

July 19, 2007

Mr. Michael A. Balduzzi  
Sr. Vice President & COO  
Regional Operations, NE  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

SUBJECT: VERMONT YANKEE NUCLEAR POWER STATION - AUDIT OF THE  
LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS  
(TAC NO. MD3487)

Dear Mr. Balduzzi:

An audit of the Entergy Nuclear Operations, Inc. (Entergy) commitment management program was performed at the Vermont Yankee Nuclear Power Station (VY) site on January 16 and January 17, 2007. The Nuclear Regulatory Commission (NRC) staff concludes that, based on the audit: (1) VY had recently established a commitment management program, (2) VY has implemented NRC commitments related to the approved March 2, 2006, Extended Power Uprate Amendment No. 229, and (3) as a result of a new Entergy fleet procedure, VY 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 for performing the audit. If you have any questions, I may be reached at (301) 415-4125.

Sincerely,

**/RA/**

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

Docket No. 50-271

Enclosures:

1. Audit Report
2. List of Commitments Reviewed

cc w/encls: See next page

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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION (NRR)  
OF REGULATORY COMMITMENTS  
MADE BY ENTERGY NUCLEAR OPERATIONS, INC.  
VERMONT YANKEE NUCLEAR POWER STATION  
DOCKET NO. 50-271

1.0 INTRODUCTION AND BACKGROUND

On September 7, 2004, NRR Office Instruction LIC-105, Revision 1, "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 Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC website (Accession No. ML042320463), provides the NRC staff and its stakeholders with a common reference for handling regulatory commitments made by licensees of 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."

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 the Entergy Nuclear Operations, Inc. (Entergy or licensee) Vermont Yankee Nuclear Power Station (VY) site on January 16 and January 17, 2007. The focus of this audit was to capture the state of the licensee commitment program since the issuance of LIC-105. The NRC staff defined the period covered by this audit to encompass approximately 3 to 4 years prior to the date of the audit.

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.). Prior to the audit, in order to generate a list of items for the audit, the NRC staff performed a Public, Web-Based ADAMS search for commitments listed in licensing action and licensing activity submittals dated in the last 3 to 4 years. From this list (Enclosure 2), the NRC staff selected a representative sample of regulatory commitments to audit. The selection of the sample list covered a variety of systems, disciplines and licensing actions important to NRC staff's decision-making process.

## 2.2 Verification of Licensee's Implementation of NRC Commitments

The primary focus of this audit was to confirm that the licensee has implemented those commitments made to the NRC as part of past licensing actions/activities.

The licensee's Commitment Management Program is described in the Entergy corporate procedure "Commitment Management Program," EN-LI-110, Revision 0, dated September 27, 2005. This procedure established a fleet procedure applicable to all the nuclear power plants including VY. Prior to the recent implementation of this procedure, VY did not have a formal commitment management program. A formal management program was not needed due to the minimal number of formal regulatory commitments made prior to the VY Extended Power Uprate (EPU) amendment approved on March 2, 2006. As part of the VY EPU amendment approval and implementation, the licensee made several commitments to the NRC staff, therefore, the licensee realized the need to incorporate a formal commitment management program for VY.

The NRC staff reviewed documentation generated by the licensee related to the sample items listed in Enclosure 2. For the commitments selected, the NRC staff found that the licensee's commitment tracking program had captured all of the regulatory commitments reviewed.

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

### 2.3.1 Change Control Procedure Verification

The NRC staff reviewed the licensee's procedure EN-LI-110, against NEI 99-04, Revision 0. This corporate fleet procedure follows the NEI guidance and incorporates a database, "Commitment Management System (CMS)" for VY. A Commitment Change Evaluation Form is used to document the evaluation of the commitment change or deletion. This procedure also includes a mechanism for notifying the NRC on a periodic basis regarding commitment changes.

The NRC staff found that the licensee's procedure for handling the commitment change, in general, is consistent with the guidance in NEI 99-04.

## 3.0 CONCLUSION

The NRC staff concludes that, based on the above audit: (1) VY had recently established a commitment management program, (2) VY has implemented NRC commitments related to the approved March 2, 2006, EPU Amendment No. 229, and (3) as a result of a new Entergy fleet procedure, VY has implemented an effective program for managing NRC commitment changes.

## 4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Principal Contributors: Jeff Meyer, J. Shea (NRC)

Date: July 19, 2007

LIST OF REVIEWED COMMITMENTS FOR VY

<b>Item #</b>	<b>Letter No.</b>	<b>Date</b>	<b>Subject</b>
1	BVY 02-59	8/22/02	Code for repair of a pin-hole leak in a lube oil cooler
2	BVY 03-08	1/27/03	20 response to NRC January 7, 2003, Order for compensatory measures related to access authorization
3	BVY 03-52	6/3/03	Modify license for revised design-basis threat and compensatory measures related to security force training and fitness-for-duty
4	BVY 04-058	7/2/04	Extended power uprate - RAIs (TS proposed change 263, supplement 8)
5	BVY 04-086	8/25/04	Grid impact study - extended power uprate (TS proposed change 263, supplement 12)
6	BVY 04-097	9/14/04	Steam dryer analysis - extended power uprate (TS proposed change 263, supplement 13)
7	BVY 04-100	9/23/04	Steam dryer action items - extended power uprate (TS proposed change 263, supplement)
8	BVY 04-101	9/30/04	Extended power uprate - RAIs (TS proposed change 263, supplement 16)
9	BVY 04-107	9/30/04	Extended power uprate - RAIs related to 10 CFR Part 50 Appendix R timeline (TS proposed change 263, supplement 17)
10	BVY 05-020	3/3/05	Reply to notice of violation; EA-04-173
11	BVY 05-065	6/14/05	Updated Final Safety Analysis Report
12	BVY 05-072	8/1/05	Extended power uprate - RAIs (TS proposed change 263, supplement 30)
13	BVY 05-083	9/10/05	Extended power uprate - additional information (TS proposed change 263, supplement 32)
14	BVY 05-096	10/17/05	Extended power uprate - response to NRC letter on license conditions (TS proposed change 263, supplement 36)
15	BVY 05-101	11/2/05	Extended power uprate - condensate and feedwater transient response (TS proposed change 263, supplement 41)
16	BVY 04-078	9/1/04	Operating Reports

Vermont Yankee Nuclear Power Station

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