



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

January 30, 2013

Mr. Mano Nazar  
Executive Vice President and  
Chief Nuclear Officer  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

SUBJECT: TURKEY POINT, UNITS 3 AND 4 - AUDIT OF THE LICENSEE'S  
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NOS. MF0436  
AND MF0437)

Dear Mr. Nazar:

The U.S. Nuclear Regulatory Commission (NRC) informed licensees in Regulatory Issue Summary (RIS) 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000, that the Nuclear Energy Institute (NEI) document NEI 99-04, "Guidelines for Managing NRC Commitment Changes," contains acceptable guidance for controlling regulatory commitments. RIS 2000-17 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 the regulatory commitments are being effectively implemented.

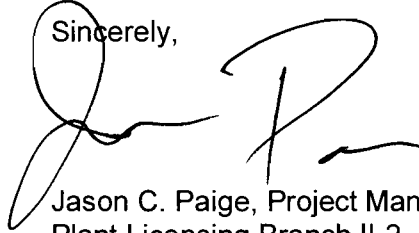
An audit of the Turkey Point commitment management program was performed at the plant site during the period December 10 - 14, 2012. The NRC staff concludes that, based on the above audit, (1) the licensee has implemented or is tracking for future implementation regulatory commitments; (2) the licensee has implemented a program to manage regulatory commitment changes; and (3) the regulatory commitments are properly characterized as commitments versus obligations.

M. Nazar

- 2 -

Should you have any questions regarding this letter, please contact me by phone at (301) 415-5888 or via e-mail at [Jason.Paige@nrc.gov](mailto:Jason.Paige@nrc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason C. Paige', written in a cursive style.

Jason C. Paige, Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-250 and 50-251

Enclosure: Audit Report

cc w/encl: Distribution via Listserv



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

AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

TURKEY POINT, UNIT NOS. 3 AND 4

DOCKET NOS. 50-250 AND 50-251

1.0 INTRODUCTION AND BACKGROUND

The U.S. Nuclear Regulatory Commission (NRC) informed licensees in Regulatory Issue Summary (RIS) 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000, that the Nuclear Energy Institute (NEI) document NEI 99-04, "Guidelines for Managing NRC Commitment Changes," contains acceptable guidance for controlling regulatory commitments. RIS 2000-17 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, report 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.

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 the regulatory commitments are being effectively implemented. An audit of the Turkey Point commitment management program was performed at the plant site during the period December 10 - 14, 2012.

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.)

2.0 AUDIT PROCEDURE AND RESULTS

The audit consisted of three major parts: (1) verification of the licensee's implementation of NRC commitments that have been completed, (2) verification of the licensee's program for managing changes to NRC commitments and (3) verification that all regulatory commitments reviewed were correctly applied in NRC staff licensing action reviews.

Enclosure

## 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. 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.

### 2.1.1 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 will be limited to verification of restoration of compliance, not the specific methods used. Before the audit, the NRC staff searched Agencywide Documents Access and Management System for the licensee's submittals during the last 3 years 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 were 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 licensee's commitment tracking programs had captured all the regulatory commitments that were identified by the NRC staff before and during the audit. The NRC staff found that the licensee had properly addressed each regulatory commitment selected for this audit.

## 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 Turkey Point is contained in the Licensing Department Instructions, LDI-01, NRC Commitment Change Process. LDI-01 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. In addition, the audit reviewed Licensing Desk-Top Instruction, LI-AA-204-1000-10000, Revision 4, in which describes the Turkey Point tracking process and establishes the instructions for tracking, closing, and periodic review of regulatory commitments made to the NRC.

### 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 Turkey Point instruction for managing regulatory commitments, LDI-01 and LI-AA-204-1000-10000, Revision 4, acceptably implements the NEI-99-04 guidelines pertaining to commitment changes. The Florida Power & Light staff at Turkey Point is following the guidance of LDI-01 and LI-AA-204-1000-10000, Revision 4 with regard to commitment changes.

## 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 NRC staff relied on the action comprising the commitment 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 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.

### 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 commitments selected for the audit sample, all license amendment safety evaluations, exemptions, and relief request safety evaluations that have been issued for a facility during the last 3 years were identified. These documents were evaluated to determine if they contained any misapplied commitments as described above. Included in the Audit Summary is a list of licensing actions reviewed during this audit period.

### 3.0 CONCLUSION

The NRC staff concludes that, based on the above audit, (1) the licensee has implemented or is tracking for future implementation regulatory commitments; (2) the licensee has implemented a program to manage regulatory commitment changes; and (3) the regulatory commitments are properly characterized as commitments versus obligations.

### 4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Bob Tomonto, Florida Power & Light  
Philip Tiemann, Florida Power & Light

Principal Contributor: Jason C. Paige, NRR

Date: January 30, 2013

Attachment: Summary of Audit Results

## AUDIT SUMMARY

### IMPLEMENTATION AND MANAGEMENT OF COMMITMENTS:

1. Revise procedures to support EPU Post-LOCA cooling analysis.

Documents reviewed: LR 2.8.5.6.3.4  
3-EOP-E-0 (PCR 1609788)  
3-EOP-ECA-1.1 (PCR 1705714)  
3-EOP-ECA-2.1 (PCR1616654)

Deficiencies found: None

2. Revise applicable procedures to implement the manual operator actions required to achieve safe shutdown for fires in each fire zone.

Documents reviewed: EC 247008 – Form 110 DCP Revision 5  
EC 247008 Attachment 7, Revision 2  
01-ONOP-105 Revision 5

Deficiencies found: None

3. Field Erected Tank Internal Inspections

Documents reviewed: WO 40098121-01

Deficiencies found: None

4. Emergency Diesel Generator fuel oil filter replacement will be performed on a yearly basis.

Documents reviewed: LER 250-88-022-0  
CTRAC 88-2847

Deficiencies found: None

5. The commitment to monitor and tabulate accumulated operating time experienced by the Turkey Point Units 3 and 4 reactor vessels.

Documents reviewed: NRC SER NUREG 1759  
FPL's License Renewal Application  
PTN-ENG-LRAM-00-0037, Revision 3

Deficiencies found: None

6. TSC habitability will be maintained by completing a tracer gas test following the methods contained in ASTM E741.

Documents reviewed: ASTM E741  
0-OSP-301.3

Deficiencies found: None

7. After installation of the Metamic inserts, surveillance testing for Boraflex degradation is no longer required.

Documents reviewed: 0-OSP-033.3  
CR 2001-0234  
UFSAR Section 16.2.7  
PC/M 07-010  
AR 00571774

Deficiencies found: None

8. Implement Reactor Vessel Internals Inspection program no later than December 31, 2012 for Turkey Point Unit 3 and prior to the end of the initial operating license term for Turkey Point Unit 4.

Document reviewed: L-2011-176  
MRP-227-A  
PTN-ENG-LRAM-00-0041  
L-2011-531

Deficiencies found: None

9. Commitment change related to the method utilized in performing the license renewal one-time visual inspections of the field erected tanks.

Documents reviewed: NUREG-1759, Section 3.8.4.2  
IWA-2210  
PTN-ENG-LRAM-99-0114  
AR 1636133

Deficiencies found: None

10. Ensure SFP Boron >2100 ppm until LAR 207 is approved

Document reviewed: AR 00589437-01-00

Deficiencies found: None



### **LIST OF LICENSING ACTIONS REVIEWED**

As stated in section 2.3.1, the below documents were evaluated to determine if they contained any misapplied commitments as described above.

1. Licensing Action: LAR 196 – Alternative Source Term

Document: L-2009-133  
Number of Commitments: 5  
Misapplied: None

2. Licensing Action: LAR 194 – Control Room Habitability

Document: L-2010-004  
Number of Commitments: 3  
Misapplied: None

3. Licensing Action: Response to NRC RAI Regarding EPU LAR 205

Document: L-2011-248  
Number of Commitments: 1  
Misapplied: None

4. Licensing Action: Response to NRC RAI Regarding EPU LAR 205

Document: L-2011-004  
Number of Commitments: 3  
Misapplied: None

5. Licensing Action: Regulatory Commitments for Electrical Modifications for EPU

Document: L-2011-319  
Number of Commitments: 1  
Misapplied: None

6. Licensing Action: Relief Request No. 8, Verbal Relief for Transfer Canal Line Piping Repairs

Document: L-2010-243  
Number of Commitments: 1  
Misapplied: None

7. Licensing Action: Cask Crane LAR 202

Document: L-2010-247  
Number of Commitments: 1

Misapplied: None

8. Licensing Action: Supplement to License Amendment Request No. 220, Permanent Alternate Repair Criteria for Steam Generator Expansion Region

Documents: L-2012-373 and L-2012-379

Number of Commitments: 2

Misapplied: None

M. Nazar

- 2 -

Should you have any questions regarding this letter, please contact me by phone at (301) 415-5888 or via e-mail at [Jason.Paige@nrc.gov](mailto:Jason.Paige@nrc.gov).

Sincerely,

*/RA/*

Jason C. Paige, Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-250 and 50-251

Enclosure: Audit Report

cc w/encl: Distribution via Listserv

DISTRIBUTION:

PUBLIC  
LPL 2-2 R/F  
RidsNrrDorlLpl2-2  
RidsNrrPMTurkeyPoint  
RidsNrrLABClayton  
RidsOgcRp  
RidsAcrsAcnw\_MailCTR  
RidsRgn2MailCenter  
SMeighan, NRR  
DRich, Region II  
RReyes, Region II  
FKeith, NRR  
JPaige, NRR

ADAMS Accession No.: ML13023A196

|        |           |           |           |            |           |
|--------|-----------|-----------|-----------|------------|-----------|
| OFFICE | LPL2-2/PM | LPL2-2/LA | LPL2-2/LA | LPL2-2/BC  | LPL2-2/PM |
| NAME   | JPaige    | FKeith    | BClayton  | JQuichocho | JPaige    |
| DATE   | 1/29/13   | 1/25/13   | 1/29/13   | 1/30/13    | 1/30/13   |

OFFICIAL RECORD COPY