



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

July 28, 2015

Mr. Eric A. Larson, Site Vice President
FirstEnergy Nuclear Operating Company
Beaver Valley Power Station
Mail Stop A-BV-SEB1
P.O. Box 4, Route 168
Shippingport, PA 15077

SUBJECT BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2 - AUDIT OF THE
LICENSEE'S MANAGEMENT OF REGULATORY COMMITMENTS (TAC
NOS. MF6157 AND MF6158)

Dear Mr. Larson:

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 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML003741774), that the Nuclear Energy Institute (NEI) document NEI 99-04, "Guidelines for Managing NRC Commitment Changes" (ADAMS Accession No. ML003680088), 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 licensee commitment management programs once every 3 years to determine whether the licensee programs are consistent with the industry guidance in NEI 99-04 and that those regulatory commitments are being effectively implemented.

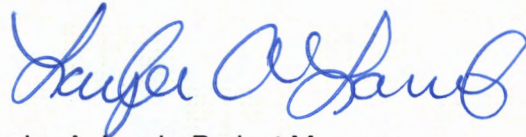
An audit of Beaver Valley Power Station, Unit Nos. 1 and 2, commitment management program was performed onsite during the period of July 7 - 8, 2015. Based on the audit, the NRC staff concludes that FirstEnergy Nuclear Operating Company has (1) implemented NRC commitments on a timely basis, and (2) implemented an effective program for managing NRC commitment changes. Details of the audit are set forth in the enclosed audit report.

E. Larson

- 2 -

If you have questions or concerns, please contact me at (301) 415-7128 or Taylor.Lamb@nrc.gov.

Sincerely,



Taylor A. Lamb, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-334 and 50-412

Enclosure:
NRC Audit Report

cc w/enclosure: Distribution via Listserv

E. Larson

-2-

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Sincerely,

/RA/

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UNITED STATES
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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2

DOCKET NOS. 50-334 AND 50-412

1.0 INTRODUCTION AND BACKGROUND

The U.S. Nuclear Regulatory Commission (NRC) informed the licensees in 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), that the Nuclear Energy Institute (NEI) document NEI 99-04, "Guidelines for Managing NRC Commitment Changes" (ADAMS Accession No. ML003680088), 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 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 licensee commitment management programs once every 3 years to determine whether the licensee programs are consistent with the industry guidance in NEI 99-04 and that those regulatory commitments are being effectively implemented. An audit of Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and 2), commitment management program was performed onsite during the period of July 7 - 8, 2015. The audit reviewed commitments made since the previous audit during the period of March 21 - 22, 2012.

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 (e.g., amendments, reliefs, exemptions) and activities (e.g., bulletins, generic letters).

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, and (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 (e.g., amendments, exemptions) or licensing activities (e.g., bulletins, generic letters). 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., response 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 attached audit summary provides details of the audit and its results. The NRC staff found that Nuclear Operating Business Practice (NOBP)-LP-4004, "FENOC [FirstEnergy Nuclear Operating Company] Regulatory Commitment Management Program," Revision 00, acceptably implements the NEI-99-04 guidelines and that the BVPS staff is generally following the guidance of NOBP-LP-4004.

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 BVPS-1 and BVPS-2 is contained in NOBP-LP-4004, Revision 00. The audit reviewed a commitment change that will not be reported to the NRC (Item No. 4 in attached Audit Summary table). 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.

During the audit one inconsistency was noted. A note in the change process used in NOBP-LP-4004, Revision 00, states, in part, that, "Regulatory commitments with due dates specified in docketed correspondence may not be changed without prior NRC notification. The responsible section is required to complete the committed activity before the specified due date."

Contrary to the above, the licensee did not provide prior NRC notification with one of the docketed commitments. Furthermore, form NOBP-LP-4004-02, Revision 00, "Request to Change Commitment Tracking Item," does not include a provision that requires prior notification to the NRC when changing the due date of a commitment that was specified in docketed correspondence as stated in the note outlined above. This inconsistency could cause a commitment change to be reported to the NRC when not required by the commitment change form. However, the licensee's commitment procedure and form still follow the NEI guidance. Additionally, procedure Normal Operating Procedure-SS-3007, "General Skill Reference," step 4.5.3 states, in part, "A note is used to present advisory or administrative information useful for performance of the subsequent step(s)."

The licensee explained that the note located in procedure NOBP-LP-4004 is provided for advisory and administrative information, as outlined in the statement above, and does not represent an inconsistency. Further, the NRC staff noted that if the note was followed in place of form NOBP-LP-4004-02, this would require a conservative report to the NRC. This issue was brought to the licensee's attention and the licensee has entered the issue into its procedure change system to modify the note. As such, the NRC staff has no further comments on the issue.

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 that NOBP-LP-4004 acceptably implements the NEI-99-04 guidelines pertaining to commitment changes. The BVPS staff is generally following the guidance of NOBP-LP-4004 in regard to 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 (SE) 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 sampled were reviewed to determine if any had been misapplied. The NRC staff found that BVPS-1 and BVPS-2 acceptably implemented NOBP-LP-4004 and had no misapplied commitments.

2.3.1 Review of the 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 SEs, exemptions, and relief request SEs 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. The NRC staff found that BVPS-1 and BVPS-2 acceptably implemented the NOBP-LP-4004 and had no misapplied commitments in any of the license amendment SEs, exemptions, and relief request SEs that have been issued for a facility since the last audit.

3.0 CONCLUSION

Based on the above, the NRC staff concludes that (1) BVPS-1 and BVPS-2 have implemented NRC commitments on a timely basis, and (2) BVPS-1 and BVPS-2 have implemented an effective program to manage regulatory commitment changes.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Phil Lashley
Kathleen Nevins

Principal Contributors: T. Lamb
J. Whited

Date: July 28, 2015

Attachment:
Audit Summary

AUDIT SUMMARY

Item No.	Licensee Submittal (ADAMS Acc. No.)	Subject	Commitment (Licensee Tracking No.)	Commitment Status / Audit Results
1	August 17, 2005 (ML052350256)	Submit revised Emergency Plan to include terrorist-based event drills	Within 6 months following NRC and Federal Emergency Management Agency endorsement of the new evaluated exercise process, the Emergency Plan will be revised to include provisions for drills and exercises using terrorist-based-events. Standard post-drill/exercise critique processes will be followed for security- based drills during the implementation phase. (BV-L-05-136-06)	Closed Due Date/Closed Date: 5/17/2012 and 5/15/2012 No issues.
2	June 29, 2011 (ML1111800765)	Submit license amendment request (LAR) to implement Title 10 of the <i>Code of Federal Regulations</i> (10 CFR) 50.48(c)	FENOC will submit the application for license amendment to implement 10 CFR 50.48(c) at BVPS-1 and 2 on before September 30, 2012. (BV-L-11-106-01)	Closed Due Date/Closed Date: 9/30/2012 and 9/21/2012 No issues.
3	August 29, 2012 (ML12243A245)	Submit LAR to implement 10 CFR 50.48(c)	FENOC will submit the application for license amendment to implement 10 CFR 50.48(c) at BVPS-1 and 2 on before December 31, 2013.	Closed Due Date/Closed Date: 12/31/2013 and 12/30/2013 No issues.
4	May 16, 2013 (ML13136A144)	Replace or modify insulation for BVPS-1 pressurizer safety relief valve inlet lines.	Insulation for the BVPS-1 pressurizer safety relief valve inlet lines will be replaced or modified as appropriate if it is determined that the Pressurized- Water Reactor Owners Group (PWROG) in-vessel effects testing effort does not support closure of Generic Safety Issue 191 and Generic Letter 2004-02 for BVPS-1. (BV-L-13-176-02)	Open/Changed Due Date: End of the refueling outage in the spring of 2018, if needed. (Original commitment date was fall of 2016.) No issues.

5	May 16, 2013 (ML13136A144)	Provide final Generic Letter 2004-02 supplemental response for BVPS-1.	The final Generic Letter 2004-02 supplemental response for BVPS-1 will be provided to the NRC. (BV-L-13-176-03)	Open Due Date: 12/12/2016 No issues.
6	May 16, 2013 (ML13136A144)	Emergency Operating Procedures (EOPs) will be revised to use guidance from the PWROG for BVPS-1.	The BVPS-I emergency operating procedures will be revised using recent guidance from the PWROG to implement early switchover to hot leg recirculation should plant parameters indicate that core blockage is occurring. This action will be taken prior to transfer to the existing "Response to Degraded Core Cooling" procedure. Appropriate operator training will be completed to address this emergency operating procedure revision prior to implementation. (BV-L-13-176-05)	Closed Due Date/Closed Date: 11/15/2013 and 11/13/2013 No issues.
7	May 16, 2013 (ML13136A144)	Provide final Generic Letter 2004-02 supplemental response for BVPS-2.	The final Generic Letter 2004-02 supplemental response for BVPS-2 will be provided to the NRC. (BV-L-13-176-06)	Open Due Date: 12/12/2016 No issues.
8	May 16, 2013 (ML13136A144)	Emergency Operating Procedures (EOPs) will be revised to use guidance from the PWROG for BVPS-2.	The BVPS-I emergency operating procedures will be revised using recent guidance from the PWROG to implement early switchover to hot leg recirculation should plant parameters indicate that core blockage is occurring. This action will be taken prior to transfer to the existing "Response to Degraded Core Cooling" procedure. Appropriate operator training will be completed to address this emergency operating procedure revision prior to implementation. (BV-L-13-176-08)	Closed Due Date/Closed Date: 11/15/2013 and 11/13/2013 No issues.