



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

September 7, 2011

Mr. Edward D. Halpin
President and Chief Executive Officer/
Chief Nuclear Officer
STP Nuclear Operating Company
South Texas Project
P.O. Box 289
Wadsworth, TX 77483

**SUBJECT: SOUTH TEXAS PROJECT, UNITS 1 AND 2 – AUDIT OF THE LICENSEE'S
REGULATORY COMMITMENT MANAGEMENT PROGRAM (TAC
NOS. ME6058 AND ME6059)**

Dear Mr. Halpin:

An audit of South Texas Project (STP), Units 1 and 2, commitment management program was performed at the plant site on July 19-20, 2011. In U.S. Nuclear Regulatory Commission (NRC) Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000, the 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 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 the regulatory commitments are being effectively implemented.

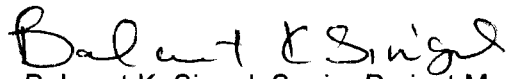
Based on the audit, the NRC staff concludes that STP Nuclear Operating Company (the licensee) has implemented NRC commitments on a timely basis, and the licensee has implemented an effective program for managing NRC commitment changes at STP, Units 1 and 2. The details of the results of the audit including the NRC staff's observations and recommendations are set forth in the enclosed audit report.

E. Halpin

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If you have any questions, please contact me at (301) 415-3016 or via e-mail at Balwant.Singal@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Balwant K. Singal". The signature is fluid and cursive, with the first name "Balwant" and last name "Singal" clearly distinguishable.

Balwant K. Singal, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

Enclosure:
As stated

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

AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

STP NUCLEAR OPERATING COMPANY

SOUTH TEXAS PROJECT, UNITS 1 AND 2

DOCKET NOS. 50-498 AND 50-499

1.0 INTRODUCTION AND BACKGROUND

In U.S. Nuclear Regulatory Commission (NRC) Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML003741774), the 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 commitments are implemented and that changes to the commitments are evaluated and, when appropriate, reported to 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 that the regulatory commitments are being effectively implemented.

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. 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, relief requests, exemptions, etc.) and licensing activities (bulletins, generic letters, etc.). The audit is to be performed once every 3 years.

2.0 AUDIT PROCEDURE AND RESULTS

An audit of South Texas Project (STP), Units 1 and 2, commitment management program was performed at the plant site on July 19-20, 2011. The audit reviewed commitments made by STP Nuclear Operating Company (STPNOC, the licensee) since the previous audit on August 19,

Enclosure

2008, which was documented in an audit report dated December 24, 2008 (ADAMS Accession No. ML083450162). The audit consisted of two major parts: (1) verification of the licensee's implementation of NRC commitments that have been completed, and (2) verification of the licensee's program for managing changes to NRC commitments.

2.1 Verification of Licensee's Implementation of 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.

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, relief requests, etc.) and licensing activities (bulletins, generic letters, etc.). Before the audit, the NRC staff performed a search in ADAMS for the licensee's submittals since the last audit and selected a representative sample of commitments for verification. The identified list of commitments was forwarded to the licensee on July 6, 2011, with a request to locate documentation for the listed commitments ahead of the NRC staff audit. The licensee did not perform a self-assessment of the commitments identified for this audit.

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., responding 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 licensee has implemented Procedure OPGP05-ZN-0002, Revision 5, "Licensing Commitment Management and Administration," which identifies the methods and responsibilities for the maintenance of commitments and the Regulatory Commitments Management Program, which is used to ensure that the commitments are properly identified, tracked, closed out, revised/changed, or deleted. The licensee uses the program to track the

status and manage the closure of commitments at STP effectively. The licensee's Procedure OPGP05-ZN-0002 is consistent with the guidance provided by NEI 99-04.

As discussed above, the licensee's program provides acceptable tools and guidance for the licensee to capture the NRC guidance on commitment management programs. The licensee enters the commitments made to the NRC into the program. The commitments are entered as Condition Records (CRs) in the Corrective Action Program Database (CAPD). The field for "Action Type" in the CR further identifies the CR as a regulatory commitment for the purposes of tracking. The status of the commitments, implementation dates, target implementation document information associated with each specific commitment, and comments are captured in the program.

The documents furnished by the licensee during the audit included summary sheets from the CAPD providing the status of the CR/commitments and appropriate backup documentation, as needed (i.e., plant procedures, examination records, and/or other plant documentation incorporating the commitments). The NRC staff reviewed the documents and summarized the results of the review of the selected commitments in the attached table to this audit report.

The NRC staff's audit was intended to confirm that the licensee has documented its implementation of commitments made to the NRC staff as part of past licensing communications, and the commitments that had not yet been implemented or incorporated in design bases documents are captured in an effective manner for future implementation.

The NRC staff's audit of the licensee's commitment management program for STP, Units 1 and 2, identified the following deficiencies (refer to the attached table to this report for the CR number and description of each individual CR):

- Condition Record 08-9676-25: The CR was not coded as a regulatory commitment as required by the licensee's Procedure OPGP05-ZN-0002, Revision 5. At the conclusion of this audit, the licensee was in the process of correcting the error.
- Condition Record 11-5788-2: The commitment was entered into the CAPD as a regulatory commitment, but incorrectly coded as not docketed. At the conclusion of this audit, the licensee was in the process of correcting the error.

The results of the review indicated that the commitments were implemented and/or incorporated satisfactorily and the licensee has an effective commitment management program, with the exception of the deficiencies detailed above. The deficiencies identified above had no safety significance and the licensee was in the process of correcting the deficiencies.

Also, the target document (e.g., procedures) listed the commitments contained in the document in a section entitled "References." To ensure that commitments are not removed or changed in future revisions to the target documents, the target documents clearly identified the areas incorporating specific commitments by reference to the CR number.

Based on the results of the on-site audit, the NRC staff concludes that the licensee has implemented the regulatory commitment management program adequately and consistent with NEI 99-04, except for the deficiencies identified during the audit.

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

2.2.1 Audit Scope

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 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 STP, Units 1 and 2, is contained in Procedure OPGP05-ZN-0002, Revision 5. The primary focus of the audit was to ensure that the commitments are implemented without a change and if a change is made, it is in accordance with the approved plant procedures and with the approval of the plant's management. The audit also verified that the licensee's commitment management system includes a mechanism to ensure traceability of commitments following initial implementation. This ensures that the licensee's 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.

2.2.2 Audit Results

No other commitment changes were identified during the audit, except for changes to the implementation dates for some of the commitments. In all such cases, the licensee generated a Commitment Evaluation Form in accordance with the plant procedures and the review by NRC concluded that the justifications provided by the licensee were adequate.

Based on its review, the NRC staff concludes that the changes to regulatory commitments are being reported to NRC consistent with the NRC guidance.

3.0 OBSERVATIONS AND RECOMMENDATIONS

Deficiencies in the commitment management program identified during the NRC audit are identified in Section 2.1.2 of this report. These deficiencies had no safety significance and at the conclusion of the audit, the licensee was in the process of correcting the deficiencies.

However, based on the NRC staff's review, the staff would like to make the following recommendation:

Presently, the CR containing the specific regulatory commitment is identified in the reference section and the body of the target document being revised without any specific markings for the area of change. This makes it difficult to locate the sections of the target document containing regulatory commitments. The licensee agreed to identify the regulatory commitments in the margin area of the target documents (e.g. procedures) for easy traceability and to eliminate the potential for unintentional change to the commitment in future.

4.0 CONCLUSION

Based on the results of the audit, the NRC staff concludes that the licensee has implemented the commitment management program effectively, and implemented commitment changes appropriately consistent with NEI 99-04. The licensee was in the process of taking action to correct the deficiencies identified during the audit. The deficiencies identified during the audit did not have any safety significance.

5.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Marilyn Kistler
Wayne Harrison

Principal Contributors: B. Singal
R. Grover

Date: September 7, 2011

Attachment:
Audit Summary Table

Summary of Audit of Regulatory Commitments and Results of Audit Performed on July 19-20, 2011
STP Nuclear Operating Company
South Texas Project, Units 1 and 2
Docket Nos. 50-498 and 50-499

| Letter No. | Subject | Condition Record No. | Description of Commitment | Implementation Status |
|--|--|----------------------|---|--|
| NOC-AE-08002328 6/26/2008 (ADAMS Accession No. ML081890190) | Request to Extend Implementation Date for Emergency Core Cooling System Sump Design Basis | CR 02-5326-111 | The test will be structured to determine one or more debris load combinations that can be mitigated by the South Texas Project (STP) sump strainers. (Complete by test completion date, currently 7/30/2008). | Closed on 8/13/2008. The commitment was entered into the Corrective Action Program Database (CAPD) as a regulatory commitment. The results of the test specified in the Condition Record (CR) were acceptable and, as a result, the CR was closed. |
| | | CR 02-5326-112 | STP will consider contingencies listed in the cover letter should strainer testing not demonstrate satisfactory performance. (Complete by test completion date, currently 7/30/2008). | Closed on 8/13/2008. The commitment was entered into the CAPD as a regulatory commitment. The results of the strainer test specified in the CR were determined to be acceptable and the CR was closed. |
| | | CR 02-5326-113 | Testing plan and contingency options provide assurance that the Generic Safety Issue (GSI)-191 and Generic Letter (GL) 2004-02 issues will be resolved for STP, Units 1 and 2, by 12/31/2009. | Open. The commitment was entered into the CAPD as a regulatory commitment. The completion date was changed to 4/1/2012. Commitment Evaluation Form documenting the justification for the extension was reviewed and the change was found acceptable. |

| Letter No. | Subject | Condition Record No. | Description of Commitment | Implementation Status |
|--|--|----------------------|---|---|
| NOC-AE-08002372 12/11/2008 (ADAMS Accession No. ML083520326) | Response to Generic Letter 2004-02 | CR 02-5326-120 | When a final Safety Evaluation for WCAP-16793, "Long Term Cooling" is issued, STP will review it for impact on its long-term cooling methodology. Expected completion date: 6/30/2009. | Open. The commitment is identified as a regulatory commitment in the CAPD. The commitment completion date has been changed to 12/15/2011. The Commitment Evaluation Form justifying the change in completion date was reviewed and the change was found acceptable. |
| NOC-AE-09002389 3/3/2009 (ADAMS Accession No. ML090690687) | License Amendment Request for Adoption of TSTF-511, Revision 0, "Eliminate Working Hour Restrictions From TS 5.2.2 To Support Compliance With 10 CFR Part 26." | 09-1587-2 | Removal of the plant-specific Technical Specification (TS) requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements. This commitment will be completed no later than the implementation deadline of 10/1/2009. | Closed on 10/1/2009. The commitment was identified as a regulatory commitment in the CAPD. The commitment is fully met as reflected in TS Amendment Nos. 192 for STP, Unit 1, and 180 for STP, Unit 2. |
| NOC-AE-09002477 10/14/2009 (ADAMS Accession No. ML092930172) | Revised Request for Exemption from Certain Requirements of the Fitness for Duty Rule for Managing Fatigue | 09-10811-4 | When the Fitness for Duty Rule for Managing Fatigue is changed and an exemption from the requirements of 10 CFR 26.205(c) and (d) for meeting work hour controls during declarations of severe weather conditions involving tropical storm or hurricane force winds is no longer needed, STP Nuclear Operating Company (STPNOC) will submit a letter to the NRC stating that the exemption is no longer needed by 12/31/2011. | Open. The commitment is identified as a regulatory commitment in the CAPD. The licensee has already received approval for the exemption. However, the licensee needs to issue a letter to the NRC by 12/31/2011, to confirm that the exemption is no longer required. |

| Letter No. | Subject | Condition Record No. | Description of Commitment | Implementation Status |
|--|---|----------------------|--|---|
| NOC-AE-09002480 11/19/2009 (ADAMS Accession No. ML093280720) | License Amendment Request for Approval of Cyber Security Plan | 09-10761-6 | STPNOC will have implemented the requirements of 10 CFR 73.54, 60 months after NRC approval of the STPNOC Cyber Security Plan. | Closed on 7/26/2010. The commitment was entered into the CAPD as a regulatory commitment. The license amendment request was withdrawn by the licensee by letter dated 7/27/2010 (ADAMS Accession No. ML102150159), and the commitment is no longer valid. |
| NOC-AE-10002558 5/10/2010 (ADAMS Accession No. ML101340116) | Licensee Commitment Regarding a Request for Exemption from Certain Requirements of the Fitness for Duty Rule for Managing Fatigue | 09-10811-9 | The conditions necessary to sequester site personnel that are consistent with the conditions specified in the exemption request (NOC-AE-09002477, ADAMS Accession No. ML092930172), on approval of the request for exemption will be maintained in the site procedures. | Closed on 8/31/2010. The commitment is identified as a regulatory commitment in the CAPD. Procedure OPGP03-ZV-0002, Revision 5 incorporates the commitment. |
| | | 09-10811-9 | Provisions for ensuring that personnel who are not performing duties are provided an opportunity as well as accommodations for restorative rest on approval of the request for exemption will be maintained in the site procedures. | Closed on 8/31/2010. The commitment is identified as a regulatory commitment in the CAPD. Procedure OPGP03-ZV-0002, Revision 5 incorporates the commitment. |
| | | 09-10811-9 | The condition for departure from the exemption is based on the Emergency Operations Facility Director's determination that adequate staffing is available to meet the requirements of 10 CFR 26.205(c) and (d) on approval of the request for exemption will be maintained in the site procedures. | Closed on 8/31/2010. The commitment is identified as a regulatory commitment in the CAPD. Procedure OPGP03-ZV-0002, Revision 5 incorporates the commitment. |

| Letter No. | Subject | Condition Record No. | Description of Commitment | Implementation Status |
|--|--|----------------------|--|---|
| NOC-AE-10002594 9/20/2010 (ADAMS Accession No. ML102700175) | Request for Relief from ASME Section XI Code Requirements for Pump Casing Inservice Inspection Examination | 08-9676-25 | If a containment spray (CS), low head safety injection (LHSI), or high head safety injection (HHSI) pump is disassembled during the third inspection interval, STPNOC will perform the Code-required surface examination of the pump casing welds within the pump pit by 12/12/2010 (incorporation into procedure). | Closed on 10/27/2010. Verified procedure OPGP03-ZE-0027 (Revision 29), Addendum 6, Section 5.0. The commitment was entered into the CAPD as CR 8-9676-25, but was not coded as a regulatory commitment. The licensee was in the process of correcting the error. |
| NOC-AE-10002623 12/21/2010 (ADAMS Accession No. ML103630408) | Revision to Technical Specifications 5.3.1 and 6.9.1.6 to Allow Fuel Assemblies with Optimized ZIRLO™ Cladding | 10-24696-03 | Lead Test Assembly (LTA) measured data and favorable results from visual examinations of once, twice, and thrice burned LTAs confirm, for three cycles of operation, that the current fuel performance models are applicable for Optimized ZIRLO™ clad fuel rods. Westinghouse will continue to provide additional data from the Optimized ZIRLO™ LTA programs to the NRC as it becomes available. It is stated in the commitment that confirmation of the approved models' applicability up through the projected end of cycle burnup for the Optimized ZIRLO™ fuel rods must be completed prior to their initial batch loading and prior to the startup of subsequent cycles. It further states that until the commitment is complete, STPNOC will confirm that, as higher burnups/fluences are achieved for Optimized ZIRLO™ clad fuel rods, the requirements of this condition are met as it applies to STP, Units 1 and 2. | Open. Commitment entered into CAPD as a regulatory commitment. The commitment to be incorporated prior to loading fuel rods with Optimized ZIRLO™ cladding. |

| Letter No. | Subject | Condition Record No. | Description of Commitment | Implementation Status |
|--------------------------------|--|----------------------|---|--|
| NOC-AE-10002623 (continued) | Revision to Technical Specifications 5.3.1 and 6.9.1.6 to Allow Fuel Assemblies with Optimized ZIRLO™ Cladding | 10-24696-04 | Data from three cycles of operation have been evaluated and the fuel rod creep models from fuel rod design codes have been used to predict growth and creep performance of the samples. This information was provided to the NRC in the most recent informational letter (V LTR-NRC-10-43) dated 7/26/2010. Confirmation of the approved models' applicability up through the projected end of cycle burnup for the Optimized ZIRLO™ fuel rods must be completed prior to their initial batch loading and prior to the startup of subsequent cycles. Until the commitment is complete, STPNOC will confirm that the requirements of this condition are met as it applies to STP, Units 1 and 2. | Open. Verified the CAPD. Commitment entered into CAPD as a regulatory commitment. The commitment to be incorporated prior to loading fuel rods with Optimized ZIRLO™ cladding. |
| | | 10-24696-05 | The relative differences in unirradiated strength (YS and UTS) between Optimized ZIRLO™ and standard ZIRLO™ in cladding and structural analyses will be accounted for until irradiation data for Optimized ZIRLO™ is accepted by the NRC staff. Analysis of Optimized ZIRLO™ clad fuel rods will use the yield strength and ultimate tensile strength as modified per Conditions 8.a.i, 8.a.ii, and 8.a.iii until such time that irradiation data for Optimized ZIRLO™ strengths are collected and provided to the NRC. Until the values are accepted by the NRC, STPNOC will confirm that the requirements of this condition are met as it applies to STP, Units 1 and 2. | Open. Verified the CAPD. Commitment entered into CAPD as a regulatory commitment. The commitment to be incorporated prior to loading fuel rods with Optimized ZIRLO™ cladding. |

| Letter No. | Subject | Condition Record No. | Description of Commitment | Implementation Status |
|--|---|----------------------|--|---|
| NOC-AE-11002661 4/4/2011 (ADAMS Accession No. ML111090384) and NOC-AE-11002688 6/28/2011 (ADAMS Accession No. ML11182A911) | Revision to the Facility Operating License and Request for Review and Approval of the Cyber Security Plan | 11-5788-2* | STPNOC will revise its License Amendment Request for approval of the Cyber Security Plan (submitted to the NRC on 7/27/2010; ADAMS Accession No. ML102150159) by inserting the following words into section 2.1 of the Cyber Security Plan (CSP): "Within the scope of NRC's cyber security rule at Title 10 of the <i>Code of Federal Regulations</i> (10 CFR) 73.54, systems or equipment that perform important to safety functions include structures, systems, and components (SSCs) in the balance of plant (BOP) that could directly or indirectly affect reactivity at a nuclear power plant and could result in an unplanned reactor shutdown or transient. Additionally, these SSCs are under the licensee's control and include electrical distribution equipment out to the first inter-tie with the offsite distribution system." "No later than December 31, 2012." | Closed on 4/28/2011. The commitment was entered into the CAPD as a regulatory commitment, but incorrectly coded as not docketed. Verified STPNOC letter dated 4/28/2011 (ADAMS Accession No. ML11123A217) incorporating the commitment. |
| | | 11-5788-3* | Establish Cyber Security Assessment Team (CSAT) as described in Section 3.1.2 "Cyber Security Assessment Team" of the CSP no later than 12/31/2012. | Closed on 7/11/2011. The commitment was entered into the CAPD as a regulatory commitment. Verified that STPNOC has already established the cyber security team roster. |
| | | 11-5788-4* | Identify Critical Systems (CSs) and Critical Digital Assets (CDAs) as described in Section 3.1.3 "Identification of Critical Digital Assets" of the CSP no later than 12/31/2012. | Closed on 7/11/2011. The commitment was entered into the CAPD as a regulatory commitment. Verified STPNOC has already identified CSs and CDAs as described in Section 3.1.3 of the CSP. However, the detailed description of the CSs and CDAs was not reviewed, being a security-related document. |

| Letter No. | Subject | Condition Record No. | Description of Commitment | Implementation Status |
|---|---|----------------------|---|--|
| NOC-AE-11002661 and NOC-AE-11002688 (continued) | Revision to the Facility Operating License and Request for Review and Approval of the Cyber Security Plan | 11-5788-5* | <p>Implement Installation of a deterministic one-way device between lower level devices (level 2 and 3) and a firewall between higher level devices (level 3 and 4) as described in Section 4.3, "Defense-In-Depth Protective Strategies" of the CSP.</p> <p>Lower security level devices ([level 0, 1, 2 devices]) that bypass the deterministic device and connect to level 3 or 4 will be modified to prevent the digital connectivity to the higher level or will be modified to meet cyber security requirements commensurate with the level [3 or 4] devices to which they connect.</p> <p>The design modifications that are not finished by the completion date will be documented in the site configuration management and/or change control program to assure completion of the design modification as soon as possible, but no later than the final implementation date (12/31/2012).</p> | <p>Open.</p> <p>The commitment was entered into the CAPD as a regulatory commitment in accordance with Revision 5 of Procedure OPGP03-ZV-0002.</p> |
| | | 11-5788-6* | The security control "Access Control For Portable And Mobile Devices" described in Appendix D 1.19 of NEI 08-09, Revision 6, will be implemented no later than 12/31/2012. | <p>Open.</p> <p>The commitment was entered into the CAPD as a regulatory commitment in accordance with Revision 5 of Procedure OPGP03-ZV-0002.</p> |
| | | 11-5788-7* | Implement observation and identification of obvious cyber related tampering to existing insider mitigation rounds by incorporating the appropriate elements in Appendix E, Section 4.3 "Personnel Performing Maintenance and Testing Activities" no later than 12/31/2012. | <p>Open.</p> <p>The commitment was entered into the CAPD as a regulatory commitment in accordance with Revision 5 of Procedure OPGP03-ZV-0002.</p> |

| Letter No. | Subject | Condition Record No. | Description of Commitment | Implementation Status |
|---|---|----------------------|--|---|
| NOC-AE-11002661 and NOC-AE-11002688 (continued) | Revision to the Facility Operating License and Request for Review and Approval of the Cyber Security Plan | 11-5788-8* | Identify, document, and implement cyber security controls in accordance with the CSP Section 3.1.6 "Mitigation of Vulnerabilities and Application of Cyber Security Controls" for CDAs that could adversely impact the design function of physical security target set equipment. The implementation of controls that require a design modification that are not finished by the completion date will be documented in the site configuration management and/or change control program to assure completion of the design modification as soon as possible, but no later than the final implementation date (12/31/2012). | Open. The commitment was entered into the CAPD as a regulatory commitment in accordance with Revision 5 of Procedure OPGP03-ZV-0002. |
| | | 11-5788-9* | Ongoing monitoring and assessment activities commence, as described in Section 4.4, "Ongoing Monitoring and Assessment" of the CSP, for those target set CDAs whose security controls have been implemented no later than 12/31/2012. | Open. The commitment was entered into the CAPD as a regulatory commitment in accordance with Revision 5 of Procedure OPGP03-ZV-0002. |
| | | 11-5788-10* | Full implementation of STPNOC CSP for all safety, security, or emergency preparedness (SSEP) functions will be achieved by 2/28/2015. | Open. The commitment was entered into the CAPD as a regulatory commitment in accordance with Revision 5 of Procedure OPGP03-ZV-0002. |

* The Cyber Security Plan (CSP) amendment request was approved by the NRC staff by letter dated July 26, 2011 (ADAMS Accession No. ML111920082). The NRC acknowledged that the licensee made these commitments as a part of the "Cyber Security Plan Implementation Schedule" for the approval of the CSP. However, the NRC staff's safety evaluation for the approval of the CSP stated that the key milestone dates and the final implementation date shall be in accordance with the implementation schedule submitted by the licensee. All subsequent changes to the NRC-approved implementation schedule will require prior NRC approval pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 90. Hence, these regulatory commitments are not considered valid anymore and do not need to be tracked. STPNOC was aware of the NRC position and plans to close these commitments.

E. Halpin

- 2 -

If you have any questions, please contact me at (301) 415-3016 or via e-mail at Balwant.Singal@nrc.gov.

Sincerely,

/RA/

Balwant K. Singal, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-498 and 50-499

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