



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

December 1, 2015

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 (CAC NO. MF6785)**

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. 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 James A. FitzPatrick Nuclear Power Plant's Commitment Management Program was performed at the plant site during the period of October 28-29, 2015. The NRC staff concludes, based on the audit, that the licensee has implemented regulatory commitments on a timely basis, and has implemented an effective program for managing regulatory commitment changes. Details of the audit are set forth in the enclosed audit report.

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If you have any questions, please feel free to contact me at 301-415-3629.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Render". The signature is fluid and cursive, with a large initial "D" and "R".

Diane Render, 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

ENTERGY 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. 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 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 the 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 James A. FitzPatrick Nuclear Power Plant's (JAFNPP) Commitment Management Program was performed at the plant site during the period of October 28-29, 2015. The audit reviewed commitments made since the previous audit on December 11-13, 2012 (ADAMS Accession No. ML13030A127).

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

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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 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 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 Entergy has implemented their commitments on time or before their initial due dates. NRC staff also was able to track any changed commitments through their commitment management program, and determined that future changes will be easily tracked through this 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 7. 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 found that the licensee's commitment management program contains commitments established and lists detailed information on how to track the changes to any commitments with their records management system and corrective action program. The NRC staff also found that the licensee's commitment management program is consistent with 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 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

The NRC staff concludes, based on the above audit, that Entergy has implemented regulatory commitments on a timely basis and has implemented an effective program for managing regulatory commitment changes.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Mark Hawes

Principal Contributors: Diane Render

Date: December 1, 2015

Attachment:
Summary of Audit Results

Summary of Audit Results
Audit of Management of Licensee's Commitment Management Program
James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333

CA = Corrective Action, LRS = Learning Research System (Commitments Management Database System), LO-LAR = Learning Objectives – Licensing Action Request

Commitment	Licensee's Letter/Date/Commitment No.	Document(s) Reviewed	Status/Notes
Entergy commits to use interim staff guidance JLD-ISG-2012-05, Guidance For Performing The Integrated Assessment For External Flooding, Revision 0, guidance as the approach for developing the NTTF 2.1 Flooding Integrated Assessment Report for James A. FitzPatrick if the reevaluated flooding hazard is not bounded by the current design basis flooding evaluation.	JAFFP-13-0006 1/29/2013 A-18477	Located commitment in LRS. Tracked commitment through record management system and located original submittal to the NRC.	Scheduled completion by 3/12/2017 OPEN
Entergy commits to using the guidance provided in NRC Letter, D.L. Skeen (NRC) to J.E. Pollock (NEI), Trigger Conditions for Performing and Integrated Assessment and Due Date for Response, regarding the trigger conditions and scope of any required Integrated Assessment.	JAFFP-13-0006 1/29/2013 A-18478	Located commitment in LRS. Tracked commitment through record management system and located original submittal to the NRC	Scheduled completion by 3/12/2017 OPEN
In response to Enclosure 1 OF NRC letter, Request For Information Pursuant To Title 10 of the Code Of Federal Regulations 50.54(f) regarding Recommendations 2.1, 2.3, and 9.3, of the near-term task force review of insights from the Fukushima Dai-ichi Accident, dated March 12, 2012, Entergy intends to follow the approach described in Nuclear Energy Institute (NEI) letter to the NRC, proposed path forward for NTTF Recommendation 2.1: Seismic Reevaluations, dated April 9, 2013.	JAFFP-13-0056 4/29/2013 A-18479	Located commitment in LRS. Tracked commitment through corrective action program. Viewed LO-LAR-2012-0082	Due dates are listed in the NEI letter and have separate milestones to be completed.
In response to NEI letter, Commitment for Implementation of Multi-Unit Dose Assessment Capability, from NEI to the NRC, dated March 14, 2013; Entergy will implement a permanent process to integrate NMP dose assessment information with JAF dose assessment information as appropriate.	JAFFP-13-0089 6/27/2013 A-18480	Located commitment in LRS. Tracked commitment through corrective action program. Viewed actions listed under LO-LAR-2013-00174.	Scheduled completion dates of the following: 12/31/2014; 02/06/2014; 04/17/2014; 04/17/2014; 12/31/2014; 12/31/2014; Closed on the following: 12/23/2014; 02/05/2014; 04/15/2014; 04/15/2014; 12/23/2014; 12/23/2014

Commitment	Licensee's Letter/Date/Commitment No.	Document(s) Reviewed	Status/Notes
Perform a relay chatter review to support IPEEE focused scope margin assessment per SPID in accordance with NEI letter, "Relay Chatter Reviews For Seismic Hazard Screening", dated October 3, 2013	JAFP-14-0128 12/5/2014 A-18482	Located commitment in LRS. Tracked commitment through corrective action program. Viewed actions listed under LO-LAR-2012-00082; CA-00051 and CA-00052	Due dates 06/30/2017 and 12/31/2019; OPEN
Entergy will perform seismic walkdowns at JAF for inaccessible items listed in Section 7.1.	JAFP-14-0143 12/30/2014 A-18484	Located commitment in LRS. Tracked commitment through corrective action program. Viewed actions listed under LO-LAR-2012-00082; CA-00053	Due date 10/15/2016; OPEN
Entergy will generate HCLPF calculations for inaccessible items listed in Section 7.1.	JAFP-14-0143 12/30/2014 A-18485	Located commitment in LRS. Tracked commitment through corrective action program. Viewed actions listed under LO-LAR-2012-00082; CA-00054	Due date 1/10/2017; OPEN
Entergy will implement any necessary JAF modifications for inaccessible items listed in Section 7.1 based on the schedule commitment to complete this activity in JAFP-13-0056 dated April 29, 2013.	JAFP-14-0143 12/30/2014 A-18486	Located commitment in LRS. Tracked commitment through corrective action program. Viewed actions listed under LO-LAR-2012-00082; CA-00039	Due date 10/31/2018; OPEN
Entergy will submit a letter to NRC summarizing the JAF HCLPF results and confirming implementation of the plant modifications associated with the JAF commitments made by the attachment to Entergy letter dated December 30, 2014, JAFP-14-0143.	JAFP-15-0094 8/4/2015 A-18489	Located commitment in LRS. Tracked commitment through corrective action program. Viewed actions listed under LO-LAR-2012-00082; CA-00039	Due date 10/31/2018; OPEN
Entergy will perform inspections of equipment that could not be inspected as identified in Section 7.5 of the Flooding Walkdown Report.	JAFP-12-0135 11/27/2012 A-18475	Located commitment in LRS. Tracked commitment through the corrective action program and the records management program and found the original submittal (JAFP-12-0135) to NRC and then the last submittal (JAFP-14-0121) on 10/30/2014 for the extension of the final date of 12/30/14. LO-LAR-2012-00082; CA-00050	Closed on 12/1/2014

If you have any questions, please feel free to contact me at 301-415-3629.

Sincerely,

/RA/

Diane Render, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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