


United States Nuclear Regulatory Commission Official Hearing Exhibit	
In the Matter of:	Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3)
	ASLBP #: 07-858-03-LR-BD01
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ENT000542
Submitted: August 20, 2012

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555-0001

September 21, 2000

**NRC REGULATORY ISSUE SUMMARY 2000-17
MANAGING REGULATORY COMMITMENTS MADE BY POWER
REACTOR LICENSEES TO THE NRC STAFF**

ADDRESSEES

All holders of operating licenses for nuclear power reactors.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to inform the addressees that the Nuclear Energy Institute (NEI) guidance document, "Guidelines for Managing NRC Commitment Changes" (NEI-99-04)(ADAMS Accession No. ML003680088), describes an acceptable way for licensees to control regulatory commitments. The NRC encourages 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. This RIS does not transmit any new requirements or staff positions. No specific action or written response is required.

BACKGROUND INFORMATION

Various activities undertaken by the staff and the nuclear industry in the early 1990s culminated in the issuance of SECY-95-300, "Nuclear Energy Institute's Guidance Document, 'Guideline for Managing NRC Commitments,'" dated December 20, 1995. The industry document and related Commission paper contained guidance for handling licensing basis information that was not subject to controls defined in NRC regulations. The NEI guidance described a process that licensees can use to modify or delete regulatory commitments and provided criteria to decide if and when changes to regulatory commitments should be reported to the NRC. The use of this guidance was intended to clarify the standing of regulatory commitments and give licensees the confidence and flexibility to modify or delete regulatory commitments shown to be inefficient or ineffective.

In SECY-98-224, "Staff and Industry Activities Pertaining to the Management of Commitments Made by Power Reactor Licensees to the NRC," dated September 28, 1998, the staff described its activities related to commitment management strategies, audits of commitment management programs at power reactor facilities, and discussions with stakeholders. In SECY-98-224, the staff also (1) discussed its rationale for maintaining regulatory commitments as an element of the licensing bases for power reactors and (2) described the expected management of regulatory commitments by licensees' administrative processes and the proposed internal

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guidance for the NRC staff. Following the plan described in SECY-98-224, the staff worked with NEI and licensees as they revised the industry guidance document. These efforts were reflected, along with the insights from participating licensees, in the development of NEI 99-04. The staff's review of NEI 99-04 and its finding that the revised guidance remained useful for controlling regulatory commitments are described in SECY-00-045, "Acceptance of NEI 99-04, 'Guidelines for Managing NRC Commitments,'" dated February 22, 2000, and in the letter from S. Collins (NRC) to R. Beedle (NEI) dated March 31, 2000 (ADAMS Accession No. ML003696998).

SUMMARY OF ISSUE

The NRC staff sees benefits in maintaining regulatory commitments as an integral part of control by licensees and the NRC staff of each facility's licensing basis information. The staff has described, in various Commission papers and internal guidance documents, a hierarchal structure for the various elements of a facility's licensing basis. The approach to the hierarchy is presented in terms of the change control, reporting requirements, and other attributes of the different elements of the licensing basis [see NRR Office Letter 807, "Control of Licensing Bases for Operating Reactors" (ADAMS Accession No. ML003693397)]. The levels of the hierarchy are (1) obligations or regulatory requirements that require prior NRC approval of proposed changes, (2) mandated licensing basis documents, such as the updated final safety analysis report, for which the NRC has established requirements for content, change control and reporting, and (3) regulatory commitments controlled by licensee and NRC administrative processes.

The guidance for licensees provided by NEI 99-04 and related guidance developed for the NRC staff [e.g., NRR Office Letter 900, "Managing Commitments Made by Licensees to the NRC" (ADAMS Accession No. ML003692416)] address the third level of the licensing bases hierarchy. The process and guidance provided in NEI 99-04 are a refinement of the process and guidance described in NEI's previous guidance document and SECY-95-300. The revised guidance clarifies that not all corrective actions described in correspondence with the NRC staff are regulatory commitments. The guidance in NEI 99-04 also suggests that licensees use information management systems, annotations to procedures, or other methods to ensure the traceability of regulatory commitments after implementation.

The staff has reviewed NEI 99-04 and finds that it offers an acceptable way to manage regulatory commitments. Definitions and other guidance in NEI 99-04 are consistent with the principles described in Commission papers and the staff's internal guidance. The NRC encourages 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 value of maintaining a working commitment management program is that it supports a common understanding by licensees, the staff, and other stakeholders of how a licensing issue is being resolved and how the matter will be controlled in the future. The NRC staff will continue to assess how the industry and individual licensees are managing regulatory commitments to determine if changes in policy or additional regulatory actions are called for.

BACKFIT DISCUSSION

This RIS does not require any action or written response; therefore, the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because it is informational and pertains to a staff position that does not represent a departure from current regulatory requirements and practice. This RIS requires no action or written response on the part of an addressee.

PAPERWORK REDUCTION ACT STATEMENT

This RIS does not request any information collection.

If there is any question about this matter, please contact the person listed below or the appropriate Office of Nuclear Reactor Regulation project manager for a specific nuclear power plant.

/RA/

David B. Matthews, Director
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Technical contact: William D. Reckley, NRR
301-415-1323
E-mail: wdr@nrc.gov

Attachment: List of Recently Issued NRC Regulatory Issue Summaries

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LIST OF RECENTLY ISSUED
NRC REGULATORY ISSUE SUMMARIES

Regulatory Issue Summary No.	Subject	Date of Issuance	Issued to
2000-16	Availability of the Reactor Vessel Integrity Database Version 2.0.1	09/07/2000	All holders of OLs for nuclear power reactors, except those licensees who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel
2000-15	Recommendations for Ensuring Continued Safe Plant Operation and Minimizing Requests for Enforcement Discretion During Extreme Weather Conditions	09/07/2000	All holders of OLs for nuclear power reactors, except those licensees who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel
2000-14	Preparation and Scheduling of Operator Licensing Examinations	09/06/2000	All holders of OLs for nuclear power reactors, except those licensees who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel
2000-13	Annual Report on the Effectiveness of Training in the Nuclear Industry for Calendar Year 1999	08/18/2000	All holders of OLs for nuclear power reactors
2000-12	Resolution of Generic Safety Issue B-55, "Improved Reliability of Target Rock Safety Relief Valves"	08/07/2000	All holders of OLs for nuclear power reactors, except those licensees who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel
2000-11	NRC Emergency Telecommunications System	06/30/2000	All holders of OLs for nuclear power reactors