



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

January 10, 2014

Vice President, Operations
Entergy Nuclear Operations, Inc.
Vermont Yankee Nuclear Power Station
P.O. Box 250
Governor Hunt Road
Vernon, VT 05354

SUBJECT VERMONT YANKEE NUCLEAR POWER STATION - AUDIT OF ENTERGY'S
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NO. MF2757)

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 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 Vermont Yankee's commitment management program was performed at the plant site in Vernon, VT, on October 29 and 30, 2013, and included commitments made since the last audit in August 2010. Based on the audit, the NRC staff concludes that Vermont Yankee has (1) implemented NRC commitments on a timely basis, and (2) implemented an effective program for managing NRC commitment changes. Details of the audit are set forth in the enclosed audit report.

Please feel free to contact me at 301-415-1364 if you have any questions

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas V. Pickett".

Douglas V. Pickett, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosure: Audit Report

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UNITED STATES
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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

VERMONT YANKEE NUCLEAR POWER STATION

DOCKET NO. 50-271

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. 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 NEI 99-04 describes a "regulatory commitment" as an explicit statement to take a specific action agreed to, or volunteered by, a licensee by a certain date 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 the Vermont Yankee commitment management program was performed at the plant site in Vernon, VT, on October 29 and 30, 2013. The audit reviewed commitments made since the previous audit performed during August 2010.

The 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.

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

Enclosure

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 the Agencywide Document Access and Management System (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 and Technical Specifications (TSs). 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 Entergy corporate procedure for managing regulatory commitments, EN-LI-110, "Commitment Management Program," Revision 5, acceptably implements the NEI 99-04 guidelines, and that the Entergy staff at Vermont Yankee is following the guidance of EN-LI-110. Furthermore, the staff confirmed that Revisions 2, 3, and 4, which were implemented subsequent to the last commitment audit at Vermont Yankee, also implement the guidance of NEI 99-04. The attached Table 1 in the Audit Summary lists the commitments that were audited to verify that the licensee adequately implements and tracks its commitments.

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 Entergy commitment management system is described in the Entergy corporate procedure EN-LI-110. The EN-LI-110 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. 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.

2.2.1 Audit Results

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

The NRC staff found that the Entergy corporate procedure for managing regulatory commitments, EN-LI-110, acceptably implements the NEI 99-04 guidelines pertaining to commitment changes. The Entergy staff at Vermont Yankee is following the guidance of EN-LI-110 with regard to commitment changes. The attached Table 2 in the Audit Summary lists the commitments that were audited to verify the licensee's program for managing changes to NRC commitments.

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.

2.3.2 Audit Results

The attached Audit Summary provides details of this portion of the audit and its results. The NRC staff found that the Entergy corporate procedure for managing regulatory commitments, EN-LI-110, acceptably implements the NEI 99-04 guidelines pertaining to the application of commitments. The staff did not identify any examples of misapplied commitments at Vermont Yankee.

3.0 CONCLUSION

The NRC staff concludes, based on the above audit, that Entergy has implemented an effective program for managing NRC commitments, changing commitments, and application of commitments at Vermont Yankee.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Jeff Meyer
Phil Couture

Principal Contributor: Douglas Pickett

Date: January 10, 2014

Attachment: Summary of Audit Results

SUMMARY OF AUDIT RESULTS

VERMONT YANKEE NUCLEAR POWER STATION

TABLE 1 – IMPLEMENTATION OF REGULATORY COMMITMENTS

Date of Commitment	Licensee's Letter (Commitment No.)	Description of Commitment	Commitment Status
12/21/2010	BVY 10-058 (A-16782)	License renewal commitment #13 to periodically inspect inaccessible low and medium voltage cables.	Closed. Inspection program established and inspections completed prior to period of extended operation.
2/10/2011	BVY 11-013 (A-16960)	License renewal commitment #52 to implement neutron absorber monitoring program.	Closed. Commitment closure verification form reviewed. Program implemented prior to period of extended operation.
2/10/2011	BVY 11-013 (A-16965)	License renewal commitment #54 to measure soil resistivity near buried piping.	Closed. Reviewed letter from contractor documenting results of testing.
3/05/2012	BVY 12-015 (A-16986)	License renewal commitments will be included in the UFSAR	Closed. VY UFSAR Rev 25, letter of 4/24/2012, includes license renewal commitments.
12/21/2012	BVY 12-084 (A-17020)	Testing will demonstrate that alternate AC power supply is available within one hour of station blackout (SBO).	Closed. Testing of new SBO diesel generator confirms design basis.
12/21/2012	BVY 12-084 (A-17021)	Testing of new alternate AC power supply will be provided by a permanently installed load bank.	Closed. Quarterly test procedures developed. Reviewed commitment closure verification form.

Date of Commitment	Licensee's Letter	Description of Commitment	Commitment Status
3/12/2013	BVY 13-021 (A-17027)	Complete evaluation to determine entry conditions for local intense precipitation event.	Closed. Operating Procedure OPOP-PHEN-3127, "Natural Phenomenon," includes calculation for entry conditions.
5/11/2012	BVY 12-032 (A-16995)	Complete Fukushima related staffing assessments for NTTF recommendation 4.2 by 6/11/2014.	Open. Commitment management tracking system includes this commitment.
7/02/2012	BVY 12-046 (H-16971)	Included commitment to implement selected milestones of cyber security plan.	Canceled. Commitments superseded by License Amendment #251 that changed implementation schedule of cyber security plan.
11/27/2012	BVY 12-080 (A-17016)	Perform Fukushima related seismic walkdowns that could not be performed at power.	Closed. Seismic walkdown report VY-RPT-12-00019 revised to reflect walkdowns.
6/11/2012	BVY 12-037 (A-17012)	Upgrade reporting requirements for emergency response organization (ERO) personnel in the next annual requalification training.	Closed. Training module updated to reflect new reporting requirements.
6/12/2012	BVY 12-037 (A-17013)	Upgrade agreements with states of Vermont, Massachusetts, and New Hampshire to transport ERO personnel during events that may inhibit site access.	Closed. States signed agreement on 12/11/2012 providing improved logistical support.

Date of Commitment	Licensee's Letter	Description of Commitment	Commitment Status
7/10/2012	BVY 12-048 (A-17014)	Licensee commits to use EPRI Report 1025286 to perform Fukushima-related seismic walkdowns by 11/27/2012.	Closed. Walkdowns of accessible areas completed and reported to NRC via letter of 11/27/2012. Letter of 7/3/2013 documents walkdowns of areas that were inaccessible at power.
10/31/2012	BVY 12-075 (A-17015)	Licensee commits to implement communication assessment enhancements by the end of RFO 31 (Fall 2014).	Open. Commitment is being tracked in the licensee's tracking system.

TABLE 2 – CHANGES TO REGULATORY COMMITMENTS

Date of Letter	Licensee's Letter No.	Date of Original Commitment	Description of Change to Commitment
10/25/2013	BVY 13-098	02/04/2011 (BVY 11-010)	License renewal commitment #43 required testing of cables from the Vernon Hydro Station as the alternate AC power supply. Commitment canceled when the licensee implemented the SBO diesel generator as the alternate AC power supply.
10/25/2013	BVY 13-099	08/01/2005 (BVY 05-072)	Previous commitment was to hold periodic tabletop reviews of interfaces with the Vernon Hydro Station operator to provide the alternate AC power supply. Commitment canceled when the licensee implemented the SBO diesel generator as the alternate AC power supply.
No letter required	N/A	6/27/2013 (BVY 13-054)	The original letter included a commitment to provide the results of the BWRVIP-108 evaluation by 7/31/2013 as a result of an RAI of an ISI relief request. Commitment canceled with the decision to permanently shut down the plant and withdraw the relief request. Licensee was not required to report this to the NRC.

Date of Letter	Licensee's Letter No.	Date of Original Commitment	Description of Change to Commitment
2/01/2012	BVY 12-008	3/18/2011 (BVY 11-024) (A-16970)	The original commitment was to inspect 25% of the core plate hold down bolts every other RFO. Based on discussions with the NRC staff, the commitment was changed to inspect 50% of the core plate hold down bolts every other RFO.
5/11/2011	BVY 11-026	1/25/2006 (BVY 06-009) (A-16775)	The original license renewal commitment #6 included a requirement to use a computer program to assess the fatigue monitoring AMP. The commitment change is to use a manual counting method.

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/ra/

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Plant Licensing Branch I-1
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