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1. PURPOSE

Effective management of commitments made to the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) for the Idaho Cleanup Project’s (ICP) Fort St. Vrain (FSV) and Three Mile Island Unit 2 (TMI-2) Independent Spent Fuel Storage Installations (ISFSI), and the Idaho Spent Fuel Facility (ISFF) includes the identification, maintenance, and closure of commitments. Due to the large amount of correspondence between the Department of Energy, Idaho Operations Office (DOE-ID) and the NRC, as well as the ICP, it is necessary to establish guidelines to aid in the consistent management of this information.

2. SCOPE

This procedure applies to the ISFSI Management department and the administration of NRC and DOE commitments for the FSV and TMI-2 ISFSIs and the ISFF.

3. RESPONSIBILITIES

Performer	Responsibilities
Manager, ISFSI Management	Effective management of NRC and DOE commitments.
Issues Management Coordinator	Implementation of the requirements of this procedure as delegated by the Manager, ISFSI Management.
ISFSI Managers	Maintenance of ISFSI commitment matrices.

4. INSTRUCTIONS

4.1 Identifying NRC Commitments

NOTE 1: *NRC correspondence is normally transmitted by the DOE-ID Facility Director or DOE-ID Licensing Manager to the ISFSI Management department.*

NOTE 2: *A previously unknown commitment that is discovered during the course of the license period is to be processed as if it is a new commitment.*

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- 4.1.1 Upon receipt or submittal of *NRC correspondence* (see def.) or upon revision of a license basis document, review the documents to identify new commitments.
- 4.1.1.1 Carefully review the documents for statements of action to ensure that implicit or explicit re-statements of regulatory commitments are accurate, and that verbal or written communications have not been misconstrued.
- 4.1.1.2 Promptly correct inaccurate statements of actions by written notification to DOE for submittal to NRC.

NOTE: *If a commitment needs to be changed, refer to NEI 99-04, Guidelines for Managing NRC Commitment Changes (July 1999). Possible justifications for changes in commitments can include: revisions to source documents, no longer applicable due to facility changes, no longer applicable due to regulatory requirements changes, need modification or clarification to be effective, or determined non-beneficial to facility effectiveness and safety. Factors that may be considered in changes to commitments include: the safety significance of the original concern, cost benefit, and DOE and NRC acceptability.*

- 4.1.1.3 Request through DOE NRC notification and approval for a change in any commitment made to the NRC.

NOTE: *The NRC Open Items List is maintained for commitments that are identified in correspondence to or from NRC. The NRC Open Items List identifies the statement of commitment, correspondence, a cross reference to the corrective action tracking system, a due date, and a list of documents used as objective evidence of closure.*

- 4.1.2 Identify and record statements of commitments contained in the document and add the open item(s) to the NRC Open Items List.

NOTE 1: *Commitments requiring corrective actions are usually contained in Event Reports and Responses to Notices of Violations (NOV). These commitments are always documented in the NRC Open Items List.*

NOTE 2: *The necessity of commitments that are related to minimizing recurrence of adverse conditions should be periodically reviewed to determine if the commitment is still needed. The criteria for making this determination include:*

- *The committed corrective action is successful in minimizing recurrence of the condition*

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- *Is there a more effective way to minimize recurrence of the condition other than the method selected*
- *The commitment is no longer necessary due to changing conditions at the plant*
- *The commitment may not be necessary to minimize the potential for future non-compliance in hindsight and based on experience*
- *The commitment has been subsequently captured as part of an on-going program or other administrative control that is subject to a revision review process.*

4.1.3 For those commitments requiring or involving corrective actions, either transcribe the commitment accurately in the company's corrective action tracking system, or ensure consistency with entries already in the company's corrective action tracking system. Use the company's corrective action tracking system identifier as a cross-reference in the NRC Open Items List.

4.1.4 Search the NRC Open Items List and the commitment matrices to determine if there are any pre-existing commitments affected by the new corrective actions.

4.1.5 If a pre-existing commitment exists, then resolve any conflicts between the commitments.

4.1.6 Determine the date the commitment is due for closure or periodic action.

4.2 Closing NRC Open Items

4.2.1 As commitments requiring corrective actions are tracked to closure, ensure consistency between the NRC correspondence and the company's corrective action tracking system (including event or condition description, cause, corrective actions, and due dates).

4.2.2 Document all commitment change requests and their justifications to the DOE-ID Facility Director.

NOTE: *ISFSI Management maintains the files to facilitate the review for closure of NRC commitments.*

4.2.3 Compile *objective evidence* (see def.) of the completion of all corrective actions and update the NRC Open Items List.

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- 4.2.4 For commitments on the NRC Open Items List incorporated into an ISFSI Commitment Matrix, update the NRC Open Items List to show closure (transfer) of the open item.
- 4.2.5 Upon closure of corrective actions in the company's corrective action tracking system change the status of the commitment to closed.
- 4.2.6 Upon acceptance by the NRC (as documented in an inspection report or other NRC correspondence), if appropriate, move closed commitments to the historical commitment file.

4.3 Managing DOE Audit Findings

NOTE 1: *DOE correspondence that contains audit findings requiring corrective action is normally transmitted by the DOE-ID Facility Director to the ISFSI Management department.*

NOTE 2: *An extent of conditions is to be performed for all NRC licensed facility deficiency reports in accordance with QARD 16.2.3.*

- 4.3.1 Upon receipt of a DOE audit finding, document the finding in the Issue Communication and Resolution Environment (ICARE) system.
 - 4.3.1.1 Add the ICARE and DOE Audit Finding information to the ISFSI ICARE Report and update this report as needed to reflect the current status of the ICARE and DOE Finding.
- 4.3.2 If requested by DOE in a formal Deficiency Report/Corrective Action Request (DR/CAR), assist responsible management in the generation and submittal of a DR/CAR response with a proposed corrective action for the finding back to DOE. The DR/CAR response is to be submitted by the requested due date. If the proposed corrective action is rejected, then revise and resubmit as necessary until approval is granted.
- 4.3.3 Within thirty days after entering the finding into ICARE, enter the corrective action plan into ICARE and obtain internal concurrence as necessary. Modify the Deficiency Report in ICARE as necessary to ensure consistency with the corrective action plan approved by DOE.
- 4.3.4 If for any reason the corrective action in ICARE changes from the DR/CAR response approved by DOE, then submit a revised DR/CAR response to DOE as necessary for approval.
- 4.3.5 Upon completion of all assigned corrective actions, compile all applicable objective evidence and obtain internal verification. If rejected, make necessary adjustments until internal verification is obtained.

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- 4.3.6 Once internal verification of corrective action is complete and the ICARE is closed, notify DOE in writing of the completion of corrective actions and request written verification of closure.

5. RECORDS

NOTE 1: [MCP-557, "Records Management,"](#) the [INL Records Schedule Matrix](#), and associated NRC [record types list](#) provide current information on the storage, turnover, and retention requirements for these records.

NOTE 2: Commitments on the NRC Open Items List that are tracked as ICARE Issues and Workgroup Tasks are sent to the NRC Records Center in accordance with the [Records Schedule Matrix](#). A copy of the NRC Open Items List containing a list of commitments from the NRC will be sent to the Records Center on an annual basis.

NOTE 3: DOE Audit Finding closure packages containing the ICARE and objective evidence supporting closure are sent to the NRC Records Center in accordance with the [Records Schedule Matrix](#).

Correspondence (refer to definition), and/or response thereto, that contains commitments

6. DEFINITIONS

Closed Commitment. A commitment in which all actions are completed and objective evidence of action completion has been placed in the Regulatory Compliance files.

Commitment Categories. Commitments are categorized as 1) active, 2) ongoing, 3) closed, and 4) historical. Ongoing commitments such as a Technical Specifications or Safety Analysis Report commitments may need to be maintained for the life of the license, whereas, an interim or active commitment such as contained in a Response to a Notice of Violation can be a one time action, which upon completion can be closed. Following NRC closure, it can be classified as a historical commitment.

DOE Commitment. An explicit statement to take a specific action agreed to, or volunteered by the M&O contractor, that has been submitted in writing either in response to a Corrective Action Request or audit finding.

Historical Commitment. A commitment that is closed and for which no further action is required.

NRC Commitment. An explicit statement to take a specific action agreed to, or volunteered by the DOE that has been submitted on the docket to the NRC, in writing, by designated DOE management, or in practical terms, a docketed obligation that establishes requirements to be implemented or actions to be performed.

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Correspondence. Docketed source documents which may include, but not necessarily be limited to:

- Inspection Reports
- Responses to Notices of Violations
- Licensee Event Reports (LER)
- License Amendments
- Generic Letters, Bulletins, and Responses
- Summaries of Enforcement Conferences
- Safety Analysis Report Revision
- Relief or Exemption Requests.
- DOE letters that contain NRC commitments
- ICP letters that contain NRC commitments

Objective Evidence. Documentation that demonstrates the completion of corrective actions that implements a commitment. RC maintains object evidence files. Duplicate files are maintained for Fort St. Vrain (FSV) at the FSV facility. These files are not official records but working files to facilitate NRC inspection and closure of NRC open items.

Verbal Commitment. The policy of personnel making verbal statements to NRC without proper authority is not considered a legal obligation. This statement holds true for NRC entrance or exit meetings; however, statements made to inspectors or other NRC personnel can be documented in an inspection report or other NRC correspondence. Also, verbal commitments communicated to the NRC during discretionary enforcement situations do constitute a legal obligation, and must be recorded and implemented.

7. APPENDIXES

None