



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

January 4, 2014

Mr. Kevin Walsh, Site Vice President
c/o Michael Ossing
Seabrook Station
NextEra Energy Seabrook, LLC
P.O. Box 300
Seabrook, NH 03874

**SUBJECT: SEABROOK STATION, UNIT 1 – AUDIT OF THE LICENSEE’S MANAGEMENT
OF REGULATORY COMMITMENTS (TAC NO. MF1318)**

Dear Mr. Walsh:

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 regulatory commitments are being effectively implemented.

An audit of Seabrook Station, Unit 1 (Seabrook) commitment management program was performed at NRC Headquarters during the period of March – November 2013 and at the Seabrook site on March 26, March 27, November 18, and November 19, 2013. The NRC staff concludes, based on the audit, that: (1) Seabrook has implemented NRC commitments on a timely basis, and (2) Seabrook has implemented an effective program for managing NRC commitment changes.

K. Walsh

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Details of the audit are set forth in the enclosed audit report.

Sincerely,

A handwritten signature in black ink, appearing to read "John G. Lamb". The signature is fluid and cursive, with the first name "John" being the most prominent part.

John G. Lamb, Acting Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-443

Enclosure:
Audit Report

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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

SEABROOK STATION, UNIT 1

DOCKET NO. 50-443

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, 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 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 regulatory commitments are being effectively implemented. An audit of the Seabrook Station, Unit 1 (Seabrook) commitment management program was performed at NRC Headquarters during the period of March – November 2013, and at the Seabrook site on March 26, March 27, November 18, and November 19, 2013. The audit reviewed commitments made since the previous audit on December 29, 2010 (Agencywide Documents and Access Management System (ADAMS) Accession No. ML103570180).

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.

Enclosure

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, Technical Specifications (TSs), 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 table contains a list of those documents that were selected for additional review during this audit.

The NRC staff reviewed the report generated by the licensee's tracking program and associated documentation of the selected representative sample items. Additionally, the NRC staff's review of the commitment list found that the licensee's commitment tracking programs had captured all the regulatory commitments that were identified by the NRC staff before the audit. The NRC staff also reviewed plant procedures that had been revised or implemented as a result of commitments made by the licensee to the NRC. The NRC staff

also reviewed items originally added to the commitment tracking system, but were later modified. In these cases, the NRC staff verified that the licensee correctly applied the NEI-99-04 definition in determining that they were not commitments.

The NRC staff noted that, where appropriate, procedures have annotations to refer to commitments. These annotations serve to prevent future procedure changes from inadvertently deleting or altering an item without having gone through the commitment change process. Additionally, the annotations specifically refer to its related commitment allowing for enhanced traceability.

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 Seabrook is contained in Licensee's Procedure LIAA-101-1005, "NRC Commitment Management." 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 commitments contained in Attachment 2 to a letter dated April 29, 2009 (ADAMS Accession No. ML091200065), regarding the Delta Protection Air Suits. These commitments were entered into an Action Request (AR) 00200249. The NRC staff verified that procedures HD0965.07, "Air Supplied Respiratory Protection Equipment and Distribution System," and HD0965.12, "Respiratory Equipment Issue and Use," were revised.

The NRC staff found in the H* Program amendment, dated September 10, 2012 (ADAMS Accession No. ML12178A537), regarding technical specification (TS) 6.7.6.k that the licensee committed in letter, dated April 10, 2012, to monitor for tube slippage as part of the steam generator inspection program. Under the license amendment, TS 6.8.1.7.k will require that the results of slippage monitoring be included as part of the 180-day report, which is required by TS 6.8.1.7. In addition, TS 6.8.1.7.k requires that should slippage be discovered, the implications of the discovery and corrective action shall be included in the report. The NRC staff found that slippage is not expected to occur for the reasons discussed in the safety evaluation. In the unexpected event it should occur, it will be important to understand why it occurred so that the need for corrective action can be evaluated. The NRC staff concluded the commitment to monitor for slippage and the accompanying reporting requirements were acceptable. This commitment is not part of the Seabrook license, which is consistent with the fact that details of how condition monitoring and operational assessments are performed are generally not included as part of the operating license, including the TSs. Extensive industry guidance on conducting condition monitoring and operational assessments is available as part of the industry NEI 97-06 initiative (ADAMS Accession No. ML111310708). This commitment ensures that plant procedures address the above leakage factor issue as they do industry guidelines. The NRC staff verified that procedure SGRE Revision 16, "Steam Generator Management Reference," was revised.

The NRC staff found as part of relief request N-716, dated June 21, 2012 (ADAMS Accession No. ML121320552), that the licensee made a commitment to perform a modification that would limit the postulated maximum fire protection break flow rate in the Control Building, and thus reduce the flood risk from the Fire Protection pipe segments to less than 1 E-06/yr. The NRC staff verified that the modification package, EC-272184, "Fire Protection Piping Restriction Orifice," was completed.

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. The audit did not reveal any misapplied commitments.

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

A review of all the licensing actions since December 2010 did not reveal any misapplied commitments.

3.0 CONCLUSION

The NRC staff concludes that, based on the above audit: (1) the licensee had implemented or is tracking for future implementation regulatory commitments; and (2) the licensee had implemented an acceptable program to manage regulatory commitment changes.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

- Michael Ossing
- Victoria Brown
- Paul Willoughby

Principal Contributor: John G. Lamb

Date: January 4, 2014

Attachment:
Summary of Audit Results

TABLE – SUMMARY OF AUDIT RESULTS

LIST OF DOCUMENTS REVIEWED

Item	Source	Commitment	Timeframe	Comments
1	Action Request (AR) 00200249 – Delta Protection Air Suit - 6/25/09	Contained in Attachment 2 of the letter dated April 28, 2009 (ML091200065).	Complete. 03/31/11	Completed. Procedures HD0965.07 and HD0965.12 were revised.
2	AR 00200907 – Generic Letter (GL) 2004-02 – 0706/09	Tracking development and submittal of responses to NRC request for additional information (RAI).	Complete. 06/06/11	None.
3	AR 00204720 – Limited Steam Generator (SG) Tube Inspections – 09/04/09	See 28 below.	Complete. 10/28/09	See 28 below.
4	AR 00217436 – Nuclear Energy Institute (NEI) Emergency Preparedness (EP)/ Security Task Force – 02/23/10	Incorporate the final recommendations from the NEI EP/Security Task Force after endorsement by the NRC and Federal Emergency Management Agency.	Complete. 07/20/11	None.
5	AR 00222456 – Procedures for Containment Enclosure Emergency Air Cleanup System (CEEACS) License Amendment Request (LAR) 10-02 – 05/03/10	Tracking procedures describing compensatory measures.	Complete. 12/07/10	See 33 below.
6	AR 00223189 – Procedures for comp measure for CEEACS LAR 10-02 – 05/13/10	NextEra will have written procedures available describing compensatory measures.	Complete. 09/08/10	See 33 below.
7	AR 00574412 – Submit report of 10 CFR 72.48 evaluations – 08/19/10	Submit report of 10 CFR 72.48 evaluations.	Complete. 08/17/12	None.
8	AR 00581380 – Supplement Cyber	NextEra will supplement its Cyber Security Plan.	Complete. 01/10/11	See 24 below.

TABLE – SUMMARY OF AUDIT RESULTS

LIST OF DOCUMENTS REVIEWED

Item	Source	Commitment	Timeframe	Comments
	Security Plan – 09/22/10			
9	AR 00593745 – Complete ultrasonic testing (UT) pre-service exam – 11/09/10	NextEra commits to perform complete UT pre-service examination of the subject outlet nozzle to safe end dissimilar metal butt weld in OR14.	Complete. 05/10/11	None.
10	AR 00593752 – Submit revised cyber Security Plan – 11/09/10	NextEra will supplement its Cyber Security Plan.	Complete. 01/10/11	See 24 below.
11	AR 01647856 – 2012 Annual Reports required by tech specs – 05/03/11	Track the 2012 annual reports required by tech spec.	Complete. 01/18/13	None.
12	AR 01670232 – Submit Annual 10 CFR 50.46 Report – 07/19/11	Submit the annual 10 CFR 50.46 report.	Complete. 07/17/12	None.
13	AR 01670233 – Submittal of the Annual material Status Report – 07/19/11	Submittal of the Annual Material Status Report required by 10 CFR 74.13.	Complete. 07/17/12	None.
14	AR 01705298 – Submittal of the Post OR15 Reports – 11/10/11	Submittal of the Post OR15 Reports.	Complete. 01/29/13	None.
15	AR 01708790 – Submittal of the 50.59 Report and Updated Final Safety Analysis Report (UFSAR) – 11/21/11	Submittal of the 50.59 Report and UFSAR.	Complete. 04/29/13	None.
16	AR 01718010 – Issue Control Room Command Function Directive – 12/20/11	Issue Control Room Command Function Directive for 2013.	Complete. 12/18/12	None.
17	AR 01751164 – SG	See 28 below.	Complete.	See 28 below.

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LIST OF DOCUMENTS REVIEWED

Item	Source	Commitment	Timeframe	Comments
	Tube Slip Monitoring – 04/12/12		10/26/12	
18	AR 01760072 – Submit 10 CFR 50.75(g) Decommissioning Records – 04/16/12	Perform required annual review in accordance with 10 CFR 50.75(g).	Complete. 02/04/13	None.
19	AR 01818046 – EP 95001 Inspection Milestones – 10/30/12	Track the milestones and due dates for the EP white finding 95001 inspection.	Complete. 01/09/13	None.
20	AR 01818057 – Component Design Basis Inspection (CDBI) milestones – 10/30/12	Track the milestones and due dates for the NRC CDBI inspection.	Complete. 03/11/13	None.
21	AR 01857811 – Submit Candidates for General Fundamentals Exam (GFE) – 03/19/13	Track submittal letter to register candidates for GFE.	Complete. 04/29/13	None.
22	Amendment – Relocate TS 3.8.4.1 Class 1E Power Sources – ML110840188 – 04/29/11	No commitments.	N/A	None.
23	Amendment – Remove TS 3.4.10 Structural Integrity – ML111250388 – 08/22/11	No commitments.	N/A	None.
24	Amendment – Cyber Security Plan – ML112070048 – 08/23/11	There is no commitment; there is a license condition.	Complete.	None.
25	Amendment – Containment Spray Nozzle – ML113260577 - 01/30/12	No commitments.	N/A	None.

TABLE – SUMMARY OF AUDIT RESULTS

LIST OF DOCUMENTS REVIEWED

Item	Source	Commitment	Timeframe	Comments
26	Amendment – Leakage Detection Instrumentation – ML120030271 - 02/23/12	No commitments.	N/A	None.
27	Amendment – Remove TS 3.3.3.5 Remote Shutdown – ML113620228 - 02/28/13	No commitments.	N/A	None.
28	Amendment – H*Program TS 6.7.6.k – ML12178A537 – 09/10/12	The licensee committed in letter dated April 10, 2012, to monitor for tube slippage as part of the SG inspection program. Under the license amendment, TS 6.8.1.7.k will require that the results of slippage monitoring be included as part of the 180-day report, which is required by TS 6.8.1.7. In addition, TS 6.8.1.7.k requires that should slippage be discovered, the implications of the discovery and corrective action shall be included in the report. The NRC staff found that slippage is not expected to occur for the reasons discussed in the safety evaluation. In the unexpected event it should occur, it will be important to understand why it occurred so that the need for corrective action can be evaluated. The NRC staff concluded the commitment to monitor for slippage and the accompanying reporting requirements were acceptable.	The licensee revised the “Steam Generator Management Reference,” SGRE Revision 16.	This commitment is not part of the Seabrook license, which is consistent with the fact that details of how condition monitoring and operational assessments are performed are generally not included as part of the operating license, including the technical specifications. Extensive industry guidance on conducting condition monitoring and operational assessments is available as part of the industry NEI 97-06 initiative (Agencywide Documents and Access Management System Accession No. ML111310708). The above commitment

TABLE – SUMMARY OF AUDIT RESULTS

LIST OF DOCUMENTS REVIEWED

Item	Source	Commitment	Timeframe	Comments
				ensures that plant procedures address the above leakage factor issue as they do industry guidelines.
29	Amendment – Cyber Security – ML12237A094 - 11/02/12	There is no commitment; there is a license condition.		
30	Amendment – EP Emergency Action Level Changes – ML12332A301 – 01/31/13	No commitments.	N/A	None.
31	Amendment – Reactor Coolant Pump Flywheel – ML13028A146 – 04/04/13	No commitments.	N/A	None.
32	Amendment – Reactor Coolant System Pressure Temperature Setpoints – ML120820510 – 04/15/13	No commitments.	N/A	None.
33	Amendment CEEACS – ML113000063 4/23/13	No commitments.	N/A	None.
34	Amendment – Administrative Changes – ML13074A760 – 06/17/13	No commitments.	N/A	None.
35	Relief Request N-716 – ML121320552 – 06/21/12	NextEra internal flood risk assessment SSPSS-2011 identified that 4" and 6" diameter Fire Protection piping segments located in the Control Building stairwell contributed greater than 1 E-06/yr to the core damage frequency. Therefore, NextEra is	Complete in accordance with modification	As discussed in Section 4 of the submittal, and Section 3.8 of this Safety Evaluation, the RIS_B

TABLE – SUMMARY OF AUDIT RESULTS

LIST OF DOCUMENTS REVIEWED

Item	Source	Commitment	Timeframe	Comments
		committing to a prudent risk management measure to reduce the Fire Protection flooding risk in the Control Building. The modification will limit the postulated maximum fire protection break flow rate in the Control Building, and thus reduce the flood risk from the Fire Protection pipe segments to less than 1 E-06/yr. These fire protection piping segments are, therefore, not included in the RIS_B scope. This modification will be completed prior to implementation of risk-informed inservice inspections.	package, EC-272184, "Fire Protection Piping Restriction Orifice."	program is a living program. Changes to the facility or to the Probabilistic Risk Assessment are expected to occur and the licensees periodically review these changes to ensure the appropriate identification of High Safety Significant piping locations. The NRC staff agrees that a modification to limit the postulated maximum fire protection break flow rate is a prudent risk management measure. The licensee's commitment management program provides sufficient control over the related commitment to perform this modification.
36	Relief Request – 2IR-17 – ML12144A240 – 06/04/12	No commitments.	N/A	None.
37	Relief Request – 2IR-18 ML12144A435 – 06/04/12	No commitments.	N/A	None.
38	Relief Request – 2IR-19 – ML12145A048 – 06/04/12	No commitments.	N/A	None.
39	Relief Request - 2IR-20	No commitments.	N/A	None.

TABLE – SUMMARY OF AUDIT RESULTS

LIST OF DOCUMENTS REVIEWED

Item	Source	Commitment	Timeframe	Comments
	– ML12145A170 – 06/04/12			
40	Relief Request – 3IR2 – ML120860397 – 06/28/12	No commitments.	N/A	None.
41	Relief Request – 3IR1 – ML120880245 – 06/27/12	No commitments.	N/A	None.
42	Relief Request – N-729- 1 – ML120820333 – 06/26/12	No commitments.	N/A	None.
43	Relief Request – 3IR3 – ML120740580 – 03/29/12	No commitments.	N/A	None.
44	Relief Request – Alternative ASME Section XI – ML12185A069 – 01/14/13	No commitments.	N/A	None.

K. Walsh

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Details of the audit are set forth in the enclosed audit report.

Sincerely,

/ra/

John G. Lamb, Acting Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-443

Enclosure:
Audit Report

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