



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

April 11, 2014

John Dent, Jr.
Site Vice President
Entergy Nuclear Operations, Inc.
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360

**SUBJECT PILGRIM NUCLEAR POWER STATION - AUDIT OF THE LICENSEE'S
MANAGEMENT OF REGULATORY COMMITMENTS (TAC NO. MF3117)**

Dear Sir or Madam:

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," Revision 0 contains acceptable guidance for controlling regulatory commitments. The 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 that regulatory commitments are being effectively implemented.


An audit of the Pilgrim Nuclear Power Station (Pilgrim) commitment management program was performed at Pilgrim during the period December 10 – 11, 2013. Details of the audit are set forth in the enclosed audit report. Based on the results of the audit, the NRC staff has concluded that the Entergy Nuclear Operations, Inc. staff has implemented NRC commitments on a timely basis and has established a procedure for managing NRC commitment changes, based on NEI 99-04 guidance.

J. Dent, Jr.

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If you have any questions regarding this issue, please contact me at (301) 415-1016.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nadiyah S. Morgan', is written over a faint, circular official stamp.

Nadiyah S. Morgan, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-293

Enclosure:
As stated

cc w/encl & attachment: Distribution via Listserv



UNITED STATES
NUCLEAR REGULATORY COMMISSION
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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

PILGRIM NUCLEAR POWER STATION

DOCKET NO. 50-293

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," Revision 0 contains acceptable guidance for controlling regulatory commitments. The 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 describes a "regulatory commitment" as an explicit statement to take a specific action agreed to, or volunteered by, a licensee by a certain date 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 that regulatory commitments are being effectively implemented. An audit of the Pilgrim Nuclear Power Station (Pilgrim) commitment management program was performed at Pilgrim during the period December 10 – 11, 2013. The audit reviewed commitments made since the previous audit during the period December 14 – 15, 2010.

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 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 the Agencywide Document 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 and Technical Specifications. Fulfillment of these commitments was indicated by the licensee having taken timely action in accordance with the subject requirements.

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 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.

2.1.2 Audit Results

The attached Audit Summary provides details of the audit and its results. The NRC staff found that Entergy Nuclear Operations, Inc. (Entergy, the licensee) has implemented the sample of commitments made to the NRC, as part of past licensing actions and activities. The commitments were implemented in a manner that satisfied both the action committed to and the overall intent of the commitment.

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. This portion of the audit also compares the licensee's administrative controls to the guidance in NEI 99-04 and assesses the licensee's implementation of its administrative controls.

2.2.1 Audit Results

The administrative controls used at Pilgrim are contained in Entergy's Procedure, EN-LI-110, Revision 6, "Commitment Management Program." The NRC staff found that the licensee's procedure fully implements the guidance in NEI 99-04.

The licensee did not modify or delete any commitments made to the NRC. Therefore, the NRC staff was not able to evaluate the licensee's effectiveness in implementing its procedure, EN-LI-110 for managing NRC commitment changes.

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 NRC staff did not find 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 the facility since the last audit were identified. These documents were evaluated to determine if they contained any misapplied commitments as described above.

The NRC staff did not find any misapplied commitments in the license amendment, exemption, or relief request safety evaluations that have been issued for Pilgrim since the last audit.

3.0 CONCLUSION

Based on the results of the audit, the NRC staff has concluded that the licensee's staff has implemented NRC commitments on a timely basis and has established a procedure for managing NRC commitment changes, based on NEI 99-04 guidance.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Walt Lobo
Bob Byrne

Principal Contributors: Nadiyah Morgan
Ben Beasley

Date: April 11, 2014

AUDIT SUMMARY

IMPLEMENTATION OF COMMITMENTS:

The NRC staff used Entergy's procedures, EN-LI-110, Revision 6, Commitment Management Program and EN-LI-106, Revision 12, NRC Correspondence to evaluate the management and implementation of the following commitments.

CA – Condition Action
 CR – Condition Report
 IAS – Integrated Asset Suite
 LCO – Limiting Condition of Operation
 PCRS – Paperless Condition Reporting System

| Commitment | Documents Reviewed |
|---|---|
| By letter dated August 12, 2013, the licensee committed to implement Attachments 1 and 2 of the Order EA-13-132, regarding security measures and fingerprinting for unescorted access at Pilgrim independent spent fuel storage installation. | <ul style="list-style-type: none"> PCRS printout: Condition Report LR-LAR-2013-00227, CA Number 1 and 2 |
| By letter dated April 29, 2013, the licensee committed to respond to the NRC Title 10 of the <i>Code of Federal Regulations</i> 50.54(f) Request for Information Letter regarding Recommendations 2.1, 2.3, and 9.3, of the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident. | <ul style="list-style-type: none"> PCRS printout: LR-LAR-2012-118, CA Number 33 NEI April 9, 2013 Proposed Path Forward for NTTF Recommendation 2.1: Seismic Reevaluations Letter |
| By letter dated April 10, 2013, the licensee committed to withdraw Relief Request PRR-10 (Code Case N-578) 90 days after the approval of Code Case N-716. | <ul style="list-style-type: none"> PCRS printout: CR/CA LR-LAR-2013-00311, CA Number 2 |
| By letter dated November 27, 2012, the licensee committed to perform walkdowns for equipment that could not be inspected as identified in Section 6.3 of its Seismic Walkdown Report by May 31, 2013. | <ul style="list-style-type: none"> PCRS printout: LR-LAR-2012-00118, CA Number 24 Attachments J and K of the Seismic Walkdown Report, PNPS-CS-12-00001, Revision 1 |
| By letter dated November 27, 2012, the licensee committed to submit an updated Seismic Walkdown Report by August 30, 2013. | <ul style="list-style-type: none"> PCRS printout: LR-LAR-2012-00118, CA Number 25 Seismic Walkdown Report, PNPS-CS-12-00001, Revision 1 |
| By letter dated November 27, 2012, the licensee committed to resolve the potentially adverse seismic conditions as identified in Section 8.2 of its Seismic Walkdown Report by November 30, 2013. | <ul style="list-style-type: none"> PCRS printout: LR-LAR-2012-00118, CA Number 26 Attachment E of PNPS-CS-12-0001, Revision 1 |
| By letter dated September 24, 2012, the licensee committed to implement an alternative testing | <ul style="list-style-type: none"> Work Order 52516257 – Open IAS printout/log sheet: PMID |

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|---|--|
| program, identified in Attachment 1 of the letter for valve, MO-1001-29A, as a continuing compliance. | 50075448, Request #8 |
| By letter dated August 3, 2012, the licensee committed to provide an update on the special report regarding the inoperability of the Reactor Building Vent Radiation Monitor, RI-1001-609/RR-1001-608, by August 17, 2012, if the instrument was not restored to operable status. | <ul style="list-style-type: none"> • PCRS printout: CR-PNP-2012-03120 • LCO-1-ACT-12-0095 • Work Order 00322149 • Entergy Procedure EN-MA-118, "Foreign Material Exclusion" Pre-Job Briefing Checklist, Revision 9 • Pilgrim Procedure 3.M.2-19, "High Range Effluent Monitor Calibration," Revision 23 • Entergy Procedure EN-HU-102, "Human Performance Traps and Tools" Pre-Job Briefing Checklist, Revision 11 |
| By letter dated April 4, 2011, the licensee committed to implement its Cyber Security Plan for all safety, security, and emergency preparedness functions by December 15, 2014. | <ul style="list-style-type: none"> • PCRS printout: LR-LAR-2010-00290, CA Number: 11 |
| By letter dated February 15, 2011, the licensee committed to revise Section 4.3, "Defense-In-Depth Protective Strategies," of the Pilgrim Cyber Security Plan in accordance with its RAI responses by a date to be determined. | <ul style="list-style-type: none"> • Closeout letter No. 2.11.026 dated April 4, 2011 • Section 4.3, "Defense-In-Depth Protective Strategies," of the Pilgrim Cyber Security Plan |

MANAGEMENT OF CHANGES TO REGULATORY COMMITMENTS:

The licensee did not modify or delete any commitments made to the NRC.

J. Dent, Jr.

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If you have any questions regarding this issue, please contact me at (301) 415-1016.

Sincerely,

/ra/

Nadiyah S. Morgan, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
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