

**MONTHLY STATUS REPORT ON THE  
LICENSING ACTIVITIES AND REGULATORY DUTIES OF THE  
UNITED STATES NUCLEAR REGULATORY COMMISSION**

**October 1999**

**Enclosure 1**

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## **I. Implementing Risk-Informed Regulations**

In the area of implementing risk-informed regulations, the staff continues to make progress on tasks in five general areas: Rulemaking and Generic Communications; Licensing Activities; Reactor Oversight (Inspection, Enforcement and Licensee Performance Assessment); Events Assessment; and Probabilistic Risk Analysis (PRA) Methods and Standards. A noteworthy accomplishment in the area of Rulemaking and Generic Communications is summarized below:

### **Rulemaking - Risk-Informing 10 CFR Part 50:**

The NRC staff has completed a draft rulemaking plan for the modification of the scope of the 'special treatment' regulations in 10 CFR Part 50. This plan will allow for an alternative regulatory framework that will enable licensees to use a risk-informed process to categorize structures, systems and components according to their safety significance. This draft plan lists the regulations that are candidates for modification, as well as the methodology and screening criteria used to identify these candidates. Also addressed in this draft rulemaking plan are the proposed criteria for categorization of structures, systems, and components; schedules for completion; the pilot program; and issues that need to be addressed prior to rulemaking. In formulating this draft plan, the staff has worked with the stakeholders and, to date, has held four public meetings on this subject. The rulemaking plan was submitted to the Commission on October 29. While awaiting Commission guidance, the staff will continue to interact with stakeholders to develop further ideas on the issues discussed in the draft.

## **II. Nuclear Plant Assessment, Inspection, and Enforcement Processes**

The staff has continued to meet on a biweekly basis with the Nuclear Energy Institute and other stakeholders to refine the proposed changes to its assessment, inspection, and enforcement processes. Activities include the following:

- The NRR staff is monitoring implementation and reviewing results of the pilot program of the revised reactor oversight process. The staff has noted the need for additional program guidance and procedure revisions and has updated the guidance and procedures for use during the remainder of the pilot program. The date for full implementation of the revised oversight process is April 2, 2000. The NRC staff is making progress in meeting this schedule.
- A public meeting was held on October 7, 1999, between the NRC and Chief Nuclear Operating Officers of nuclear power plants to discuss the status of the revised reactor oversight process pilot program and implementation issues. This meeting provided valuable feedback and insights.
- NRR managers and members of the Inspection Program Branch are continuing to interface with NRC staff and stakeholders to discuss the revised oversight process, answer questions, and obtain feedback. The NRC staff recently participated in the Licensing Managers' meeting in Charlotte, North Carolina, and a maintenance rule workshop in Miami, Florida, sponsored by the Nuclear Energy Institute to provide information on the status of the revised reactor oversight process.

- During the week of October 12, 1999, the Technical Training Center (TTC) conducted a dry-run training evolution for the Revised Reactor Oversight Process Training Program. The purpose for this training was to allow the TTC instructors who will be teaching this course beginning in mid November to refine their presentations and to verify the accuracy of the training material. All region-based managers and inspectors will receive training on the new process beginning in mid-November 1999 through April 2000.
- The Office of Management and Budget has approved NRC's new information collection request titled "Voluntary Reporting of Performance Indicators." The approval was dated October 6, 1999 and expires October 31, 2002. This will allow the NRC to begin collecting performance indicator information from all nuclear plants beginning in January 2000. The performance indicators are used, along with inspection results, to assess licensee performance in the revised reactor oversight process.

### **III Status of Issues in the Reactor Generic Issue Program**

Changes in the status or resolution dates for Generic Safety Issues since the September 1999 report and the reasons for the changes are described below:

**GSI Number:** 145

**Title:** Actions to Reduce Common Cause Failures

**Status:** Closed. On October 13, 1999, the NRC issued Regulatory Issue Summary 99-03, "Resolution of Generic Issue 145, Actions to Reduce Common-cause Failures," to notify nuclear power reactor licensees about the staff's resolution of Generic Issue 145, "Actions to Reduce Common-Cause Failures," and to communicate the broad insights that have been developed from the staff's review of the common-cause failure events identified in licensee event reports during the 15-year period between 1980 and 1995. No additional regulatory requirements were found to be necessary. The staff developed a common cause failure (CCF) database and analysis software package to aid in system-reliability analyses and related risk-informed applications. The industry was informed of the availability of the CCF database.

### **IV. Licensing Actions and Other Licensing Tasks**

Licensing actions are defined as requests for license amendments, exemptions from regulations, relief from inspection or surveillance requirements, topical reports submitted on a plant-specific basis, notices of enforcement discretion, or other licensee requests requiring NRC review and approval before implementation by the licensee. The FY 1999 NRC Performance Plan incorporates three output measures related to licensing actions. These are size of the licensing action inventory, number of licensing action completions per year, and age of the licensing action inventory.

Other licensing tasks include licensee responses to NRC requests for information through generic letters or bulletins, NRC responses to 2.206 petitions, NRC review of licensee topical reports, NRR responses to regional requests for assistance, and NRC review of licensee 10 CFR 50.59 analyses and FSAR updates. The FY 1999 NRC Performance Plan incorporates an output measure related to such tasks, titled "Number of other licensing tasks completed."

The actual FY 1998 results, the FY 1999 goals, the actual FY 1999 results, and the FY 2000 goals for the four NRC Performance Plan output measures for licensing actions and other licensing tasks are shown in the table below.

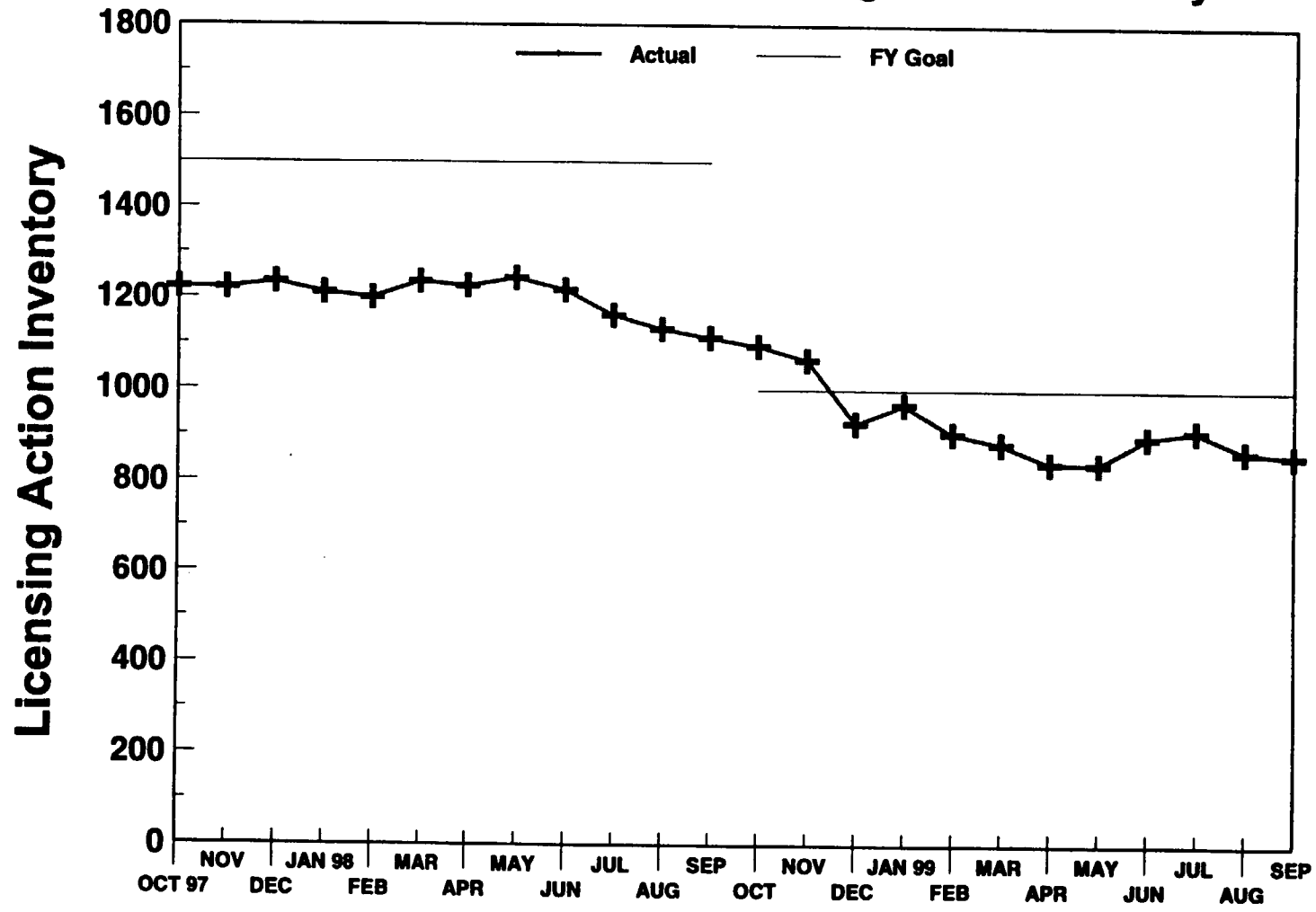
PERFORMANCE PLAN				
Output Measure	FY 1998 Actual	FY 1999 Goal	FY 1999 Actual	FY 2000 Goal
Licensing actions completed/year	1425	1670	1727	1500
Size of licensing actions inventory	1113	1000	857	600
Age of licensing action inventory	65.6% ≤ 1 year; 86.0% ≤ 2 years; and 95.4% ≤ 3 years old	80% ≤ 1 year; 95% ≤ 2 years; and 100% ≤ 3 years old	86.2% ≤ 1 year; 100% ≤ 2 years; and 100% ≤ 3 years old	95% ≤ 1 year and 100% ≤ 2 years old
Other licensing tasks completed/year	1006	800	939	800

In FY 1999, NRC increased resources and undertook initiatives to achieve the licensing action and other licensing task output measure goals, especially the goal for licensing-action age, which historically has not been met. As shown in the table above and in the following charts, the NRC has met all of the licensing action and other licensing task goals for FY 1999. Note that the Performance Plan output measure goals in FY 2000 have changed.

The following charts demonstrate NRC's progress in meeting the four licensing action and other licensing task output measure goals.

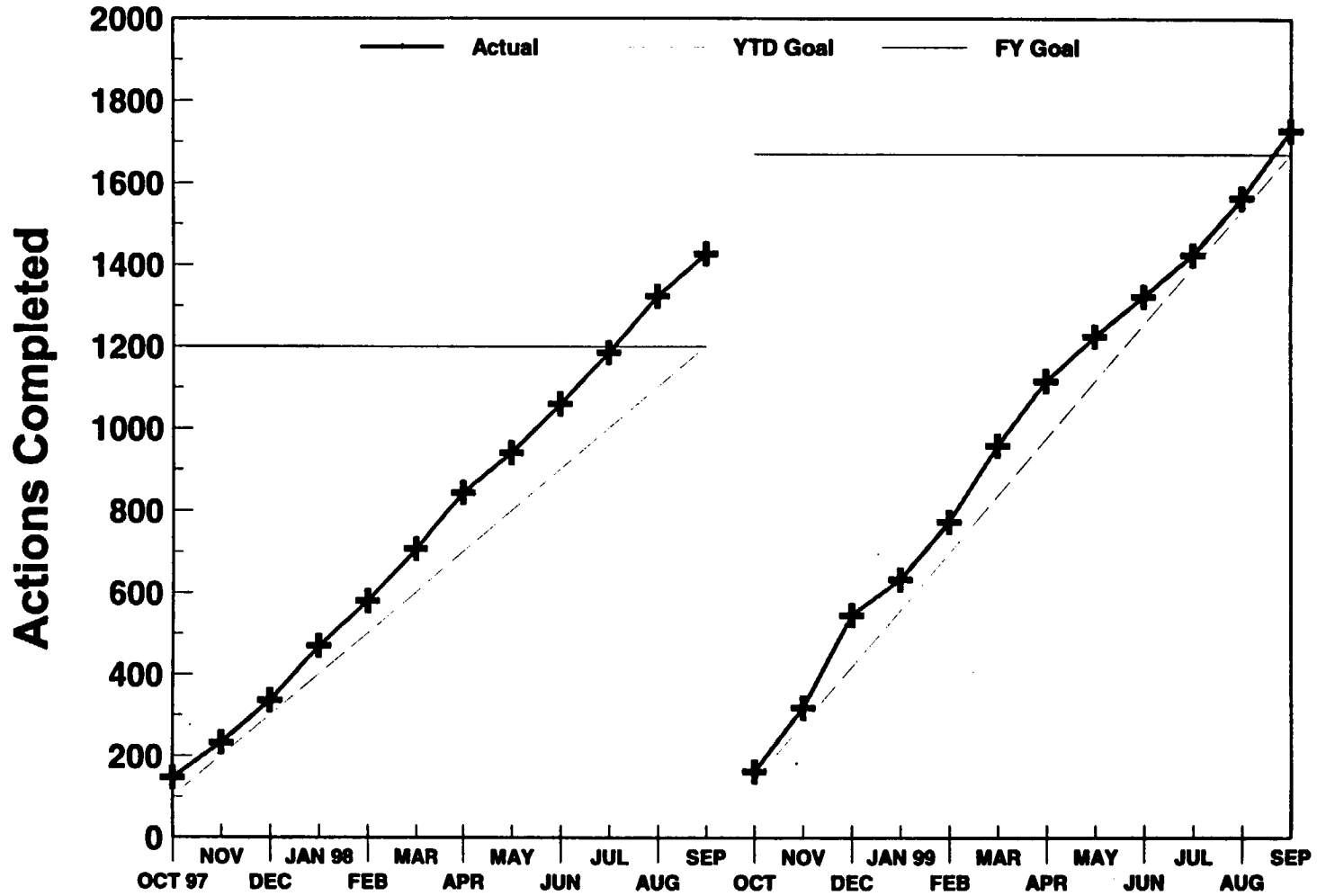
# Nuclear Reactor Safety - Reactor Licensing

## Performance Plan Target: Licensing Action Inventory



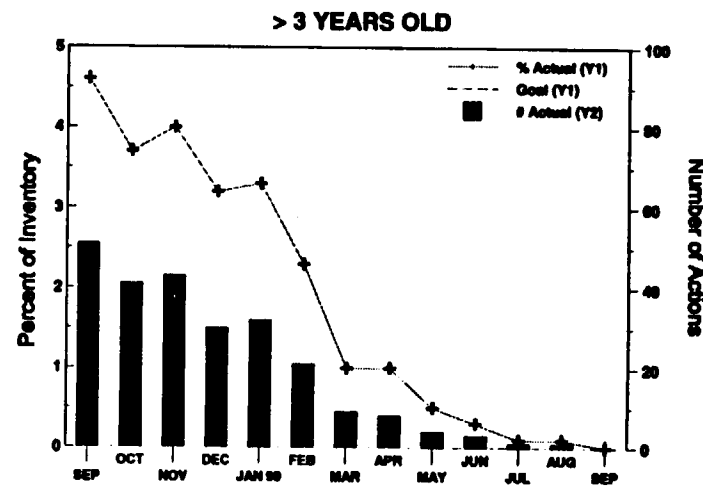
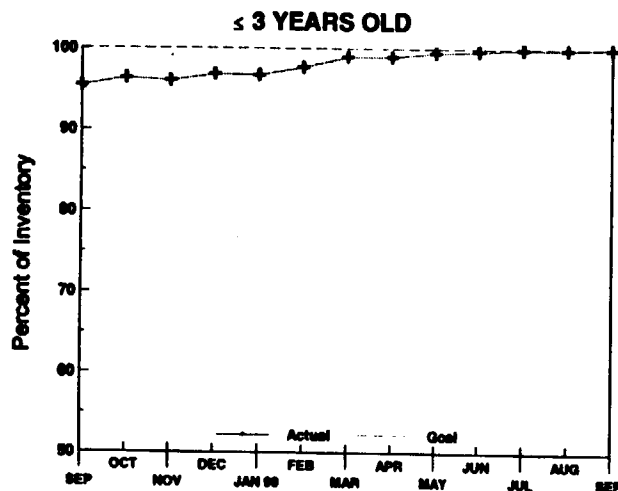
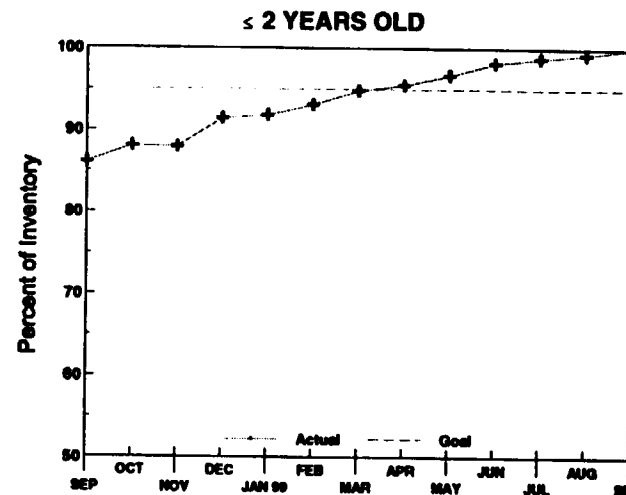
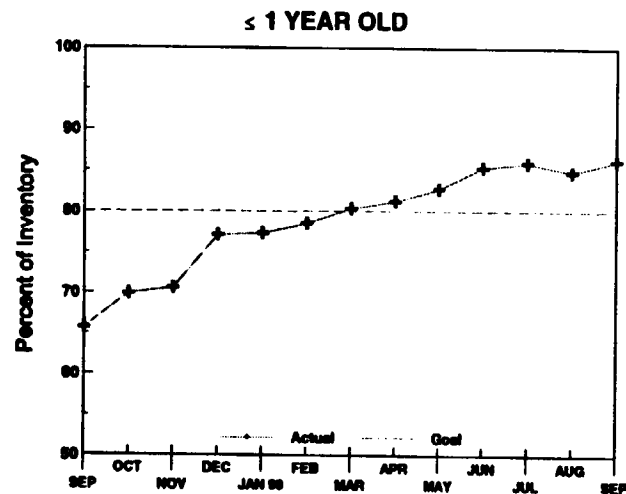
# Nuclear Reactor Safety - Reactor Licensing

## Performance Plan Target: Completed Licensing Actions



# Nuclear Reactor Safety - Reactor Licensing

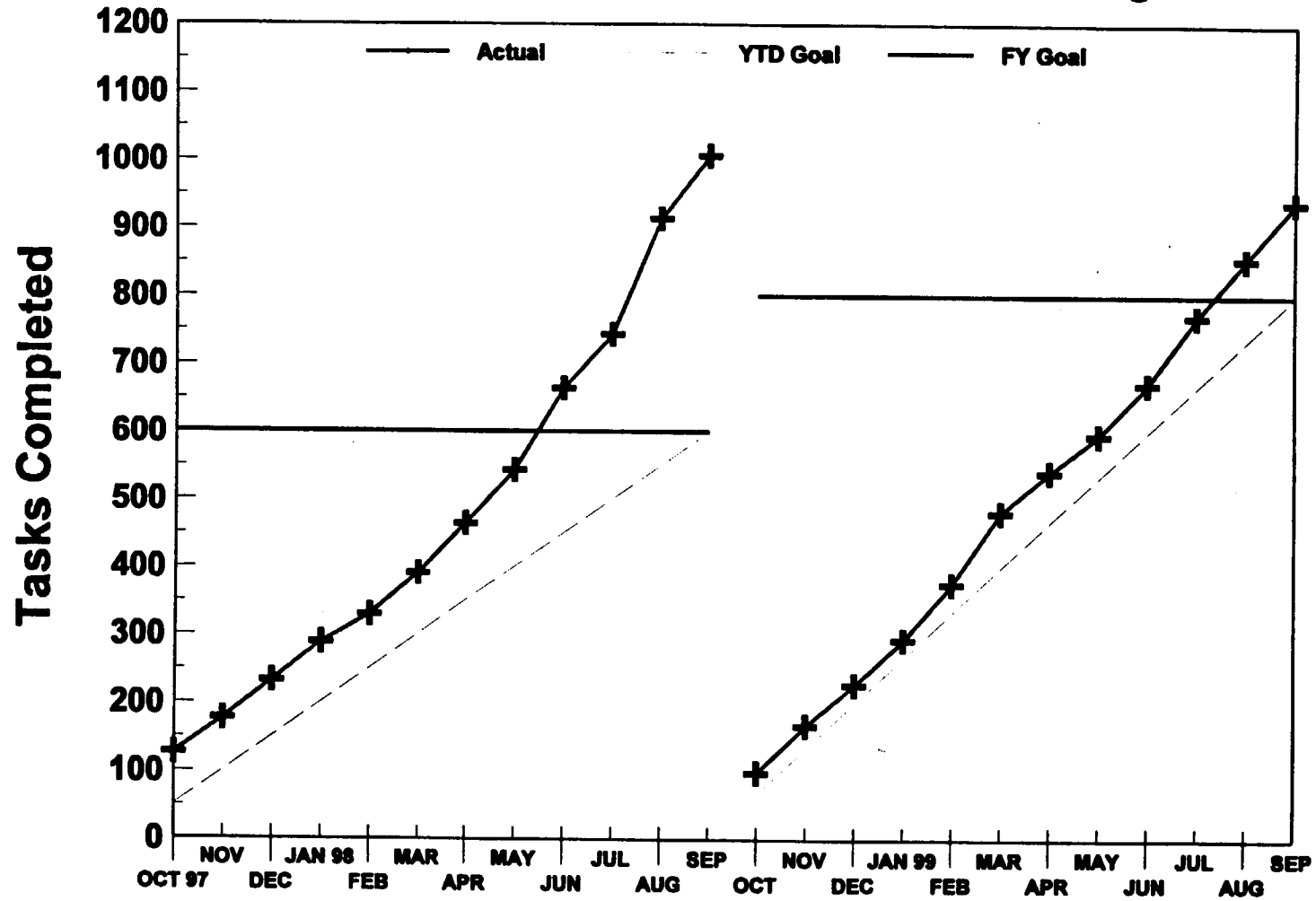
## Performance Plan Target: Age of Licensing Action Inventory





# Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: Completed Other Licensing Tasks



## **V. Status of Calvert Cliffs License Renewal Application**

All activities associated with the review of the Calvert Cliffs license renewal application are on schedule. The NRC staff reviewed Baltimore Gas and Electric's responses to the open and confirmatory items identified in the safety evaluation report (SER) and issued the SER on November 16, 1999.

The NRC staff issued the final supplemental environmental impact statement to the Environmental Protection Agency on October 5, 1999. No concerns were raised as of November 15, 1999. The environmental review for Calvert Cliffs Nuclear Power Plant is considered complete.

The Commission is evaluating the implications of the recent decision by the U.S. Court of Appeals for the D.C. Circuit, which held that the Commission had departed from its previously established policy in refusing to grant an intervenor an extension of time to submit a litigable contention.

## **VI. Status of Review of Private Fuel Storage, L.L.C.'s Application for a License to Operate an Independent Spent Fuel Storage Installation**

Litigation continues in the adjudicatory proceeding concerning the application submitted by Private Fuel Storage, L.L.C. to operate an Independent Spent Fuel Storage Facility on the reservation of the Skull Valley Band of Goshute Indians. The State of Utah submitted another request to admit a late contention, which is pending before the Atomic Safety and Licensing Board at this time. The Atomic Safety and Licensing Board has issued a new schedule for adjudication of the remaining safety contentions, in accordance with the joint request of the parties in the proceeding. The initial number of safety contentions admitted in the adjudicatory proceeding had warranted scheduling two hearings; the first hearing was to begin in November of 1999 and the second in July of 2000. Because a significant number of contentions have been resolved through summary disposition and two of the three remaining Group I safety contentions are not yet ready for hearing, the parties jointly requested that the Group I and Group II safety contentions be consolidated into a single hearing to begin in June of 2000. The schedule for the hearing on the environmental contentions was not affected by this change, and that hearing is scheduled to begin in April of 2001. The change to the hearing schedule for the safety contentions does not affect the date for licensing of the facility because a license cannot be granted for the operation of the proposed facility unless: a) the final environmental impact statement is issued by the Nuclear Regulatory Commission (February 2001); b) the hearing on the environmental contentions is completed (June 2001); and c) the Atomic Safety and Licensing Board issues a favorable initial decision (October 2001).

During this reporting period, the Nuclear Regulatory Commission began the public comment process associated with amending its regulations at 10 CFR Part 72 to authorize the use of Holtec International's HI-STORM 100 as a cask that can be used by general licensees for the storage of spent nuclear fuel. At the end of this process, a final safety evaluation report and Certificate of Compliance allowing the use of the HI-STORM 100 will be issued, if appropriate. Private Fuel Storage, L.L.C. will then amend its license application to request Commission approval to use the HI-STORM 100 for storage at the proposed Private Fuel Storage Facility. Fuel would be shipped to the proposed Private Fuel Storage Facility using Holtec International's HI-STAR 100 transportation cask, which is compatible with the HI-STORM 100 storage cask.

The HI-STAR 100 transportation cask was approved for use by the Nuclear Regulatory Commission in March of 1999.

The Nuclear Regulatory Commission staff also continued to work on the site safety evaluation report. This report will consist of the staff's evaluation of the applicant's compliance with the regulatory requirements for most non-cask specific areas of review. The safety evaluation report will be issued in early November. As noted in the August 1999 status report, the safety evaluation report will be supplemented later when the staff has received and reviewed outstanding information from Private Fuel Storage Limited Liability Corporation.

## VII. Summary of Reactor Enforcement by Region

		Reactor Enforcement Actions*				
		Region I	Region II	Region III	Region IV	TOTAL
Severity Level I	Sept. 99	0	0	0	0	0
	FY 99 YTD	0	0	0	0	0
	FY 98 Total	0	0	0	0	0
Severity Level II	Sept. 99	0	0	0	0	0
	FY 99 YTD	5	0	2	0	7
	FY 98 Total	3	1	1	1	6
Severity Level III	Sept. 99	0	0	1	0	1
	FY 99 YTD	9	2	7	8	26
	FY 98 Total	46	11	15	19	91
Severity Level IV	Sept. 99	1	0	2	0	3
	FY 99 YTD	52	42	57	60	211
	FY 98 Total	383	271	392	261	1307
Non-Cited Severity Level IV	Sept. 99	41	38	32	33	144
	FY 99 YTD	330	268	334	305	1237
	FY 98 Total	372	240	307	214	1133

\*Numbers of violations are based on enforcement action tracking (EATS) system data that may be subject to minor changes following verification. The number of Severity Level I, II, III listed refers to the number of Severity Level I, II, III violations or problems. The monthly totals generally lag by 30 days due to inspection report and enforcement development.

**Description of Significant Actions (Severity Level I, II, III) taken in September 1999**

**Clinton Power Station, Illinois Power Company  
Supplement VII, (EA 98-464)**

A Notice of Violation was issued on September 30, 1999. This action was based on Severity Level III violation of NRC requirements involving a supervisor in the Clinton Power Station Quality Verification (QV) Department who discriminated against a QV inspector in retaliation for the inspector's previous contacts with the NRC about safety-related issues. An investigation was conducted from October 28, 1997, to September 21, 1998, by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) after the Illinois Power Company (IPC) notified the NRC on May 6, 1997, that a violation of 10 CFR 50.7, "Employee Protection," may have occurred. IPC conducted a separate investigation into this matter. Specifically, the QV supervisor did not recommend the inspector for a promotion due, in part, to the inspector's earlier discussions with the NRC. This violation was a significant concern to the NRC because it represents retaliation by a first line QV supervisor against an employee for discussing nuclear safety issues with the NRC. The NRC concluded that the inspector was discriminated against for raising a safety concern which constitutes a violation of 10 CFR Part 50.7. Since this violation was willful, the NRC considered whether credit was warranted for identification and corrective action. As a result of this evolution, no civil penalty was proposed in this case.

## **VIII. Regulatory Reform Efforts Involving Parts Other Than 10 CFR Part 50 That Affect Power Reactor Licensees**

### **Physical Security Requirements for Exercising Power Reactor Licensees' Capability to Respond to Safeguards Contingency Events**

On October 5, the staff submitted for Commission approval a rulemaking plan on physical security requirements for evaluating power reactor licensees' capability to respond to safeguards contingency events. This rulemaking plan responds to the staff requirements memorandum (SRM) dated June 29, 1999, directing the staff to develop a plan to modify the regulations to require power reactor licensees to identify target sets of equipment that must be protected to maintain safe operation or shutdown of the plant, develop protective strategies to protect against an armed assault by the design basis threat (DBT) of radiological sabotage, and exercise these strategies periodically.

The requirement for periodic drills and exercises, and the associated ability of the NRC to inspect the drills and exercises, would provide an alternative to the OSRE program. Under the current OSRE program, licensees demonstrate their protective-strategy capabilities every 8 years. The staff believes the proposed "exercise rule" would enhance licensee performance by requiring more frequent protective-strategy demonstrations. The results would be documented and incorporated into the performance indicator program monitored by the NRC. Thus, in the staff's view, this new process would result in a more timely NRC involvement when there is indication that performance may be declining.