

October 21, 2005

Mr. Randall K. Edington
Vice President-Nuclear and CNO
Nebraska Public Power District
P. O. Box 98
Brownville, NE 68321

SUBJECT: COOPER NUCLEAR STATION - RE: AUDIT OF THE LICENSEE'S
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NO. MC5086)

Dear Mr. Edington:

An audit of the Nebraska Public Power District's (NPPD's) commitment management program was performed at the Cooper Nuclear Station on November 16 - 18, 2004. The Nuclear Regulatory Commission (NRC) staff concludes that, based on the audit (1) NPPD has implemented NRC commitments on a timely basis; and (2) NPPD has implemented an effective program for managing NRC commitment changes. Details of the audit are set forth in the enclosed audit report.

The NRC staff appreciates the resources that were made available by your staff during the audit. If you have any questions, please have your staff contact us.

Sincerely,

/RA/

Michelle C. Honcharik, Project Manager, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-298

Enclosure: Audit Report

cc w/encl: See next page

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DATE	10/20/05	10/19/05	10/21/05

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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION
REGULATORY COMMITMENTS MADE BY THE LICENSEE TO
THE U.S. NUCLEAR REGULATORY COMMISSION
COOPER NUCLEAR STATION
DOCKET NO. 50-298

1.0 INTRODUCTION AND BACKGROUND

On September 7, 2004, the Office of Nuclear Reactor Regulation (NRR) Office Instruction LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC," was published. LIC-105, which is publicly available electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site (Accession Number ML042320463), provides the NRC staff and its stakeholders with a common reference for handling regulatory commitments made by licensees for commercial nuclear reactors to the NRC staff. The guidance is consistent with the industry guidance prepared by the Nuclear Energy Institute (NEI), NEI 99-04, "Guidance for Managing NRC Commitment Changes," July 1999.

According to LIC-105, which cites the definition from NEI 99-04, a "regulatory commitment" is 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. LIC-105 further directs 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.)." The audit is to be performed every 3 years.

2.0 AUDIT SCOPE AND RESULTS

2.1 Audit Scope

The audit was performed at Cooper Nuclear Station on November 16 - 18, 2004; in-office work was performed before and after the audit. Since no such audit was performed before issuance of LIC-105, the NRC staff defined the period covered by this audit to go back approximately 3 years from the date of the audit, concentrating on the last 2 years. The primary focus of this part of the audit was to confirm that the licensee had implemented those commitments made to the NRC as part of past licensing actions/activities.

Nebraska Public Power District (NPPD) commitments are computerized in the "Regulatory Commitment Tracking System (RCTS)." The RCTS can be searched and sorted to produce a variety of reports. The RCTS is an Intranet-based software program that documents regulatory

commitments, type, implementation methods, and status. The database also serves as the licensee's correspondence tracking system. However, LIC-105 limits the audit of commitments to those made in writing to the NRC as a result of past licensing actions (amendments, exemptions, etc.) or licensing activities (bulletins, generic letters, etc.). Accordingly, the overwhelming majority of the "commitments" listed in NPPD's RCTS do not qualify as commitments as defined in LIC-105, and were, thus, not audited for one or more of the following reasons:

- (1) Commitments made as a result of Licensee Event Reports,
- (2) Commitments made on the licensee's own initiative among internal organizational components,
- (3) Commitments made as a result of NRC Inspections Reports, and
- (4) Commitments as a result of the Confirmatory Action Letter.

In order to generate a list of items for the audit, the NRC staff searched ADAMS for the licensee's licensing action and licensing activity submittals dated in the last 3 years. Additionally, the NRC staff reviewed a computer-generated report listing an estimate of thousands of commitments made over the last several years and selected a number of items to be audited. Then from these lists, the NRC staff selected a representative sample of submittals to audit. Table 1 lists the regulatory commitments (as defined by LIC-105) which the NRC staff audited.

2.2 Audit Results

The licensees's RCTS can produce a report on each commitment. Each report is identified by a document ID. If more than one commitment was made in a given document, then a commitment number is assigned in addition to the document ID. The NRC staff reviewed the reports for each of the commitments listed in Table 1 to evaluate the status of completion of various components of each commitment. The NRC staff reviewed the information associated with each commitment to determine the status of completion. The NRC staff found that the licensee's RCTS captured all the regulatory commitments that were identified by the NRC staff. The NRC staff also reviewed other sources of information, licensee submittals in particular, to verify implementation of commitments.

Table 1 summarizes what the NRC staff observed as the current status of licensee regulatory commitments in November of 2004. The NRC staff has no basis to dispute the implementation status of these regulatory commitments.

2.3 Verification of the Licensee's Program for Managing NRC Commitment Changes

The NRC staff reviewed the licensee's administrative procedure entitled "Regulatory Commitment Tracking," Procedure 0.42.1, Revision 7, against NEI 99-04. In general, Procedure 0.42.1 follows the guidance of NEI 99-04, because it defines "NRC Commitment" similar to how "regulatory commitment" is defined in the latter; it identifies persons responsible for managing and tracking commitments; it sets forth the need for identifying, tracking and reporting commitments; and it provides a mechanism for changing commitments.

The effectiveness of a procedure can be indicated by the products that are produced by the procedure. As set forth in Sections 2.1 and 2.3 of this report, the NRC staff found that the licensee had properly addressed each regulatory commitment selected for this audit. As a result of review of the licensee's RCTS information and information for other sources, the NRC staff found no inconsistencies from the licensee's reported status of the audited commitments. Therefore, the NRC staff surmises that the procedure used by the licensee to manage commitments is appropriate and effective.

3.0 CONCLUSION

The NRC staff concludes that, based on the above audit, (1) the licensee has implemented NRC commitments on a timely basis, and (2) the licensee had implemented an effective program to manage regulatory commitment changes.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

D. Van Der Kamp, Licensing Supervisor

N. Robinson, Licensing Staff Member (at time of audit)

Attachment: Table 1, "Commitment Audit at Cooper Nuclear Station (CNS) Performed November 16 Through November 18, 2004"

Principal Contributor: M. Honcharik

Date: October 21, 2005

TABLE 1

COMMITMENT AUDIT AT COOPER NUCLEAR STATION (CNS)
PERFORMED NOVEMBER 16 THROUGH NOVEMBER 18, 2004

Document ID and Commitment Date	Status	Description/Summary of Commitment
NLS20022014 2/26/02	Closed	Submit finalized description of modifications needed to configure the main steamline isolation valve leakage pathway.
NLS2003028 3/19/03	Open Due 3/1/06	Following BWRVIP resolution, implement the final BWRVIP recommendations regarding the BWRVIP-25 rim holddown bolt inspection.
NLS2003117 11/10/03	Closed	Submit written response to Generic Letter 2003-01.
NLS2003059 9/19/03	Closed	Superceded by NLS2003120-01.
NLS2003120-01 11/25/03	Closed	Conduct Inservice Testing on core spray pump B, using 0.400 inch/second as the alert limit for vibration points 1H and 5H in accordance with Relief Request RP-06.
NLS2004073 5/28/04	Closed	Prior to first use of encryption software for safeguards information material, procedure shall be in place to describe proper use and controls.
NLS2004042-01 3/25/04	Closed	Provide supplemental submittal with revised technical specification figures, modifying the amendment request to approve use of the pressure/temperature limit curves for one operating cycle.
NLS2004042-02 3/25/04	Open Due 6/1/05	Fluence recalculations will be performed for previously withdrawn capsules using Regulatory Guide 1.190 methodology.
NLS2002104 12/31/02	Closed	Commitment changed, NRC notified appropriately. See NLS2004004.
NLS2004004 1/20/04	Closed	Commitment changed, NRC notified appropriately. See NLS2004004-02.
NLS2004111 9/28/04	Closed	Multiple commitments regarding one-time extension of the diesel generator allowed outage time.
NLS2000033-02 3/24/00	Closed	Make potassium-iodide tablets available to the control room operators.
NLS2003105-04 12/9/03	Open Due 3/1/05	Describe the testing performed for the manual valves in the updated safety analysis report.

Cooper Nuclear Station

cc:

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July 2005