



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

March 3, 2013

Vice President, Operations
Entergy Nuclear Operations, Inc.
James A. FitzPatrick Nuclear Power Plant
P.O. Box 110
Lycoming, NY 13093

SUBJECT JAMES A. FITZPATRICK NUCLEAR POWER PLANT - AUDIT OF ENTERGY'S
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NO. MF0074)

Dear Sir or Madam:

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. The 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 three 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 James A. FitzPatrick Nuclear Power Plant's (JAFNPP) commitment management program was performed at the plant site during the period December 11 – 13, 2012. Based on the audit, the NRC staff concludes that JAFNPP has implemented NRC commitments on a timely basis, and has implemented an effective program for managing NRC commitment changes. Details of the audit are set forth in the enclosed audit report.

- 2 -

If you have any questions, please contact me at (301) 415-1016.

Sincerely,

A handwritten signature in black ink that reads "Mohan Chaudhari" followed by a stylized flourish that appears to be "for".

Nadiyah S. Morgan, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-333

Enclosure:
Audit Report

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

ENERGY NUCLEAR OPERATIONS, INC.

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

DOCKET NO. 50-333

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 (Agencywide Documents Access Management System (ADAMS) Accession No. ML003741774), that the Nuclear Energy Institute (NEI) document NEI 99-04, "Guidelines for Managing NRC Commitment Changes," contains acceptable guidance for controlling regulatory commitments. The 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. In NEI-99-04 "regulatory commitment" is defined 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 regulatory commitments are being effectively implemented. An audit of James A. FitzPatrick Nuclear Power Plant's (JAFNPP) commitment management program was performed at the plant site during the period December 11 – 13, 2012. The audit reviewed commitments made since the previous audit from August 17 – 20, 2009 (ADAMS Accession No. ML092390460).

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 ADAMS 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 found that the licensee has implemented commitments made to the NRC, and determined that future implementation has been captured in an effective program.

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 JAFNPP is contained in the Entergy Nuclear Operations, Inc. Commitment Management Program Procedures, EN-LI-110, Revision 5. 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.

2.2.1 Audit Results

The attached Audit Summary also provides details of this portion of the audit and its results. The NRC staff has found that the licensee's commitment tracking program had captured the regulatory commitments that were identified by the NRC staff before the audit. The NRC staff also found that the licensee's corporate procedure for managing regulatory commitments, EN-LI-110, "Commitment Management Program," acceptably implements the NEI-99-04 guidelines.

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.

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 did not find any misapplied commitments.

3.0 CONCLUSION

Based on the above audit, the NRC staff has concluded that the licensee (1) has implemented or is tracking for future implementation, NRC commitments on a timely basis, and (2) has implemented an effective program for managing NRC commitment changes at JAFNPP.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Jorge O'Farrill
Mark Hawes

Principal Contributor: Nadiyah Morgan

Date: March 3, 2013

Attachment:
Summary of Audit Results

AUDIT SUMMARY

The table below gives a brief summary of the commitments sampled reviewed to verify implementation of commitments and management of changes to the commitments.

CA = Corrective Action, CCR = Commitment Change Evaluation Form, LRS = Learning Research System (Commitments Management Database System), LO-LAR = Learning Objectives - Licensing Action Request, CR = Condition Report

Commitment	Licensee's Letter/Date/ Commitment No.	Document(s) Reviewed	Status/Notes
Develop acceptance criteria that ensure sufficient actuator movement to engage and open the second stage on three-stage safety relief valves (SRVs).	JAFP-10-0059 5/11/2010 A-18422	Tracked by LO-LAR-2010-00121 CA-00001 LRS printout	Scheduled completion by 9/15/2010 Closed on 10/1/2010
Revise maintenance Procedure (MP)-002.04 to stipulate Foreign Material Zone 1 controls during the replacement of SRV Main bodies.	JAFP-10-0059 5/11/2010 A-18423	Tracked by LO-LAR-2010-00121 CA-00002 LRS printout MP-002-04 REV 2 and 34	Scheduled completion by 9/15/2010 Closed on 10/1/2010
Entergy will supplement the Cyber Security Plan submittal to clarify the scope of systems described in Section 2.1, "Scope and Purpose" to clarify the balance-of-plant SSCs [systems, structures and components] that will be included in the scope of the cyber security program.	JAFP-10-0132 9/27/2010 P-18427	JAFP-11-0035 LRS printout	Scheduled completion by 11/30/2010 Closed on 4/5/2011 by JAFP-11-0035
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	JAFP-10-0132 09/27/2010 A-18428	LRS printout	Scheduled completion by 9/30/2014 OPEN

Commitment	Licensee's Letter/Date/ Commitment No.	Document(s) Reviewed	Status/Notes
be available for inspection upon completion and will contain, at a minimum, those SSCs as identified in Attachment 1 of the Bright-Line Survey.			
Entergy will implement milestones 1 through 7 of the Cyber Security Plan described in Attachment 4 of JAFP-11-0035.	JAFP-11-0035 4/04/2011 A-18435	CCR-12-002 LRS printout	Scheduled completion by 12/31/2012 Revised by JAFP-12-0072 OPEN
Full implementation of JAF Cyber Security Plan for all safety, security, and emergency preparedness functions will be achieved.	JAFP-11-0035 4/04/2011 A-18436	LRS printout	Scheduled completion by 12/15/2014 OPEN
Submit flood hazard evaluation to the NRC.	JAFP-12-0063 6/08/2012 A-18457	LRS printout	Scheduled completion by 3/12/2015 OPEN
An approach for developing an Integrated Assessment for JAF will be submitted.	JAFP-12-0063 6/08/2012 A-18458	12/3/12 NEI Letter "Trigger Conditions for Performing an Integrated Assessment and Due date for Response" LRS printout	Scheduled completion 60 days after NRC endorsement the Integrated Assessment Guidance. Original scheduled completion by 11/27/2012; Changed to (1/29/13) OPEN

Commitment	Licensee's Letter/Date/ Commitment No.	Document(s) Reviewed	Status/Notes
An Integrated Assessment report for JAF will be submitted two (if necessary) years after the flood evaluation is completed.	JAFP-12-0063 6/08/2012 A-18459	LRS printout	Scheduled completion by 3/12/2017 (if necessary) OPEN
Entergy will use the flooding walkdown procedure (Nuclear Energy Institute 12-07, Guidelines for Performing Verification Walkdowns of Plant Flood Protection Features) endorsed by Reference 3 as the basis for the flooding walkdowns and plans to comply with the response timeline in Enclosure 4 of Reference 1 by submitting a report documenting the results of its flooding design basis walkdowns at JAF 180 days after NRC endorsement of the generic guidance.	JAFP-12-0063 6/08/2012 A-18460	JAFP-12-0135 dated 11/27/12 LRS printout	Scheduled completion by 11/27/2012 CLOSED by CA31 on 11/27/2012
Include instructions for Emergency Response Organization (ERO) to respond to their assigned emergency response facilities when made aware of an area-wide loss-of-grid in the ERO annual requalification training program.	JAFP-12-0065 6/08/2012 A-18454	CA Number 25 LO-LAR-2012-00082 CA25 LRS printout	Scheduled completion by 12/12/2012 CLOSED on 11/27/2012
Evaluate additional potential staging areas to be used by the emergency responders, if they are available, as common locations for transport to the affected site.	JAFP-12-0065 6/08/2012 A-18455	CA Number 26 LO-LAR-2012-00082 LRS printout	Scheduled completion by 10/30/2012 CLOSED on 10/23/2012

Commitment	Licensee's Letter/Date/Commitment No.	Document(s) Reviewed	Status/Notes
Entergy will implement milestones 1, 2, 3, 4, 5, and 7 described in Attachment 4 of JAFP-11-0035, and the revised Milestone 6 in Attachment 4 of JAFP-12-0072.	JAFP-12-0072 6/22/2012 A-18435	LRS printout	Scheduled completion by 12/31/2012 OPEN
Implement a MOV Periodic Verification Program in accordance with Joint Owners' Group Program on MOV Periodic Verification Topical Reports, NEDC-32719/ MPR-1807 revision 2 and MPR-2524. Implement an alternate method for GL 96-05 Class D valves in accordance with BWROG-TP-09-033.	JAFP-12-0121 9/25/2012 A-18471	CCR CR LRS printout	Scheduled completion by the end of RO20. Noted 9/25/2012 OPEN

If you have any questions, please contact me at (301) 415-1016.

Sincerely,

/ra/ (MThadani for)

Nadiyah S. Morgan, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-333

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Audit Report

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