

February 20, 2001

The Honorable Ted Stevens, Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the U.S. Nuclear Regulatory Commission (NRC) in response to recommendations contained in various General Accounting Office reports that address NRC activities. This summary, which is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970," describes the progress made in addressing the recommendations since our last summary report of March 2, 2000.

Sincerely,

/RA/

Richard A. Meserve

Enclosure:
Summary of NRC Actions

cc: Senator Robert C. Byrd

February 20, 2001

The Honorable Fred Thompson, Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the U.S. Nuclear Regulatory Commission (NRC) in response to recommendations contained in various General Accounting Office reports that address NRC activities. This summary, which is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970," describes the progress made in addressing the recommendations since our last summary report of March 2, 2000.

Sincerely,

/RA/

Richard A. Meserve

Enclosure:
Summary of NRC Actions

cc: Senator Joseph I. Lieberman

February 20, 2001

The Honorable C.W. Bill Young, Chairman
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the U.S. Nuclear Regulatory Commission (NRC) in response to recommendations contained in various General Accounting Office reports that address NRC activities. This summary, which is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970," describes the progress made in addressing the recommendations since our last summary report of March 2, 2000.

Sincerely,

/RA/

Richard A. Meserve

Enclosure:
Summary of NRC Actions

cc: Representative David Obey

February 20, 2001

The Honorable Dan Burton, Chairman
Committee on Government Reform
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the U.S. Nuclear Regulatory Commission (NRC) in response to recommendations contained in various General Accounting Office reports that address NRC activities. This summary, which is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970," describes the progress made in addressing the recommendations since our last summary report of March 2, 2000.

Sincerely,

/RA/

Richard A. Meserve

Enclosure:
Summary of NRC Actions

cc: Representative Henry Waxman

February 20, 2001

The Honorable George V. Voinovich, Chairman
Subcommittee on Clean Air, Wetlands,
Private Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the U.S. Nuclear Regulatory Commission (NRC) in response to recommendations contained in various General Accounting Office reports that address NRC activities. This summary, which is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970," describes the progress made in addressing the recommendations since our last summary report of March 2, 2000.

Sincerely,

/RA/

Richard A. Meserve

Enclosure:
Summary of NRC Actions

cc: Senator Joseph I. Lieberman

February 20, 2001

The Honorable Joe Barton, Chairman
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the U.S. Nuclear Regulatory Commission (NRC) in response to recommendations contained in various General Accounting Office reports that address NRC activities. This summary, which is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970," describes the progress made in addressing the recommendations since our last summary report of March 2, 2000.

Sincerely,

/RA/

Richard A. Meserve

Enclosure:
Summary of NRC Actions

cc: Representative Rick Boucher

February 20, 2001

The Honorable W.J. "Billy" Tauzin, Chairman
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the U.S. Nuclear Regulatory Commission (NRC) in response to recommendations contained in various General Accounting Office reports that address NRC activities. This summary, which is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970," describes the progress made in addressing the recommendations since our last summary report of March 2, 2000.

Sincerely,

/RA/

Richard A. Meserve

Enclosure:
Summary of NRC Actions

cc: Representative John D. Dingell

February 20, 2001

The Honorable Bob Smith, Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the U.S. Nuclear Regulatory Commission (NRC) in response to recommendations contained in various General Accounting Office reports that address NRC activities. This summary, which is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970," describes the progress made in addressing the recommendations since our last summary report of March 2, 2000.

Sincerely,

/RA/

Richard A. Meserve

Enclosure:
Summary of NRC Actions

cc: Senator Harry Reid

February 20, 2001

The Honorable Frank Murkowski, Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am enclosing a summary of actions taken by the U.S. Nuclear Regulatory Commission (NRC) in response to recommendations contained in various General Accounting Office reports that address NRC activities. This summary, which is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970," describes the progress made in addressing the recommendations since our last summary report of March 2, 2000.

Sincerely,

/RA/

Richard A. Meserve

Enclosure:
Summary of NRC Actions

cc: Senator Jeff Bingaman

February 20, 2001

The Honorable David M. Walker
Comptroller General of the United States
General Accounting Office
Washington, D.C. 20548

Dear Mr. Walker:

I am enclosing a summary of actions taken by the U.S. Nuclear Regulatory Commission (NRC) in response to recommendations contained in various General Accounting Office reports that address NRC activities. This summary, which is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970," describes the progress made in addressing the recommendations since our last summary report of March 2, 2000.

Sincerely,

/RA/

Richard A. Meserve

Enclosure:
Summary of NRC Actions

February 20, 2001

The Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Daniels:

I am enclosing a summary of actions taken by the U.S. Nuclear Regulatory Commission (NRC) in response to recommendations contained in various General Accounting Office reports that address NRC activities. This summary, which is required by Section 236 of Public Law 91-510, the "Legislative Reorganization Act of 1970," describes the progress made in addressing the recommendations since our last summary report of March 2, 2000.

Sincerely,

/RA/

Richard A. Meserve

Enclosure:
Summary of NRC Actions

SUMMARY OF NRC ACTIONS

RESPONSE TO GAO REPORTS

- | | | |
|----|---|------|
| 1. | Nuclear Regulation - Action Needed to Control Radioactive Contamination at Sewage Treatment Plants | A-2 |
| 2. | Nuclear Employee Safety Concerns: Allegation System Offers Better Protection, But Important Issues Remain | A-4 |
| 3. | Nuclear Regulation - Preventing Problem Plants Requires More Effective NRC Action | A-6 |
| 4. | Nuclear Regulation - Strategy Needed to Regulate Safety Using Information on Risk | A-8 |
| 5. | Nuclear Safety: Concerns with the Continuing Operation of Soviet-Designed Nuclear Power Reactors | A-10 |

GAO Report - Nuclear Regulation
Action Needed to Control Radioactive Contamination
at Sewage Treatment Plants
May 1994
(GAO/RCED-94-133)

The General Accounting Office (GAO), in its report "Nuclear Regulation - Actions Needed to Control Radioactive Contamination at Sewage Treatment Plants," made specific recommendations for responding to contamination of sewage sludge by discharges from NRC and Agreement State licensees. The recommendations and the NRC's responses are provided below.

Recommendation No. 1

Determine the extent to which radioactive contamination of sewage sludge, ash, and related byproducts is occurring.

NRC Response of August 22, 1994 and Current Update

The NRC is continuing to evaluate the extent to which radioactive contamination of sewage sludge, ash, and related byproducts is occurring. Initial results of NRC inspections and research analysis conducted in the mid-to-late-1980s indicated that any problem arising from NRC-licensed materials was limited to a few treatment plants that served licensees engaged in certain well-defined activities. As a result, NRC regulations (10 CFR Part 20) were revised in 1991 to prohibit the discharge of liquids containing radioactive waste materials that tended to settle out of sewage water.

In addition to the changes to our regulations, in 1993 we initiated additional studies to understand the complexities of radioactive material reconcentration, such as the possible effects of implementation of state-of-the-art sewage treatment technologies on materials that, under traditional treatment methods, did not reconcentrate. In a letter dated October 11, 1994, NRC and the Environmental Protection Agency (EPA) notified officials of all States responsible for regulating water quality and radiological health and safety of the potential for reconcentration of radioisotopes in sanitary sewer systems.

Currently, the NRC is working with EPA and other interested parties to develop a national approach for ensuring the protection of treatment workers and the public. Through the Sewage Sludge Subcommittee of the Interagency Steering Committee on Radiation Standards, NRC and EPA are currently developing a national survey of sewage treatment plants to assess the extent of radioactive contamination in sludge and ash. A pilot survey for nine facilities was completed and the results were published in May 1999 and are available at <http://www.epa.gov/rpdweb00/tenorm/docs/sludgereport.htm>. For the full survey, questionnaires were sent to 631 facilities in June 1999, 377 facilities completed and returned the questionnaires. Of these, 300 were selected for the sampling phase of the survey. Sampling and laboratory analyses were completed in October 2000.

In addition, NRC and EPA are developing guidance on radioactive material in sewage sludge and ash. NRC and EPA made a preliminary draft of the guidance document available to the

public in May 1997 and revised the document to reflect public comments. The current draft guidance document was issued on June 2000 and is available at <http://iscors.org/interimguidancepage.htm>.

This GAO recommendation remains open.

Recommendation No. 3

Establish acceptable limits for radioactivity in sludge, ash, and related by-products to ensure the health and safety of treatment workers and the public.

NRC Response

NRC agrees that it is important to have acceptable limits for radioactive materials in sludge, ash, and related by-products. We will continue to work with EPA and with the operators of publicly owned treatment works (POTWs) through the Sewage Sludge Subcommittee to develop a national approach to this issue and ensure adequate protection of the public health and safety. The current EPA standards for sewage sludge (40 CFR 503) do not include radionuclides.

The NRC received a number of comments in response to an Advance Notice of Proposed Rulemaking (59 FR 9146; February 25, 1994), soliciting information and suggestions in the area of sewer disposal of radioactive materials. As the NRC staff proceeds, it also intends to address the possible uses of the slightly contaminated sludge and ash in commercial products such as fertilizers and the dose effects of these uses.

The staff, in conjunction with the EPA, through the Sewage Sludge Subcommittee, is developing a more realistic model to evaluate the sewer exposure pathway. The draft dose modeling document, issued in July 2000, is available at http://iscors.org/tsd_nov6.pdf. Completion of the modeling work and completion of the joint NRC/EPA survey is anticipated to occur in 2001.

In any rulemaking activities associated with release of radioactive materials to sewers, the NRC will consider the various pathways whereby the public could receive a radiation dose, including doses due to exposure to radioactivity in sludge and ash. The NRC will consider rulemaking for the disposal of radioactive material by licensees into the sewer system after completion of the modeling work and the analysis of the results of the NRC/EPA sewage survey, which is currently scheduled to be completed in 2001.

This GAO recommendation remains open.

GAO Report - Nuclear Employee Safety Concerns:
Allegation System Offers Better Protection,
But Important Issues Remain
March 1997
(GAO/HEHS-97-51)

The GAO, in its report "Nuclear Employee Safety Concerns - Allegation System Offers Better Protection, but Important Issues Remain," made specific recommendations for improving the timeliness of the Department of Labor's (DOL's) allegations processing, the NRC's ability to monitor the allegation process, and the NRC's knowledge of the work environment at nuclear power plants. The recommendations and the NRC's responses are provided below.

Recommendation No. 1

To improve the timeliness of Labor's processing, we recommend that the Secretary of Labor establish and meet realistic timeliness standards for all three steps in its process for investigating discrimination complaints by employees in the nuclear power industry.

NRC Response

In a letter dated March 9, 2000, the NRC forwarded to DOL for the Secretary of Labor's signature certain draft legislation that would provide more realistic and more explicit timeliness standards for the DOL process for investigating and adjudicating complaints filed by nuclear whistleblowers. In a letter dated March 14, 2000, the draft legislation was forwarded to Congress under signatures of the Secretary of Labor and the Chairman of the Nuclear Regulatory Commission.

We consider this GAO recommendation closed.

Recommendation No. 3

To improve NRC's knowledge of the work environment at nuclear power plants, we recommend that the Chairman, NRC, ensure the implementation of recommendations to provide information on the extent to which the environment in nuclear power plants is favorable for employees to report health or safety hazards without fear of discrimination. This would include recommendations on tracking and monitoring allegation cases and settlements, routinely providing feedback forms in allegation case close-out correspondence, systematically following up on chilling effect letters, and using a survey or other systematic method of obtaining information from employees.

NRC Response

The Allegations Management Systems was modified to accommodate tracking, monitoring, and trending of settlements that occur during the DOL process and chilling effect letters issued by the NRC. On September 1, 1998, the Commission decided to continue its current policy for (1) assessing the work environment at licensee's facilities on a case-by-case basis and (2) encouraging or ordering, on a case-by-case basis, a licensee to conduct a survey of its safety conscious work environment on its own or by a third party and to report the results to the NRC.

The GAO recommendation related to routinely providing feedback forms in allegation case close-out correspondence was completed. For allegations received on or after October 1, 2000, the staff implemented a one year trial program to survey allegeders who provide a mailing address. At the conclusion of the trial period, the staff will make a recommendation to the Commission on the merits of continuing to survey allegeders.

We consider this GAO recommendation closed.

GAO Report - Nuclear Regulation - Preventing Problem
Plants Requires More Effective NRC Action
May 1997
(GAO-RCED-97-145)

The GAO, in its report "Nuclear Regulation - Preventing Problem Plants Requires More Effective NRC Action," recommended several actions for the U. S. Nuclear Regulatory Commission (NRC) in order to develop strategies to act more aggressively on safety deficiencies when they are discovered. These recommendations, and the NRC's responses to them, are provided below.

Recommendation No. 1

Require inspection reports to fully document for all plants the status of the licensee's actions to address identified problems under NRC's corrective action requirements, including timetables for the completion of corrective actions and statements of how NRC will respond to nonconformances with planned actions.

NRC Response

The NRC has developed and begun initial implementation of its revised reactor oversight process based on Commission guidance, stakeholder input, and the results of its integrated review of current inspection, enforcement, and assessment processes. Input was received from members of Congress, private industry, Nuclear Energy Institute, Union of Concerned Scientists, members of the public, and other stakeholders. As a result, NRC developed the revised reactor oversight process which was pilot tested at nine reactor plants from June 1999 to November 1999 and began on an industry-wide basis in April 2000.

The revised reactor oversight process is a risk-informed, performance-based approach to inspecting and assessing licensee performance. The process was established based on a regulatory oversight framework that is more objective, understandable, and predictable and focuses agency resources on areas that have the greatest impact on safe plant operation. This process utilizes a significance determination methodology to characterize the risk significance of inspection findings and uses an action matrix to help the staff more consistently determine the appropriate level of licensee and agency response. Issues that are determined to be safety significant, including those which are violations of regulatory requirements, receive NRC follow up in accordance with supplemental inspection procedures described in the action matrix. NRC and licensee actions, as well as results achieved, are documented by the NRC in an inspection report and/or in an assessment follow-up letter. Issues (including violations) that are found to be of very low risk/safety significance are documented in inspection reports and provided to licensees for inclusion in their corrective action programs. This is consistent with the enforcement policy approved by the Commission in January 1999.

The revised reactor oversight process maintains a focus on the effectiveness of a licensee's corrective action program in several ways. The process requires an ongoing review of a risk-informed sample of NRC- and licensee-identified issues to ensure the licensee has taken appropriate and timely corrective actions. This review is in addition to the annual review of the effectiveness of each licensee's problem identification and resolution process performed as part

of the baseline inspection program. Additionally, various aspects of the licensee's corrective action program are considered when prioritizing NRC supplemental inspections.

As discussed in a previous update regarding managing commitments made to the NRC, the staff interacted with NEI and utilities during the development of NEI 99-04, "Guideline for Managing NRC Commitments." The staff informed NEI in a letter dated March 31, 2000, that the NRC agreed that NEI 99-04 provided acceptable guidance for the control of regulatory commitments made by power reactor licensees to the NRC staff. Guidance for the NRC staff, which is consistent with the industry guidance documents, was issued on March 24, 2000. Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," was issued on September 21, 2000, in order to ensure that all licensees and other agency stakeholders were aware of the staff's findings and to encourage use of the NEI guidance document.

We consider this GAO recommendation closed.

GAO Report - Nuclear Regulation - Strategy Needed to
Regulate Safety Using Information on Risk
March 1999
(GAO-RCED-99-95)

The General Accounting Office (GAO), in its report "Nuclear Regulation - Strategy Needed to Regulate Safety Using Information on Risk," made specific recommendations to help ensure the safe operation of plants and the continued protection of public health and safety in a competitive environment. The recommendations and NRC's response are provided below.

GAO Recommendation

To help ensure the safe operation of plants and the continued protection of public health and safety in a competitive environment, we recommend that the Commissioners of NRC direct the staff to develop a comprehensive strategy that includes but is not limited to objectives, goals, activities, and time frames for the transition to risk-informed regulation; specifies how the Commission expects to define the scope and implementation of risk-informed regulation; and identifies the manner in which it expects to continue the free exchange of operational information necessary to improve the quality and reliability of risk assessments.

NRC Response

As stated last year, we agree on the need for a comprehensive strategy and believe that we are making considerable progress in this regard. Such a strategy has been developed and a plan written, the Risk-Informed Regulation Implementation Plan (SECY-00-0213, October 26, 2000), that describes the objectives, goals, activities, and time frames for the transition to risk-informed regulation. The purpose of the Risk-Informed Regulation Implementation Plan is to integrate the Commission's risk-informing activities by identifying requirements and practices to be risk-informed and the necessary data, methods, guidance, and training. This plan also is intended to explain the agency's risk-informed regulation policy to the public and the nuclear industry.

Staff briefed the Commission on the Risk-Informed Regulation Implementation Plan on Friday, November 17, 2000. As a result of that briefing, the staff was tasked on January 4, 2001, to:

- clearly identify the priorities of the activities; the resources needed for the various activities; the tools that need to be developed; and the items that are on critical path and have cross-cutting dimensions.
- examine the plan to identify and include missing items that should be part of a comprehensive risk-informed strategy.
- use terminology such as "move forward with risk-informed regulation to the extent possible."
- carefully examine the cost-benefit aspects of risk-informed regulation for materials licensees, where, in certain instances, risk-informing the process may be cost prohibitive and provide little or no additional benefit.

- work with industry and other stakeholders to finalize the Probabilistic Risk Assessment (PRA) quality standards.

The next version of the Risk-Informed Regulatory Implementation Plan will address the above noted items and will also more clearly indicate how performance-based regulatory approaches will be integrated into the process of risk-information regulations.

In addition to Commission guidance, the NRC Strategic Plan (NUREG-1614) guides the staff's initiatives to support the move toward risk-informed regulation by defining strategic goals, performance goals and measures, and general strategies. Consistent with the Strategic Plan, the Risk-Informed Regulation Implementation Plan provides additional details on implementation of these strategies, including specifics on how the Commission expects to define the scope of risk-informed regulation. The plan also describes --

- ongoing or planned implementation activities with key milestones and schedules, including activities associated with the collection and use of operational information in risk assessments,
- a strategy for defining the scope of risk-informed regulation through draft criteria for risk-informing a program, practice, or requirement,
- factors to consider in risk-informing a program, practice, or requirement, and
- the relationship between risk-informed and performance-based regulation.

The Risk-Informed Regulation Implementation Plan will continue to evolve to reflect lessons learned from the application of risk-informed regulation and plans for additional implementation activities.

This GAO recommendation remains open.

GAO Report - Nuclear Safety: Concerns with
the Continuing Operation of Soviet-Designed
Nuclear Power Reactors
April 2000
(GAO/RCED-00-97)

The General Accounting Office (GAO), in its report "Nuclear Safety: Concerns with the Continuing Operation of Soviet-Designed Nuclear Power Reactors," made specific recommendations for responding to concerns about management of some Department of Energy (DOE) and Nuclear Regulatory Commission (NRC) safety assistance activities. Recommendations for the NRC, and the NRC's response to them, are provided below.

Recommendation No. 1

Develop a strategic plan for the Commission's nuclear safety assistance activities that, at a minimum, establishes program priorities and goals, ways to measure how well the goals are being met, and time frames for meeting the goals.

NRC Response

Work on the strategic plan for NRC's nuclear safety assistance activities has awaited the resolution of near-term organizational and financial management issues. The Office of International Programs (OIP) will develop a strategic plan by early FY 2002.

This GAO recommendation remains open.

Recommendation No. 2

Integrate the assistance activities of offices that implement nuclear safety assistance to avoid duplication and inefficiencies.

NRC Response

Previously the Office of the Executive Director for Operations was responsible for assistance activities in Russia and Ukraine, while OIP was responsible for assistance activities in Armenia, Bulgaria, Czech Republic, Hungary, Lithuania, Kazakhstan and the Slovak Republic. OIP has now assumed responsibility for all assistance activities. Integration of Russian and Ukrainian-related assistance activities into OIP was completed by the end of FY 2000.

We consider this GAO recommendation closed.

Recommendation No. 3

Consistently monitor funding requirements to ensure that funds are obligated on a timely basis in accordance with the program's priorities.

NRC Response

Since early in FY 2000, OIP, with information provided by the Office of the Chief Financial Officer, has prepared a monthly report summarizing the obligation and expenditure of funds associated with nuclear safety assistance activities. This monthly report is reviewed with the Director, OIP. During FY 2000 this effort resulted in potential funding-related issues being identified and addressed in sufficient time to ensure timely obligation of FY 1999 funds. OIP intends to continue to use this monthly report in this manner.

We consider this GAO recommendation closed.

Recommendation No. 4

Hire in-country interpreters when feasible to do so.

NRC Response

Most of the expenditures highlighted by the GAO occurred prior to FY 1996. Since FY 1996, the NRC has expended much less on procuring interpreters. Nonetheless, prior to procuring interpreting services, OIP now determines whether it is cost-effective to hire in-country interpreters for assistance activities that are conducted in the countries of the Former Soviet Union. In addition to cost, OIP considers the specific requirements of each individual activity and the level of certainty of the quality of interpretation services needed.

We consider this GAO recommendation closed.