



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

December 16, 2015

Mr. Benjamin C. Waldrep  
Site Vice President  
Shearon Harris Nuclear Power Plant  
5413 Shearon Harris Rd.  
New Hill, NC 27562-0165

**SUBJECT: SHEARON HARRIS NUCLEAR POWER PLANT, UNIT 1 – AUDIT OF THE  
LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS  
(CAC NO. MF6565)**

Dear Mr. Waldrep:

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 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 confirm that regulatory commitments are being effectively implemented.

An audit of the Shearon Harris Nuclear Power Plant, Unit No. 1 (Harris) commitment management program was performed at the plant site in New Hill, North Carolina, on October 19 - 22, 2015. The NRC staff concludes, based on the audit, that Harris (1) has implemented NRC commitments on a timely basis, and (2) has implemented an effective program for managing NRC commitment changes. Details of the audit are set forth in the enclosed audit report.

B. Waldrep

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Please direct any inquiries to me at 301-415-2760 or [Martha.Barillas@nrc.gov](mailto:Martha.Barillas@nrc.gov).

Sincerely,

A handwritten signature in black ink, appearing to be the initials 'MB' with a stylized flourish.

Martha Barillas, Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-400

Enclosure:  
Audit Report

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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS

SHEARON HARRIS NUCLEAR POWER PLANT, UNIT NO.1

DOCKET NO. 50-400

1.0 INTRODUCTION AND BACKGROUND

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 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 confirm that regulatory commitments are being effectively implemented. An audit of the Shearon Harris Nuclear Power Plant, Unit No. 1 (Harris) commitment management program was performed at the plant site in New Hill, North Carolina, on October 19 - 22, 2015. The audit reviewed commitments made since the previous commitment audit completed in July 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.

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

Enclosure

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. It focused on regulatory commitments (as defined above) made in writing to the NRC as a result of past licensing actions or licensing activities. 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 its Agencywide Documents Access and Management System 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, 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 Table provides details of the audit and its results.

The NRC staff reviewed the relevant plant procedure to determine whether the licensee had an effective program in place to identify, manage, and close commitments made to the NRC. The procedure reviewed was AD-LS-ALL-0010, "Commitment Management," Revision 1. In addition, the NRC staff reviewed a sample of open and closed commitments to confirm that the licensee had implemented closed commitments appropriately, and that commitments still open had been captured in an effective program for future implementation.

The NRC staff compared the guidance in procedure AD-LS-ALL-0010 to the guidance in NEI 99-04. As a result of this comparison, the NRC staff found that the procedure implemented by the licensee is consistent with the NEI guidance for identifying, managing, and closing commitments. The NRC staff also found that roles and responsibilities and processes were clearly identified in the AD-LS-ALL-0010 procedure.

The licensee's commitments are tracked in a computer database called CAS. Based on reports provided by the licensee of the CAS database during the audit, the NRC staff found that CAS is able to provide the necessary information (e.g., summary of the commitment, commitment type, lead department, responsible individual, due date, extensions, closure method and date, and associated historical information) to effectively manage NRC commitments.

For this part of the audit, the NRC staff reviewed site records associated with commitments involving generic letters, bulletins, and license amendments to determine whether the licensee had implemented the closed commitments appropriately, and whether the licensee had established a success path for future implementation of the open commitments.

The NRC staff reviewed the documentation associated with the closed regulatory commitments, particularly plant procedures that had been revised as a result of the commitments, and found that the commitments reviewed had been closed in a manner that fully satisfied the commitments made to the NRC.

Based on the sample of commitments reviewed, the NRC staff found that commitments tracked in accordance with procedure AD-LS-ALL-0010 were implemented satisfactorily. Also, based on the sample of licensee submittals and the NRC staff safety evaluations reviewed, the NRC staff found that commitments were tracked as specified by procedure. However, the NRC staff identified one instance where a site procedure, although a controlled document, was not traceable to the specific commitment. The licensee entered this in the Harris corrective action program for evaluation as condition report 1967696.

## 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 Harris is contained in the procedure AD-LS-ALL-0010.

The audit reviewed a sample of commitment changes that included changes that were reported to the NRC. The audit verified 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.

## 2.3 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. No misapplied commitments were identified for Harris.

#### 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 are reviewed. These documents were evaluated to determine if they contained any misapplied commitments as described above.

The NRC staff reviewed the safety evaluation reports for the completed licensing actions since the last audit, and no misapplied commitments were identified for Harris.

#### 2.4 Audit Results

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

The NRC staff found that procedure AD-LS-ALL-0010 was consistent with the guidance found acceptable in NEI 99-04. The NRC staff concludes that the procedure used by the licensee to manage commitment changes is appropriate and that the licensee followed the process in its procedure.

The NRC staff reviewed the documentation associated with the changed commitments. The NRC staff observed that Harris had complete records and documented changes appropriately, which ensure the traceability of commitments.

#### 3.0 CONCLUSION

The NRC staff concludes, based on the above audit, that (1) Harris has implemented NRC commitments on a timely basis, and (2) Harris has implemented an effective program for managing NRC commitment changes.

#### 4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

John Caves - Licensing and Regulatory Programs  
Sarah McDaniel - Licensing and Regulatory Programs

Principal Contributor: Martha Barillas

Attachment:  
Audit Summary

**AUDIT SUMMARY**

**LIST OF COMMITMENTS INCLUDED IN THE AUDIT**

<b>No.</b>	<b>Category</b>	<b>Action Request No.</b>	<b>Letter No.</b>	<b>Letter Date &amp; Status</b>	<b>Commitment</b>	<b>Completion Notes</b>
1	Cyber Security LAR	473783	RA-13-1001	12/19/2013 OPEN	Harris requested change to Milestone 8 implementation date in License Condition E. Physical and Cyber Security	NRC approved requested change in implementation date to Milestone 8 of Harris Cyber Security Plan (ML14318A929). This is a license condition that is open and being tracked for completion in Harris Commitment Management Program.
2	Emergency Action Levels LAR	745774	HNP-15-025	4/30/2015 OPEN	Duke Energy commits to providing a review of the new classification scheme to State and local emergency management officials following NRC approval and prior to implementation	Tracked as an open action item in AR. LAR under NRC review.
3	Reactor Vessel Capsule withdrawal schedule LAR	481777	HNP-11-034	8/16/2011 OPEN	Remove capsule Y or Z at end of cycle 21 and test per ASTM E185-82. Report test results to NRC one year after capsule removal.	NRC approved capsule withdrawal schedule change LAR (ML 11293A076). This is being tracked as an open commitment due to reporting of results to occur at a later date (2018 end of cycle 21).
4	Cyber Security LAR	473783	RA-11-011	4/7/2011 CLOSED	Complete Cyber Security Program Implementation Milestones 1-7	Milestones 1-7 completed

No.	Category	Action Request No.	Letter No.	Letter Date & Status	Commitment	Completion Notes
5	TSTF-523 LAR submittal	270886	RA-15-0006	6/24/15 CLOSED	Submit TSTF-523 LAR	LAR submitted under review by staff.
6	Buried Piping Condition Assessment Commitment	389318		9/27/10 CLOSED	Condition Assessment due date was changed by NEI letter to NRC (ML103410507)	Condition Assessment completed. Buried Piping Integrity Program Implementation in place via procedure AD-EG-ALL-1613.
7	Relief Request I3R-10 Spent Fuel Pool Cooling Piping	571271	HNP-12-133	12/17/12  CLOSED	Daily operator walkdowns to monitor leakage. Ultrasonic measurements on 30 day intervals to monitor flaw size. Actions to be completed and leak fixed by RFO 18.	Code repair completed on through wall leaks by due date. Work Orders and AR complete.
8	Metamic Coupon Sampling Program	654622	HNP-14-070	6/23/14 Change/CLOSED	Metamic Coupon dimension changed from 8x6x0.098 (existing) to 8x4x0.098 (new) because Holtec is no longer producing the existing dimensions as described in the Metamic Coupon Sampling Program Commitment	Dimension change will not affect the ability to detect bubbling, blistering, cracking, flaking or other physical changes. The difference in length of the new coupon will not affect the neutron attenuation capability of the material or affect the ability to monitor Boron areal density changes. Coupons are only for monitoring the condition of the actual material used in the rack fabrication. Reported in the Summary Report in accordance with Commitment Management Program.



<b>No.</b>	<b>Category</b>	<b>Action Request No.</b>	<b>Letter No.</b>	<b>Letter Date &amp; Status</b>	<b>Commitment</b>	<b>Completion Notes</b>
9	License Transfer from NCEMPA to Duke Energy	735571	RA-14-0029	12/22/14 CLOSED	Notify NRC when closing of Acquisition and transfer will occur	Notified NRC via Letter dated July 29, 2015.
10	EP Unified RASCAL Interface Program	610491	RA-13-012	6/26/13 CLOSED	Will compile design data supporting modeling with a multisource/multiple release pathway software code such as Raddose V or multi-source/multiple release point modeling capable version of Unified RASCAL Interface (URI), test the new program, develop relevant procedures, perform training, and complete Implementation by December 31, 2014.	Commitment Actions complete.

<b>No.</b>	<b>Category</b>	<b>Action Request No.</b>	<b>Letter No.</b>	<b>Letter Date &amp; Status</b>	<b>Commitment</b>	<b>Completion Notes</b>
11	NRC Inspection Report No. 93-11 NOV response changed commitment	728016	N/A	2/3/15 Changed/Inactivated	Update procedure to ensure labeling of Radioactive Material per 10 CFR 20 requirements.	The commitment was inactivated because licensee recognized this is a regulatory requirement, not a commitment and procedure contains requirement to label radioactive material per 10 CFR 20.
12	GSI-191	606863	HNP-13-053	5/16/13 Changed/OPEN	Complete any necessary additional insulation measurements based on the PWROG's new in-vessel acceptance criteria following the first refueling outage after the NRC staff's issuance of the safety evaluation for the PWROG Comprehensive Test Program, WCAP-17788.	WCAP-17788 is under staff review. The commitment due date was changed subject to when NRC issues SE. Tracked as OPEN in AR 606863.

B. Waldrep

- 2 -

Please direct any inquiries to me at 301-415-2760 or [Martha.Barillas@nrc.gov](mailto:Martha.Barillas@nrc.gov).

Sincerely,

**/RA/**

Martha Barillas, Project Manager  
Plant Licensing Branch II-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-400

Enclosure:  
Audit Report

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