2008, 8/16/2008, 11/18/2008, and 2/4/2009.</p> <p>The 5/6/2008 and 2/4/2009 ultrasonic measurements were completed according to the commitment.</p> <p>The 8/16/2008 ultrasonic measurement was completed on 9/22/2008.</p> <p>The 11/18/2008 ultrasonic measurement was completed on 11/10/2008.</p>

No.	Category	Action Request No.	Letter No.	Letter Date & Completion Date	Commitment	Completion Notes
15	Commitment associated with the TSTF-447 "Elimination of Hydrogen and Oxygen Monitors"	319202	HNP-09-016	7/26/2009 8/19/2009	HNP has verified, and is making a regulatory commitment to maintain, a hydrogen monitoring system capable of diagnosing beyond design-basis accidents.	The commitment was completed by change request form #3154 to update the Final Safety Analysis Report. The commitment was completed before the agreed upon timeframe and was implemented after the NRC staff issued the safety evaluation related to TSTF-447.

G. Hamrick

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Please direct any inquiries to me at 301-415-3302 or via email at Araceli.Billoch@nrc.gov.

Sincerely,

/RA/

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Office of Nuclear Reactor Regulation

Docket No. 50-400

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