

INFORMATION REPORT

August 9, 2004

SECY-04-0143

For: The Commissioners
From: William M. Dean, Assistant for Operations, Office of the EDO
Subject: SECY-04-0143 WEEKLY INFORMATION REPORT - WEEK
ENDING JULY 30, 2004

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*No input this week.

/RA/

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Office of Nuclear Reactor Regulation
Items of Interest
Week Ending July 30, 2004

Power Uprates

In July 2004, the staff completed a survey of nuclear power plant licensees to obtain information regarding industry's plans related to power uprate applications. Based on this survey, licensees plan to submit power uprate applications for 18 nuclear power plant units in the next 5 years. These include 7 measurement uncertainty recapture power uprates, 1 stretch power uprate, and 10 extended power uprates. These planned power uprates in the aggregate represent about 2840 megawatts-thermal (940 megawatts-electric) of additional generating capacity.

U.S. Environmental Protection Agency (EPA) Issues New Regulations for the Protection of Aquatic Organisms

On July 9, 2004, the EPA published a final rule in the Federal Register (69 FR 41575) implementing regulations for certain power facilities. The regulations are the second in a series (Phase II) of three planned regulations setting performance standards for cooling water intake structures. Section 316(b) of the Federal Water Pollution Control Act of 1972 requires a demonstration that the location, design, and capacity of cooling water intake structures use the best technology available to minimize adverse environmental impacts; specifically, impingement and entrainment of aquatic organisms. Prior to the July 9, 2004, change in the regulations there were no performance standards defining best technology available. The regulations apply to existing power facilities with a total design intake flow of 50 million gallons per day and that use 25 percent of the water withdrawn exclusively for cooling water. The regulations are effective September 7, 2004. Previously on December 18, 2001 (66 FR 65255) EPA had issued similar (Phase I) regulations that apply to new facilities built after January 17, 2002. Both sets of regulations are intended to minimize the adverse effects of water withdrawal for steam-electric cooling on aquatic organisms inhabiting the source waterbody.

Both the Phase I and Phase II regulations are implemented through the National Pollutant Discharge Elimination System (NPDES) permits. NPDES permits are renewed every five years. Compliance with the provisions of the new regulation will be required prior to approval of a request for renewal of the permit. The amended Section 316(b) regulations establish technology-based performance standards that require facilities to reduce fish and shellfish impingement mortality on intake screens by 80 to 90 percent and entrainment of early life stages of fish and shellfish by 60 to 90 percent from a theoretical baseline once-through facility with an intake structure parallel to the shoreline and standard traveling screens. The regulation provides for five compliance options.

There are approximately 530 once-through steam electric facilities in the U.S. that may be affected by these regulations. For the 104 U.S. nuclear power reactors, the staff has determined that there are 61 units at 38 sites that have once-through cooling that may require modifications to the cooling system or intake structure. A total of 38 units at 29 sites already employ closed-cycle cooling and will likely require no modifications. The Palo Verde and Turkey Point plants utilize alternate makeup water sources and may not be required to comply with the performance standards.

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Section 125.94(f) of the new regulation states that decisions made for protecting aquatic organisms must not conflict with Nuclear Regulatory Commission safety requirements. The regulations may have an impact on ongoing and future National Environmental Policy Act reviews related to early site permits and license renewal. The redesign of intake structures and the use of barriers in front of the intake to exclude fish and shellfish may have some safety implications if the source waterbody is the ultimate heat sink for the facility. Legal challenges to the new regulations from both the industry and public advocacy groups are expected.

Atomic Safety and Licensing Board Panel (ASLBP) Decision on Connecticut Coalition Against Millstone (CCAM) Petition for Hearing on Millstone License Renewal

On July 28, 2004, the ASLBP issued a Memorandum and Order denying two motions for stay and the petition for leave to intervene by the CCAM. In March 2004, CCAM filed a petition for leave to intervene against the license renewal application by Dominion Nuclear Connecticut, Inc., for Millstone Power Station, Units 2 and 3. ASLBP conducted a pre-hearing conference with all parties in New London, CT on June 30, 2004. The Order indicated that the main reason for denying the petition, which included six contentions, was the lack of adequate supporting information. In addition, the contentions on terrorism and emergency preparedness were judged to be out of scope for license renewal.

Public Meeting to Discuss Industry Guidance on Fire Protection Associated Circuits

On July 28, 2004, the Office of Nuclear Reactor Regulation staff met with Nuclear Energy Institute (NEI) and industry representatives to discuss NEI's guidance for post-fire safe shutdown (NEI 00-01), which contains proposed method for resolving the circuit failure issues. This meeting is one of a series of meetings on this topic.

During the meeting, NEI presented its plan, which includes NEI 00-01, as a proposed method for the resolution of the circuit failure issues. NEI also discussed NEI 04-06, "Guidance for Self-Assessment of Circuit Failure Issues," which contains a strategy for individual licensees to self-assess likely circuit failure configurations.

The staff plans to hold another public meeting in September 2004 to provide stakeholders clear definitions and guidance concerning associated circuit analysis. The staff has scheduled the resumption of circuit inspections for January 2005.

NRC Information Notice (IN) 2004-15: Dual-Unit Scram at Peach Bottom Units 2 and 3

On July 22, 2004, the NRC issued the subject IN to alert addressees regarding a recent event at Peach Bottom which involved a loss-of-offsite power followed by a dual-unit scram and other operational challenges. NRC dispatched an Augmented Inspection Team (AIT) to determine the causes, conditions, and circumstances relevant to issues directly related to the event and to assess the safety significance of the event. The results of the AIT are documented in Inspection Report 50-277/2003-13, dated December 18, 2003 (NRC ADAMS Accession Number: ML033530016).

NRC Regulatory Issue Summary (RIS) 2004-12: Clarification on Use of Later Editions and Addenda to the American Society of Mechanical Engineers (ASME) Code for Operation and Maintenance of Nuclear Power Plants (OM Code) and Section XI

On July 28, 2004, the NRC issued the subject RIS to clarify the requirements for inservice testing and inservice inspection, as required by Title 10, Section 50.55a, paragraphs (f)(4)(iv) and (g)(4)(iv) of the Code of Federal Regulations, when using later editions and addenda of the ASME OM Code, and Section XI of the ASME Boiler and B&PV Code. The staff has identified several instances in which licensees have used portions of editions and addenda of the OM Code and/or the ASME Boiler and Pressure Vessel Code (B&PV Code) that had not been approved by the Commission.

Vermont Yankee - Public Meeting on Extended Power Uprate (EPU) Request

On July 21-22, 2004, the staff held a public meeting in Rockville, Maryland, with Entergy Nuclear Vermont Yankee, (licensee) to discuss the licensee's analysis of potential flow induced vibration (FIV) effects in support of the EPU request. During the meeting, General Electric Nuclear Energy, a contractor to the licensee, discussed its analysis of the predicted performance of the steam dryer at Vermont Yankee under EPU conditions. The licensee discussed its response dated July 2, 2004, to the staff's request for additional information on potential FIV effects at the EPU conditions. The staff plans to conduct a followup meeting with the licensee to discuss the results of the licensee's evaluation of steam pressure data and additional analyses of the steam dryer.

Office of Nuclear Material Safety and Safeguards
Items of Interest
Week Ending July 30, 2004

Meeting on National Academy of Sciences (NAS) Transportation Study

On July 21-22, 2004, Office of Nuclear Material Safety and Safeguards (NMSS) staff attended a public meeting in Albuquerque, New Mexico, convened by the NAS task force on radioactive material transportation. The task force, which is co-sponsored by NRC, is conducting a 2-year study of the risks of radioactive material transportation. The main purpose of the meeting was to consider the benefits of modeling future shipments to Yucca Mountain on the infrastructure and experience developed during the ongoing shipping campaign of transuranic wastes to the Waste Isolation Pilot Plant. The NAS task force is expected to issue a final report in the Spring of 2005.

TRUPACT-III Transport Package Design Review

On July 28, 2004, Spent Fuel Project Office staff met with Packaging Technology, Inc., to discuss significant technical issues identified by the staff during the review of the Safety Analysis Report for the TRUPACT-III transportation package, which had been submitted to NRC in March 2004. The staff presented its main concerns regarding the structural design and materials selection for TRUPACT-III and responded to a number of questions from the applicant. Based on these concerns, staff has stopped the technical review of the application. The applicant indicated that it will inform NRC, in 2 weeks, whether it will withdraw the application, or whether NRC should proceed with denial of the application.

Workshop with Russian Federation Gosatomnadzor on Development of Regulatory Acceptance Criteria for a Russian Federation Standard Review Plan

On July 19-21, 2004, staff from the Division of Fuel Cycle Safety and Safeguards (FCSS) participated in a workshop, in Moscow, with staff from the Department of Energy/National Nuclear Security Administration (NNSA); the Russian Federation (RF) Federal Nuclear Regulatory Service (FNRS, formerly Gosatomnadzor or GAN); and other Russian government agencies and industry. The purpose of the workshop was to discuss the process for developing regulatory acceptance criteria for the RF Standard Review Plan (SRP) for a mixed-oxide fuel fabrication facility. During the workshop, FCSS experts in the areas of radiation safety, nuclear criticality safety, and chemical safety gave short presentations on the process for developing regulatory acceptance criteria.

After each presentation, Russian workshop participants worked together in breakout sessions to develop examples of RF regulatory acceptance criteria, using Russian law, safety requirements, and safety guides. The 3-day workshop was well-attended each day by 10-15 Russian participants. The workshop format was well-received by the Russian participants, several of whom stated that it provided constructive insights and feedback that would assist them in the development of the RF SRP.

Proposed Rule Signed by Acting Executive Director for Operations

On July 27, 2004, the Acting Executive Director for Operations approved a proposed rule which revises 10 CFR 72.214, "List of approved spent fuel storage casks." The proposed rule adds an amendment to the certificate of compliance associated with the NAC multipurpose canister cask system. This amendment will modify the cask design to incorporate vacuum drying enhancements under a general license. Specifically, the amendment will increase vacuum drying time limits, delete canister removal from concrete cask requirements, revise surface contamination removal time limits, and revise allowable contents fuel assembly limits.

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Office of Nuclear Regulatory Research
Items of Interest
Week Ending July 30, 2004

Interagency Steering Committee on Multimedia Environmental Modeling (ISCMEM) Meeting

On July 22, 2004, RES staff participated in a special meeting of the ISCMEM to develop a coordinated approach on data quality objectives. The ISCMEM members represent nine participating Federal agencies under a Memorandum of Understanding on research into multimedia environmental modeling. The Environmental Protection Agency will take the lead in presenting the data quality discussion at the next ISCMEM public meeting which will be held at the NRC auditorium on August 24, 2004. This meeting will include a series of technical presentations on research being conducted by the various agencies on environmental modeling.

Public Workshop on Regulatory Structure for New Plant Licensing

On July 27-28, 2004, RES sponsored a public workshop on future plant designs. The purpose of the workshop was to discuss and solicit stakeholder comments on the draft technology-neutral regulatory framework for new reactors and options for functional performance requirements and criteria for non-light-water reactor containment designs. The workshop was well attended and included representatives from the nuclear industry, a public citizen's organization, vendors, consultants, academia, Department of Energy, and national laboratories. The feedback on the workshop was positive and indicated general agreement with the need for a regulatory framework and its conceptual bases. The attendees expressed their desire to comment on the draft framework when issued for public review. Attendee feedback on the preliminary containment performance options provided input and perspectives toward finalizing this area. The RES staff currently anticipates that the draft framework will be issued for comment in December 2004.

Nuclear Security and Incident Response
Items of Interest
Week Ending July 30, 2004

Preliminary Notifications

1. PNO-IV-04-020, Columbia Generating Station - AUTOMATIC REACTOR SCRAM WITH TWO CONTROL RODS INDICATING NOT FULLY INSERTED.

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ENCLOSURE D

Chief Information Officer
Items of Interest
Week Ending July 30, 2004

Freedom of Information Act and Privacy Act Requests Received During the Period of
July 23 through July 29, 2004:

Solicitation #ADM-04-423, bidders mailing list, incumbent contractor, abstract of bids, schedule B line item pricing	FOIA/PA-2004-0309
Contract #ADM-04-423, current & previous contract period service contract act, price adjustment mod & section B; current & previous contract period wage determination	FOIA/PA-2004-0310
Civil & administrative violations for which a monetary penalty was assessed, CY 2003 and 2004	FOIA/PA-2004-0311
Chernobyl Sarcophagus, Ukraine, most recent report/data on safety and status	FOIA/PA-2004-0312

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Office of Human Resources
Items of Interest
Week Ending July 30, 2004

Arrivals		
Toral Desai	Secretary (OA)	OCFO
Quanitta Favorite	Secretary (OA)	NSIR
Joe Foster	Sr. Intelligence Analyst	NSIR
Kathleen Podolak	Clerk	ASLBP
Jeremy E. Tapp	General Engineer (NSPDP)	NRR
Retirements		
Ronald Lloyd	Sr. Reactor Systems Engineer	RES
Sadanandan V. Pullani	Sr. Reactor Systems Engineer	RES
Departures		
Candice Griffith	Student Engineer	RES
Gilena A. Monroe	Student Engineer (Summer)	ACRS

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ENCLOSURE I

Office of Public Affairs
Items of Interest
Week Ending July 30, 2004

Media Interest

The Office of Public Affairs (OPA) received significant media inquiries on the following:

Nevada's challenge to the Department of Energy's certification of documents in the License Support Network (LSN) for Yucca Mountain.

NRC's certification that its documents regarding Yucca Mountain are available on the LSN.

Declaration of an Alert at Columbia Generating Station.

Press Releases	
Headquarters:	
04-089	NRC Staff Makes its Yucca Mountain Documents Available (7/30)
Regions:	
II-04-041	NRC Proposes \$24,000 Fine Against Westinghouse for Alleged Violations at Commercial Nuclear Fuel Plant in Columbia, S.C. (7/30)

Office of the Secretary
Items of Interest
Week Ending July 30, 2004

Document Released to Public	Date	Subject
Decision Documents		
1. SECY-04-0115	7/7/04	Rulemaking Plan to Incorporate First Revised Order EA-03-009 Requirements into 10 CFR 50.55a
2. COMSECY-04-0044	7/12/04	Public Meeting to Communicate Security Matters - Revised Agenda and Talking Points
SRM on COMSECY-04-0044	7/22/04	(same)
Voting Record on COMSECY-04-0044	7/22/04	(same)
3. SECY-04-0118	7/13/04	Plan for the Implementation of the Commission's Phased Approach to Probabilistic Risk Assessment Quality
4. SECY-04-0110	7/2/04	High-Risk Material - Proposed Rule to Amend 10 CFR Part 110, "Export and Import of Nuclear Equipment and Material"
SRM on SECY-04-0110	7/29/04	(same)
Voting Record on SECY-04-0110	7/29/04	(same)
Information Papers		
1. SECY-04-0131	7/22/04	SECY-04-0131 Weekly Information Report - Week Ending July 16, 2004
2. SECY-04-0117	7/9/04	Semiannual Update of the Status of New Reactor Licensing Activities
3. SECY-04-0123	7/16/04	Litigation Report - 2004 - 03

Memoranda		
M040729A	7/29/04	Staff Requirements - Affirmation Session: I. SECY-04-0120 - Duke Energy Corp. (Catawba Nuclear Station, Units 1 and 2); NRC Staff's Petition for Interlocutory Review of the Licensing Board's 6/25/04 Oral Order (Finding the Intervenor's Witness Qualified as an Expert in the Area of Nuclear Security)

Commission Correspondence

1. Letter to Joe Colvin, Nuclear Energy Institute, dated July 20, 2004, responds to request that the Commission reconsider its decision to combine the efforts to revise the drug and alcohol testing requirements in 10 CFR Pt. 26, Fitness for Duty Program.

Federal Register Notices Issued

1. Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Thermal-Hydraulic Phenomena, notice of meeting (08/17-18/04).
2. Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Safeguards and Security, notice of meeting (08/24-26/04).
3. Atomic Safety and Licensing Board, In the Matter of Louisiana Energy Services, L.P., (National Enrichment Facility), Docket No. 70-3103-ML, ASLBP No. 04-826-01-ML, July 26, 2004, Notice of Hearing (Application to Possess and Use Nuclear Material to Enrich Natural Uranium by the Gas Centrifuge Process).
4. Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Thermal-Hydraulic Phenomena, August 17-18, 2004 meeting, postponed.

Region I
Items of Interest
Week Ending July 30, 2004

Salem and Hope Creek Generating Station - Safety Conscious Work Environment

On July 30, 2004, NRC issued a letter to Public Service Electric and Gas (PSEG) documenting the results of NRC's review of the work environment at the Salem and Hope Creek. Although the NRC's review did not identify any serious safety violations, weaknesses were identified in corrective actions and work management. The NRC's review also identified that the station management has not been consistent in its support of station staff identifying concerns and providing alternative views. The letter acknowledged PSEG's June 25, 2004, letter which described its plans to improve the work environment at Salem and Hope Creek.

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Region IV
Items of Interest
Week Ending July 30, 2004

Wolf Creek Generating Station - Announcement of Management Change

On July 23, 2004, Wolf Creek Nuclear Operating Corporation announced that Mr. Matthew Sunseri will assume the position of Vice President - Oversight at the Wolf Creek Generating Station. Mr. Sunseri will provide management oversight for various programs including Quality Assurance, Corrective Action, Operating Experience, Human Performance, Licensing, Environmental, Emergency Planning, Training, and the Employee Concerns Program. Previously, Mr. Sunseri was employed at the Comanche Peak Steam Electric Station and held various management positions at that facility.

Diablo Canyon Public Meeting

On July 27, 2004, the Regional Administrator and other members of the Region IV staff held a public meeting with Pacific Gas & Electric (PG&E) Company in San Luis Obispo, CA. The purpose of the meeting was to discuss PG&E's plans to address identified weaknesses in human performance and problem identification/resolution at the Diablo Canyon Power Plant. Approximately 50 attendees, including special interest groups (e.g., Mothers for Peace) and the media participated in the meeting. Prior to the meeting, the Regional Administrator met with the Chairman of the San Luis Obispo County Board of Supervisors.

San Onofre Nuclear Generating Station End-of-Cycle Public Meeting

On July 29, 2004, several members of the Region IV staff held an End of Cycle public meeting with Southern California Edison Company (SCE) in San Clemente, CA. Approximately 30 attendees, including local government officials and members of the public and the media participated in the meeting.

Office of Congressional Affairs
Items of Interest
Week Ending July 30, 2004

CONGRESSIONAL HEARING SCHEDULE, NO. 68

Portner	TBA SD-124	TBA	Markup	FY2005 Energy and Water Development Appropriations	Senators Domenici/Reid Energy and Water Development Appropriations
Keeling	TBA 345 CHOB	TBA	Markup	Homeland Security Authorization	Reps. Cox/Turner Select Committee on Homeland Security

Note: The Senate and the House of Representatives are in recess until September 7.

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ENCLOSURE R