



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

January 15, 2015

Mr. K. Henderson  
Site Vice President  
Catawba Nuclear Station  
Duke Energy Carolinas, LLC  
4800 Concord Road  
York, SC 29745

SUBJECT: CATAWBA NUCLEAR STATION, UNITS 1 AND 2 – AUDIT OF REGULATORY  
COMMITMENT MANAGEMENT

Dear Mr. Henderson:

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 the regulatory commitments are implemented and that changes to the regulatory commitments are evaluated and, when appropriate, reported to the NRC.

An audit of Catawba's commitment management program was performed during December, 2014. The NRC staff concludes, based on the audit, that Catawba has implemented an acceptable program for implementing and managing NRC commitments. Details of the audit are set forth in the enclosed audit report.

If you have any questions, please call me at 301-415-2481.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Edward Miller".

G. Edward Miller, Project Manager  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-413 and 50-414

Enclosure: As stated

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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

CATAWBA NUCLEAR STATION, UNIT 1 AND 2

DOCKET NOS. 50-413 AND 50-414

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, reported 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 regulatory commitments are being effectively implemented. An audit of the Catawba Nuclear Station, Unit 1 and 2 (Catawba) commitment management program was performed at NRC Headquarters during the period of November to December, 2014. The audit reviewed commitments made since the previous audit on September 12, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11200A008).

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 table contains a list of those documents that were selected for additional review during this audit.

The NRC staff reviewed the report generated by the licensee's tracking program and associated documentation of the selected representative sample items. Additionally, the NRC staff's review of the commitment list found that the licensee's commitment tracking programs had captured all the regulatory commitments that were identified by the NRC staff before the audit. The NRC staff also reviewed plant procedures that had been revised or implemented as a result of commitments made by the licensee to the NRC. The NRC staff also reviewed items originally added to the commitment tracking system, but were later modified. In

these cases, the NRC staff verified that the licensee correctly applied the NEI-99-04 definition in determining that they were not commitments.

The NRC staff notes one suggestion. In the implementation of the Catawba 2 commitment to establish an administrative operational leakage limit (Table 1, Item #2), the licensee noted that Catawba procedure PT/2/B/4600/028, "Steam Generator Tube Leak Rate – Unit 2," already contained an administrative limit that bounded the commitment and concluded that no change to the procedure was necessary. The NRC staff suggests that it would be prudent to annotate the existing administrative limit as necessary for implementation of the commitment even though the commitment may not be the original reason for the limit. These annotations serve to prevent future procedure changes from inadvertently deleting or altering an item without having gone through the commitment change process. Additionally, when the annotations specifically refer to its related commitment it allows for enhanced traceability.

## 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 Catawba is contained in Licensee Procedure Nuclear System Directive 214, Revision 12, "Regulatory Commitment Management Program." 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

Table 1 contains a list of those documents that were selected for additional review during this audit.

The NRC staff found that the licensee's commitment tracking program had captured all the regulatory commitments that were identified by the NRC staff before the audit. The NRC staff also reviewed plant procedures, assessment recommendations, corrective actions, and action requests that had been initiated or revised as a result of commitments made by the licensee to the NRC. Additionally, the licensee's procedure for managing regulatory commitments appears to be functionally equivalent to NEI 99-04.

## 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. The audit did not reveal any misapplied commitments.

### 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.

A review of all the licensing actions since November 2011 did not reveal any misapplied commitments.

## 3.0 CONCLUSION

The NRC staff concludes that, based on the above audit: (1) the licensee had implemented or is tracking for future implementation regulatory commitments; and (2) the licensee had implemented an acceptable program to manage regulatory commitment changes.

## 4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

- Lawrence Rudy

Principal Contributor: G. Edward Miller

Date: January 15, 2015

Attachment:  
Summary of Commitments Reviewed

Table 1 - Documents Reviewed during audit

Item #	Source	Commitment	Timeframe	Comments
1	RAI Response (ML12038A173)	For Unit 2, monitor for tube slippage as part of the SG tube inspection program required by TS 5.5.9. The results of this monitoring will be included in the report required by TS 5.6.8j	Ongoing	C-12-00883 CA# 1 ML14016A147
2	RAI Response (ML12038A173)	For Unit 2, for the Condition Monitoring (CM) assessment, the component of operational leakage from the prior cycle from below the H* distance will be multiplied by a factor of 3.27 and added to the total accident leakage from any other source compared to the allowable accident induced leakage limit. For the Operational Assessment (OA), the difference between the allowable accident induced leakage and the accident induced leakage from sources other than the tubesheet expansion region will be divided by 3.27 and compared to the observed operational leakage. An administrative operational leakage limit will be established to not exceed the calculated value in the event that TS 3.4.13 is no longer bounding	Ongoing	C-12-00883 CA# 1
3*	50.54(f) letter Response (ML12079A180)	Duke Energy will submit to the NRC for review and approval a LBLOCA analysis that applies an NRC-approved ECCS Evaluation Model that includes the effects of fuel thermal conductivity degradation	Dec 15, 2016	C-12-01304 CA# 3
4	Duke Commitment Management Procedure	N/A	N/A	NSD-214, Rev 12

\* Commitment is currently open or not completely resolved, but is appropriately captured in licensee's tracking system for resolution.

January 15, 2015

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**/RA/**

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