

April 8, 1999

The Honorable James M. Inhofe, 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:

The Fiscal Year 1999 Energy and Water Development Appropriations Act, Senate Report 105-206, directed the Nuclear Regulatory Commission to provide a monthly report on the status of its licensing and regulatory duties. I am pleased to transmit the fourth report which covers the month of March (enclosed).

I am also pleased to report to you that the staff continues to complete milestones within the improvement initiatives outlined in the Tasking Memorandum, as well as make progress on other important initiatives. We continue to meet our targets for licensing action age and completion rates, and the license renewal process for Calvert Cliffs remains on schedule. I am particularly pleased to inform you that, during this reporting period, the NRC staff issued on time the safety evaluation report documenting the technical review of licensee submittals through March 5, 1999, for the Calvert Cliffs license renewal application.

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I have enclosed the March update to the Tasking Memorandum which delineates the specific initiatives completed by the agency since August 1998 and future milestones.

Please do not hesitate to contact me if I may provide additional information.

Sincerely,

/s/ Shirley Ann Jackson

Shirley Ann Jackson

cc: Senator Bob Graham

Enclosures:

1. March Monthly Report
2. Tasking Memorandum

April 8, 1999

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

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cc: Ralph M. Hall

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The Honorable Ron Packard, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

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cc: Representative Peter J. Visclosky

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

MARCH 1999

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I. Implementing Risk-Informed Regulations

In the area of risk-informed and performance-based regulation, the staff continues to make progress on tasks in all activity categories. The following are some examples:

In the area of Graded Quality Assurance, the NRC staff is discussing with South Texas Project (STP) a draft request submitted to the NRC on March 1, 1999, for an exemption from the special treatment requirements for components that are of low or no safety significance. While implementing a risk-informed graded quality assurance program approved by the staff in November 1997, STP discovered that other regulatory requirements prevented them from realizing the benefits they had anticipated. The NRC staff and STP have met several times to discuss the interaction between the Quality Assurance requirements in the Code of Federal Regulations (10 CFR Part 50, Appendix B) and other requirements such as those for seismic and environmental qualification of equipment. The draft exemption request describes STP's proposal for identifying the scope of structures, systems, and components exempted from these other requirements. The staff and STP met most recently to discuss the proposal on March 15, 1999.

In the area of inservice inspection, representatives of the Electric Power Research Institute (EPRI) and its contractors met with the NRC staff on March 2 and 3, 1999, at the NRC's offices in Rockville, Maryland to discuss the EPRI risk-informed inservice inspection (RI-ISI) topical report, "Risk-Informed Inservice Inspection Evaluation Procedure." EPRI presented technical details of its RI-ISI methodology and addressed staff's questions and comments. Two pilot applications, which were based on an earlier version of the EPRI Topical Report, have been reviewed and approved by the staff. EPRI will incorporate the lessons learned from these pilots into a revision of the topical report. The staff will expedite its generic evaluation of the revised report, especially those parts that incorporate the methodologies and techniques that have been demonstrated as acceptable through the pilot program.

The NRC staff met recently with Nuclear Energy Institute (NEI) and utility representatives from Texas Utilities Electric Company, Southern California Edison Company, and Nebraska Public Power District to discuss the methodology for hazard barrier control associated with maintenance activities. Hazard barriers include the walls, doors, floors/ceilings, ventilation dampers, and other structures that separate and protect equipment and personnel from various hazards such as fires, high energy line breaks, moderate energy line breaks, and internal or external (weather generated) missiles. Current regulations for these barriers require the preparation of a 10 CFR 50.59 safety evaluation or entry into Technical Specification Actions for maintenance on the barriers themselves or for the temporary removal of the barriers to maintain the equipment they protect. During the meeting the staff and industry discussed a draft of a topical report intended to provide a standard methodology for performing evaluations to support control of hazard barriers which could be used to satisfy current regulations as well as serve as a basis for implementation of a barrier control process. NRC expects the reactor industry to submit to the NRC in the near future a revised topical report on the issue for staff review.

II. Nuclear Plant Assessment, Inspection and Enforcement Processes

During the past month, the staff has continued to meet on a biweekly basis with NEI and other stakeholders to refine the proposed changes to its assessment, inspection and enforcement processes. Activities for the month include:

- the selection of the nine plants for participation in the pilot of the reactor oversight process between June and December 1999
- the drafting of detailed procedures to implement the revised inspection and assessment programs
- the development of proposed changes to the enforcement policy to make it consistent with the revised oversight process
- the completion of the public comment period on SECY-99-007 and continuing agency action in response to these comments
- the presentation of the proposed reactor oversight process at the Regulatory Information Conference held March 3-5, 1999
- issuance of a supplemental description on the proposed oversight process improvements in SECY-99-007A
- briefing for the Commission and stakeholders on recommended process improvements on March 26, 1999.

III. Status of Issues in the Reactor Generic Issue Program

A change in the status for one Generic Safety Issue since the February 1999 report and the reason for the change is described below:

GSI Number: B-61
TITLE Allowable ECCS Equipment Outage Periods

STATUS This issue was resolved with no new or revised requirements.

GSI B-61 deals with the determination of analytically derived values for allowable outage periods (during power operation) and whether there is a need for a limit on equipment cumulative outage times (during power operation). The staff resolution of "no action" is based on the fact that other programs, such as the Technical Specification Improvement Program, risk-informed technical specifications, and the Maintenance Rule are addressing the concerns of GSI B-61. Based upon implementation of these activities, no potential additional actions were identified which would contribute substantially to plant safety. Any additional actions would not result in a cost beneficial enhancement of safety, i.e., would not meet the NRC backfit criteria.

All other GSIs remain on schedule.

IV. Nuclear Power Plants on the Watch List

There is no change in this area from the February 1999 report for Clinton.

On March 8, 1999, Commonwealth Edison announced a revised restart schedule for LaSalle Unit 2 that moves the date the licensee plans to enter the startup mode to April 7, 1999, earlier by approximately one month. The licensee plans to be at full power on June 1, 1999. The licensee has gained efficiencies during the completion of maintenance and modification activities. Remaining activities consist of equipment testing and core reload.

On March 11, 1999, the Nuclear Regulatory Commission closed an order requiring independent, third-party oversight of the employee concerns and safety-conscious work environment programs at the Millstone nuclear power plants in Connecticut.

V. Licensing Actions

Licensing actions may be 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 it can be implemented 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 may be defined as: 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 one output measure related to other licensing tasks, i.e., number of other licensing tasks completed.

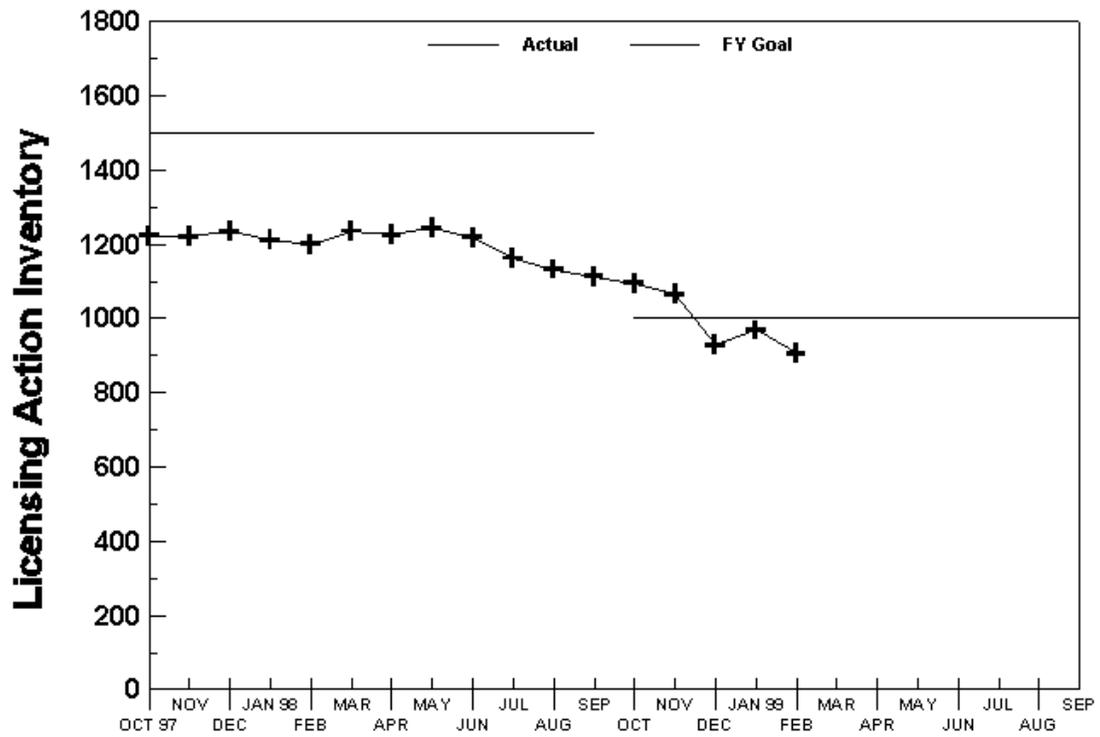
The actual FY 1998 results, the FY 1999 goals and the FY 1999 results, through February 28, 1999, for the four NRC Performance Plan output measures are shown in the table below.

| PERFORMANCE PLAN | | | |
|--|--|---|---|
| Output Measure | FY 1998 Actual | FY 1999 Target | FY 1999 Actual (thru 2/28/99) |
| Licensing actions completed per year | 1425 | 1670 | 772 |
| Size of licensing actions inventory | 1113 | 1000 | 905 |
| 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 | 78.5%# 1 year; 93.1% # 2 years; and 97.7% # 3 years old |
| Other licensing tasks completed per year | 1006 | 800 | 375 |

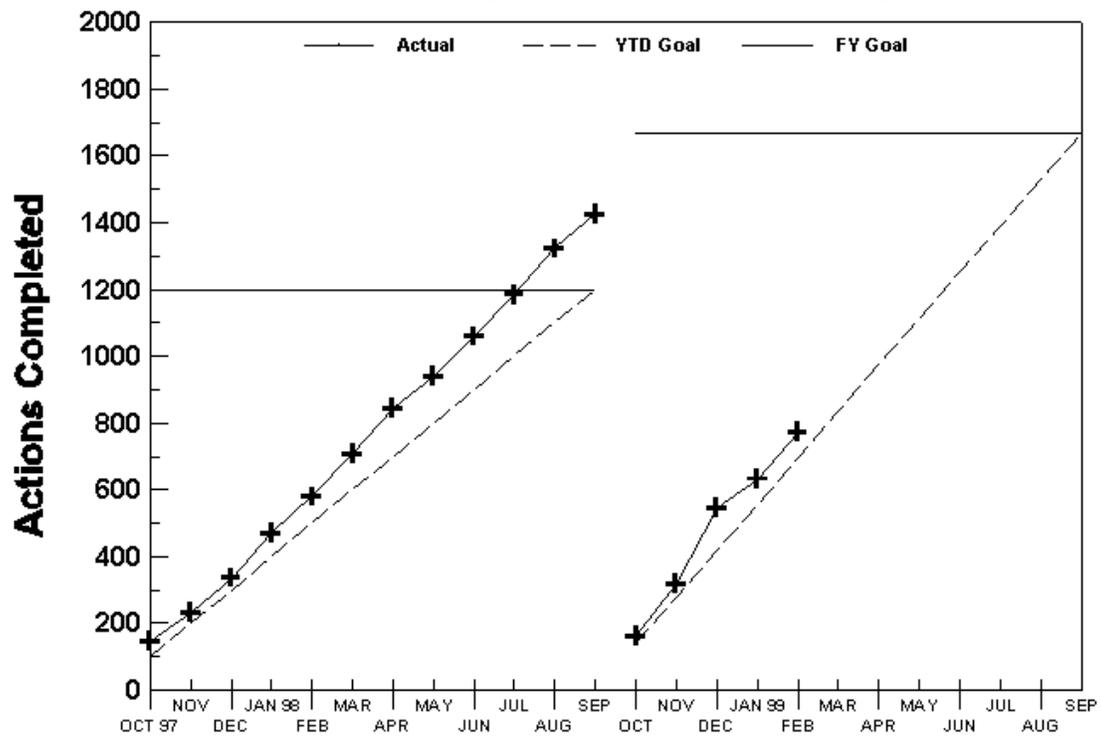
In FY 1999, NRC increased resources for completing licensing actions, such that given the current size of the inventory and the estimated number of licensing action requests, the inventory size and number of completions goals should be met by the end of the fiscal year. However, the goal for the age of the inventory has historically not been met. NRC has undertaken several initiatives to reduce the age of licensing action inventory. For instance, a special effort was initiated in mid-1998 to conduct a management review of the older items in the inventory. For each item, status was assessed, success paths for resolution were identified, and completion schedules were established. Monthly progress reports have been published and follow up management meetings have emphasized the need to meet established schedules. The NRC has made substantial progress towards meeting the licensing action age goal.

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

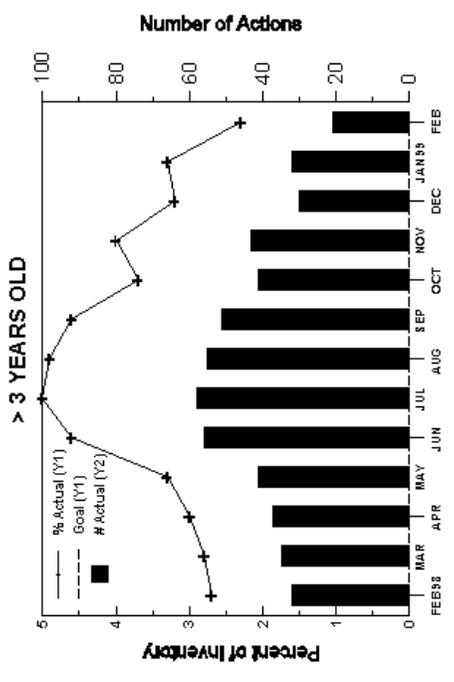
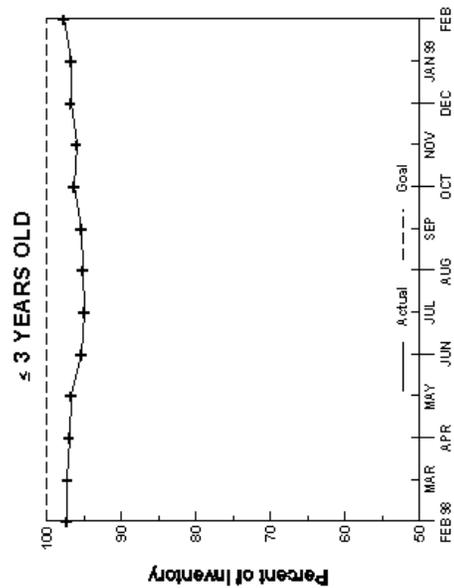
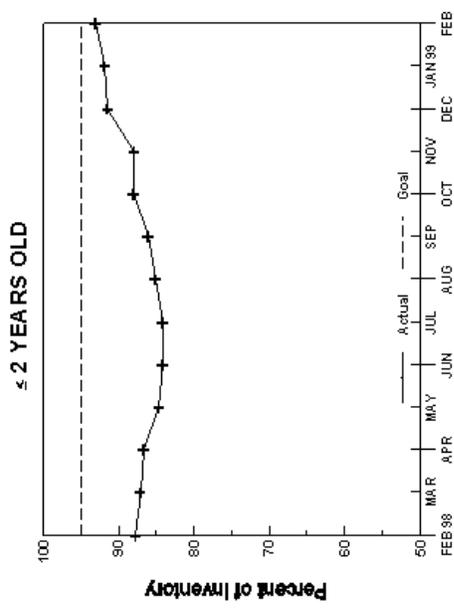
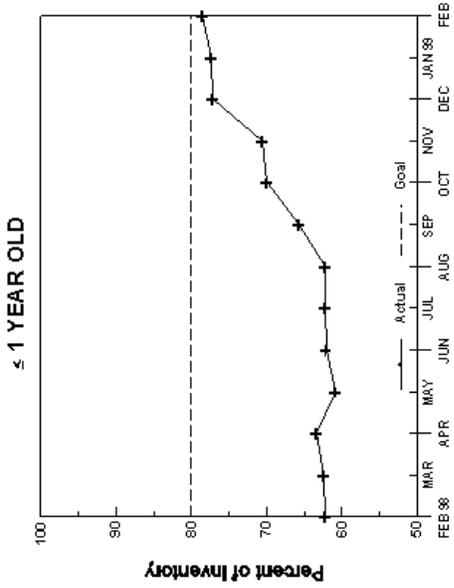


Nuclear Reactor Safety - Reactor Licensing Performance Plan Target: Completed Licensing Actions



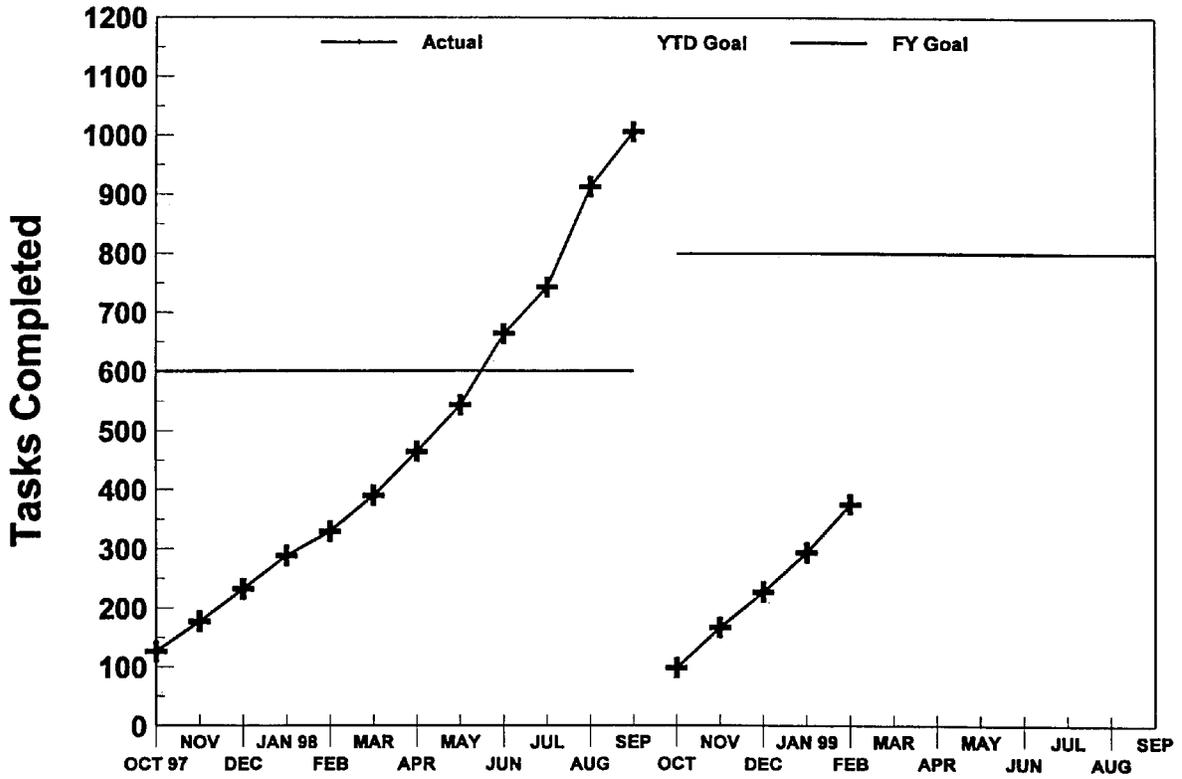
Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: Age of Licensing Action Inventory



Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: Completed Other Licensing Tasks



VI. Status of Calvert Cliffs License Renewal Application

All activities associated with the review of the Calvert Cliffs license renewal application are on schedule. The draft environmental statement was issued on February 24, 1999. The staff issued the initial Safety Evaluation Report (SER) related to the license renewal of Calvert Cliffs on March 21, 1999. The SER reflects the status of the staff's technical review based on licensee submittals through March 5, 1999, unless otherwise noted, and is an important milestone for the licensee and NRC staff. The SER identifies open items in its review that must be resolved before it can make a final determination on the application. A complete, revised SER will be issued by November 16, 1999.

VII. Status of Review of Private Fuel Storage, Limited Liability Corporation's (PFS) Application for a License to Operate an Independent Spent Fuel Storage Installation (ISFSI) on the Reservation of the Skull Valley Band of Goshute Indians

The NRC staff signed memoranda of understanding with the U.S. Department of Interior's Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA) which will enable these two agencies to be cooperating federal agencies with NRC for the development of the PFS environmental impact statement (EIS). This is consistent with the requirements of 10 CFR Part 51 and guidelines established by the Council on Environmental Quality (CEQ); will assure adequate treatment of related issues; and will avoid duplication of effort and achieve a significant efficiency for the federal government by reducing from three to one, the number of EIS's to be prepared in association with the PFS application.

PFS has responded to the NRC staff's two requests for additional information (RAI) on safety issues and to the staff's first RAI on environmental issues needed for the development of the EIS. The staff is currently reviewing these responses to determine if PFS has provided complete information and whether additional information must be provided. The staff believes that a second RAI on EIS issues will be necessary, in part, to consider the impacts of the PFS decision in August 1998 to amend its license application to propose the construction of a 32-mile rail spur through BLM land as the preferred method of moving the spent fuel from the transcontinental rail lines to the proposed facility on the Skull Valley Indian Reservation.

The construction of PFS proposed rail spur will require BLM to amend the land use plan for Skull Valley, which BLM has determined should be assessed in the EIS. The BIA has similarly determined that the Skull Valley Indians request for BIA approval of its proposed lease with PFS should be addressed in the EIS. As a result, an additional scoping meeting will be required to elicit public comments on these proposed actions and to assure that the EIS adequately considers their potential impacts. The time required to notice the additional scoping process and to develop and review a second environmental RAI is expected to result in a delay of approximately four months in the release of the draft EIS. Part of this delay can be accommodated in the current schedule, and the staff does not believe that any necessary adjustment to the schedule will result in a significant delay to either the schedule for the final EIS or to the date for the adjudication of the environmental contentions before the Atomic Safety and Licensing Board.

It should be noted that BLM officials have indicated that a decision to amend the land use plan for Skull Valley is subject to an agency appeal process which, under a worst case scenario,

could take several years. In that event, it is possible that construction and operation of the facility could be delayed beyond the time required for NRC licensing.

VIII. Summary of Reactor Enforcement by Region

| | | Reactor Enforcement Actions* | | | | |
|-----------------------------|-------------|------------------------------|-----------|------------|-----------|-------|
| | | Region I | Region II | Region III | Region IV | TOTAL |
| Severity Level I | February 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 | February 99 | 0 | 0 | 0 | 0 | 0 |
| | FY 99 YTD | 1 | 0 | 1 | 0 | 2 |
| | FY 98 Total | 3 | 1 | 1 | 1 | 6 |
| Severity Level III | February 99 | 1 | 0 | 0 | 2 | 3 |
| | FY 99 YTD | 5 | 0 | 1 | 6 | 12 |
| | FY 98 Total | 46 | 11 | 15 | 19 | 91 |
| Severity Level IV | February 99 | 9 | 6 | 5 | 4 | 24 |
| | FY 99 YTD | 48 | 37 | 49 | 58 | 192 |
| | FY 98 Total | 383 | 271 | 392 | 261 | 1307 |
| Non-Cited Severity Level IV | February 99 | 21 | 17 | 19 | 22 | 79 |
| | FY 99 YTD | 126 | 64 | 104 | 103 | 379 |
| | 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 refer 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 February 1999

Entergy Operations, Inc., River Bend Station Supplement I, (EA 98-478)

A Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$55,000 was issued on February 1, 1999. This action was based on two Severity Level III violations involving whether the Emergency Diesel Generators (EDGs) could perform their intended safety function under design basis accident conditions and comply with the technical specification definition of operability since original installation. Because this was not the first escalated enforcement action within 2 years, the staff considered whether credit was warranted for identification and corrective action. The first Severity Level III violation involved the licensee's failure to ensure that the EDGs would have remained operable during certain periods of operations. Credit was warranted for identification because the licensee identified the violation, and credit was warranted for corrective actions based on the licensee's immediate and comprehensive corrective actions. The second Severity Level III violation involved the licensee's failure to identify promptly and ensure the operability of the EDGs. The NRC considered that credit for identification was not warranted for this violation. The licensee's staff could have recognized the design vulnerability since 1990, but failed to recognize the significance of that information until June 1998 after the NRC raised general questions relative to the integrity of the particular EDG subsystem involved. However, credit for corrective actions was warranted for the prompt and comprehensive corrective actions taken once the issue was identified. As a result, a base civil penalty was proposed for this second Severity Level III violation.

Northeast Nuclear Energy Company (NNECO), Millstone Unit 2 Supplement I, (EA 98-468)

A Notice of Violation for a Severity Level III violation was issued on February 18, 1999. The action was based on a violation that involved a change to the facility made in 1995, with respect to the auxiliary feedwater (AFW) system, without first performing a safety evaluation to ensure that the change did not involve an unreviewed safety question. Specifically, a Technical Specification (TS) Clarification was issued which would have allowed Unit 2 to operate for up to 72 hours following isolation of one of the two flow paths that provide water from the three AFW pumps to the two steam generators (SGs). With the flow path to one SG isolated, a main steam line break on the other SG would result in no AFW being supplied to an intact SG. As a result, the overall consequences of an accident could have increased beyond that described in the FSAR. The NRC exercised discretion to not propose a civil penalty in this case in accordance with Section VII.B.2 of the Enforcement Policy. The decision to exercise discretion was made because (1) the violation occurred before the extended shutdown of the Millstone units and was considered an additional example of the underlying performance problems that were the basis for the \$2,100,000 civil penalty issued to NNECO on December 12, 1997; (2) the violation was not willful; and (3) the licensee had not yet proposed to restart Millstone Unit 2 nor obtained NRC concurrence. Although the violation was identified by the NRC, the NRC concluded that a civil penalty in this case was not necessary to achieve remedial action.