

March 15, 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:

The Fiscal Year 2001 Energy and Water Development Appropriations Act, House Report 106-693, directed the Nuclear Regulatory Commission (NRC) to continue to provide a monthly report on the status of its licensing and regulatory duties. The initial reporting requirement arose in the Fiscal Year 1999 Energy and Water Development Appropriations Act, Senate Report 105-206. The FY 2000 Energy and Water Development Appropriations Act, House Report 106-253, expanded the scope of the report requirement to include regulatory reform efforts affecting power reactor operations beyond 10 CFR Part 50, particularly NRC efforts to evaluate NRC security regulations. In FY 2000, we also expanded the monthly report to include the status of all license renewal applications that are under active review and other NRC initiatives in developing implementation guidance for the license renewal rule. I am pleased to transmit the twenty-sixth report, which covers the month of January (Enclosure 1).

The December report provided information on a number of significant NRC activities, including information on the status of NRC's review of Private Fuel Storage, Limited Liability Corporation's (PFS) application for a license to operate an independent spent fuel storage installation on the Reservation of the Skull Valley Band of Goshute Indians. In December 2000, the applicant for the license to construct the PFS facility notified the NRC of the existence of new information that would change the staff's target date of February 28, 2001 for completion of the PFS Environmental Impact Statement. The extent of the delay cannot be determined in advance of the receipt and review of the new information. The applicant indicated that all the new information will be submitted in March 2001.

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

Sincerely,

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Richard A. Meserve

Enclosures:

1. Monthly Report
2. Tasking Memorandum

cc: Senator Joseph I. Lieberman

March 15, 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

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Richard A. Meserve

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2. Tasking Memorandum

cc: Representative Rick Boucher

March 15, 2001

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

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Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510

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Washington, D.C. 20515

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/RA/

Richard A. Meserve

Enclosures:

1. Monthly Report
2. Tasking Memorandum

cc: Representative John D. Dingell

March 15, 2001

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

Dear Mr. Chairman:

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cc: Senator Harry Reid

March 15, 2001

The Honorable Pete V. Domenici
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Washington, D.C. 20510

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

January 2001

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¹Note: The period of performance covered by the report includes activities occurring between the first and last day of the month (e.g., January 31, 2001). The transmittal letter to Congress accompanying this report may provide more recent information in order to keep Congress fully and currently informed of NRC's licensing and regulatory activities.

LXIV. Implementing Risk-Informed Regulations

The staff continues to make progress on tasks involving use of probabilistic risk information in many areas. The milestone schedule for the more significant risk-informed activities are included in the Commission Tasking Memorandum (Enclosure 2 to the letter from Richard A. Meserve, NRC Chairman, forwarding the January 2001 monthly report to Congress on the status of NRC licensing and regulatory duties). The following activities have seen substantial progress since the last report.

Risk-Informed Regulation Implementation Plan

In SECY-00-0213, "Risk-Informed Regulation Implementation Plan," dated October 26, 2000, the staff provided the Commission with the first complete version of the Risk-Informed Regulation Implementation Plan (RIRIP) and described internal and external factors that may impede the implementation of risk-informed activities. The RIRIP contains (1) a statement of objectives and their relevance to the probabilistic risk assessment (PRA) policy statement and the agency's strategic plan; (2) a set of criteria and a process for deciding what to risk-inform; (3) guidelines for risk-informed activities; (4) a summary of activities planned to implement the risk-informed regulatory strategies that are described in the agency's strategic plan; (5) a description of an internal communications plan for soliciting and considering staff input and feedback on the agency's plan and progress toward implementing risk-informed regulatory initiatives; and (6) a description of a training program to ensure that the staff has the knowledge and skills needed to implement risk-informed regulations.

On January 4, 2001, the Commission issued a staff requirements memorandum on SECY-00-0213 that directed the staff to continue to refine the RIRIP 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 critical path and have cross-cutting dimensions. In particular, the Commission directed the staff to examine the plan to identify and include missing items that should be part of a comprehensive risk-informed strategy.

The Commission noted that the issue of PRA quality remains a key consideration and, as a top priority, the staff should work with industry groups and other stakeholders to finalize the PRA quality standards.

In the next version of the RIRIP, the Commission requested the following additional information:

- The staff should more clearly indicate how performance-based regulatory approaches will be integrated into the process of risk-informing regulations.
- The staff should provide a more detailed communications plan. In particular, the emphasis on improving public confidence should be more apparent. The communications plan should better highlight the Agency's goal of improving public confidence as the agency continues to move forward with risk-informed regulatory approaches.

The staff is committed to improving the RIRIP and to being responsive to the Commission's comments. The next version of the RIRIP will be published this summer.

Risk-Informing Specific Technical Requirements in 10 CFR Part 50

In SECY-00-0198, "Status Report on Study of Risk-informed Changes to the Technical Requirements of 10 CFR Part 50 (Option 3) and Recommendations on Risk-informed Changes to 10 CFR 50.44 (Combustible Gas Control)," dated September 14, 2000, the staff provided the Commission a status report on its study of possible risk-informed changes to the technical requirements of 10 CFR Part 50, and its recommendations for risk-informed changes to 10 CFR 50.44 that will both enhance safety and reduce unnecessary burden, and to provide policy issues for Commission decision.

On January 19, 2001, the Commission issued a staff requirements memorandum on SECY-00-0198 that approved the staff's recommendations in SECY-00-0198. Specifically, the Commission approved:

- The staff should proceed expeditiously with rulemaking on the risk-informed alternative version of 10 CFR 50.44.
- Selective implementation by licensees of individual elements of a risk-informed alternative should not be permitted.
- Since implementation of the risk-informed alternative version of 10 CFR 50.44 is voluntary on the part of licensees, the Commission agrees with the staff position that a backfit analysis of that version is not required. However, a disciplined, meaningful, and scrutable process needs to be in place to justify any new requirements that are added as a result of the development of risk-informed alternative versions of regulations.

The staff is proceeding, expeditiously, with the rulemaking on 10 CFR 50.44 and will comply with the additional language in the staff requirements memorandum from the Commission.

Risk-Informing Special Treatment Requirements for Power Reactors

The Commission decided in 1998 to consider promulgating new regulations that would provide an alternative risk-informed approach for special treatment requirements in the current regulations for power reactors. Special treatment may be defined as current requirements imposed on structures, systems, and components that go beyond industry-established requirements for equipment classified as "commercial grade" that provide additional confidence that the equipment is capable of meeting its functional requirements under design basis conditions. These special treatment requirements include additional design considerations, qualification, change control, documentation, reporting, maintenance, testing, surveillance, and quality assurance requirements.

In April 2000, the Commission published an advance notice of proposed rulemaking (ANPR) inviting comments and recommendations from interested parties on the contemplated approach for this rulemaking (commonly known as Risk-Informed Part 50, Option 2). In SECY-00-194, "Risk-Informing Special Treatment Requirements," dated September 7, 2000,

the staff provided preliminary views on the comments received on the ANPR and presented an approach for rulemaking.

The NRC has been reviewing the industry PRA peer review process as a means of addressing PRA quality for implementation of risk-informed changes of special treatment requirements (Option 2). On January 18 and 19, 2001, the Nuclear Energy Institute (NEI) submitted responses to staff questions on NEI 00-02, "Probabilistic Risk Assessment Peer Review Process Guideline," and the NEI categorization and treatment document NEI 00-04, "Option 2 Implementation Guideline." The staff plans to continue to work with the industry and other stakeholders on issues central to Option 2 such as PRA peer reviews and the categorization and treatment of structures, systems, and components.

South Texas Project (STP) Risk-Informed Exemption Requests From Special Treatment Requirements

On July 13, 1999, STP Nuclear Operating Company (STPNOC) requested risk-informed exemptions from certain special treatment requirements of 10 CFR Parts 21, 50, and 100 for safety-related structures, systems, and components that it had determined to be of low risk significance. The staff and STPNOC have had several meetings to discuss the exemption requests and on November 15, 2000, the staff provided its preliminary findings in a draft Safety Evaluation (SE). The exemption request is based on a risk-informed categorization of components in the plant. The draft SE addressed each of the regulations from which an exemption was sought, expressed the extent to which the staff found the request reasonable, and identified those areas (open items) where additional interaction with the NRC is necessary. On January 23, 2001, STPNOC submitted the last of their responses to the open items identified in the draft SE.

II. Revised Reactor Oversight Process

The NRC commenced initial implementation of its Reactor Oversight Process (ROP) at all nuclear plants in April 2000. It has continued meeting with interested stakeholders on a periodic basis to continue refining the ROP and collect feedback on the efficacy of the process. Recent activities include:

- a. The NRC's ROP Initial Implementation Evaluation Panel (IIEP) held its third public meeting on January 22-23, 2001, in Bethesda, Maryland. The NRC established the panel to obtain advice and recommendations on the revised reactor oversight process in accordance with the Federal Advisory Committee Act (FACA). The panel will independently evaluate the results of the first year of implementation of the revised reactor oversight process. It will provide its views and advice on possible revisions to the program in a written report. The panel includes representatives from the NRC headquarters and regional offices, the Georgia Department of Natural Resources, the California Energy Commission, the Nuclear Energy Institute, the New England Coalition on Nuclear Pollution, Ferdig Inc., and reactor licensees. During this meeting the NRC staff made presentations on: ROP self-assessment data and insights; current ROP initiatives and status; status of recommendations and issues identified in the pilot

program, Pilot Program Evaluation Panel report and Commission Staff Requirements Memorandum.

- b. Regional and Headquarters NRC managers and Inspection Program Branch (IIPB) staff are continuing efforts to interface with other NRC staff and public stakeholders to discuss ROP initial implementation issues. This included a briefing of the Advisory Committee on Reactor Safeguards (ACRS) Plant Operations Sub-committee on the status of ROP implementation issues and activities on December 6, 2000, and public meetings with industry's ROP working group on January 9 and 10, 2001, to discuss and review proposed changes to the first revision of NEI 99-02, "Regulatory Assessment Performance Indicator Guideline," and the ROP implementation issues. Additionally, the Regions, headquarters, and industry participated in the third cross-cutting issues task group public meeting at NRC on December 13, 2000.
- c. On January 10, 2001, the IIPB staff sent a request for comments/information on the first year of the initial implementation of the ROP to members of the public, licensees, and pertinent interest groups. This out-reach effort followed a Federal Register Notice (FRN) that requested comments on the same subject (65 FR 78215). The staff is also conducting a public workshop on March 26-28, 2001, to discuss ROP lessons learned. In the above FRN, NRC is seeking public feedback on key issues that should be considered during the workshop.
- d. The NRC has formed eleven focus groups comprising of staff from various offices to evaluate specific ROP-related issues (that have been identified based on ongoing feedback) and recommend improvements and modifications. The focus group issues are: the performance indicator on safety system unavailability, fire protection, maintenance effectiveness, problem identification and resolution approach, cross-cutting issues, safety system design inspection approach, assessment and enforcement, occupational radiation safety cornerstone issues, physical protection cornerstone issues, inspection program flexibility, and communicating inspection results. This internal review will support NRC staff preparation for an external workshop scheduled on March 26-28, 2001.

III. Status of Issues in the Reactor Generic Issue Program

Resolution of issues in the Reactor Generic Issue Program continues to be on track in accordance with the existing schedules. There have been no changes in the status or resolution dates for Generic Safety Issues since the December 2000 report.

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 it can be implemented by the licensee. The FY 2001 NRC Performance Plan incorporates three output measures related to licensing actions. These are:

number of licensing action completions per year, size of the licensing action inventory, and age of the licensing action inventory.

Other licensing tasks are 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, NRC review of licensee 10 CFR 50.59 analyses and FSAR updates, or other licensee requests not requiring NRC review and approval before it can be implemented by the licensee. The FY 2001 NRC Performance Plan incorporates one output measure related to other licensing tasks. This is the number of other licensing tasks completed.

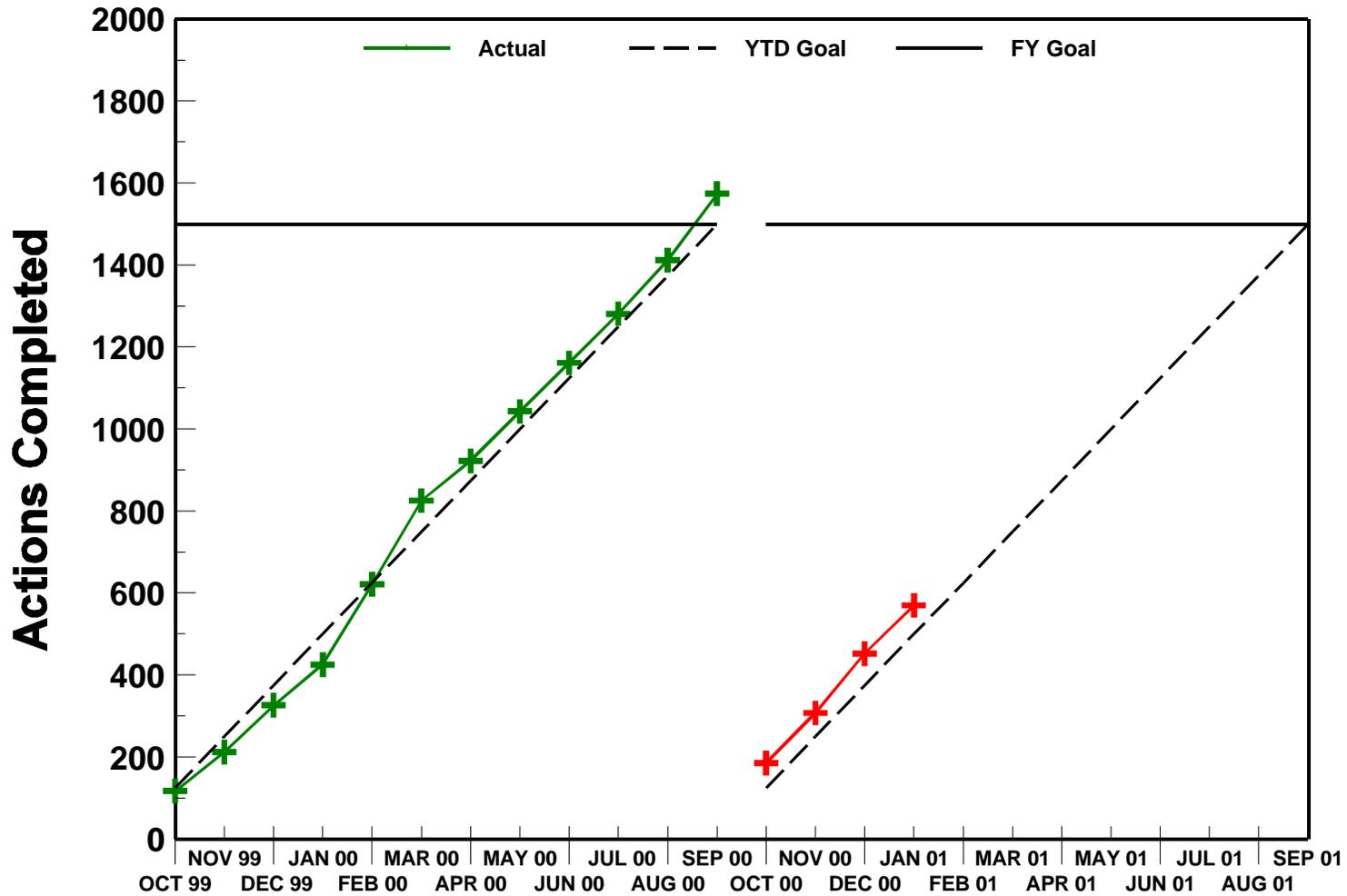
The actual FY 1999 and FY 2000 results, the FY 2001 goals and the actual FY 2001 results, as of January 31, 2001, for the four NRC Performance Plan output measures for licensing actions and other licensing tasks are shown in the table below.

PERFORMANCE PLAN				
Output Measure	FY 1999 Actual	FY 2000 Actual	FY 2001 Goals	FY 2001 Actual (thru 01/31/2001)
Licensing actions completed	1727	1574	\$ 1500	570
Size of licensing action inventory	857	962	# 650	931
Age of licensing action inventory	86.2% # 1 year; and 100% # 2 years	98.3%# 1 year; and 100% # 2 years	95% # 1 year and 100% # 2 years old	93.2% # 1 year; 99.9% # 2 years
Other licensing tasks completed	939	1100	\$ 775	214

The following charts demonstrate NRC's FY 2001 trends for the four licensing action and other licensing task output measure goals.

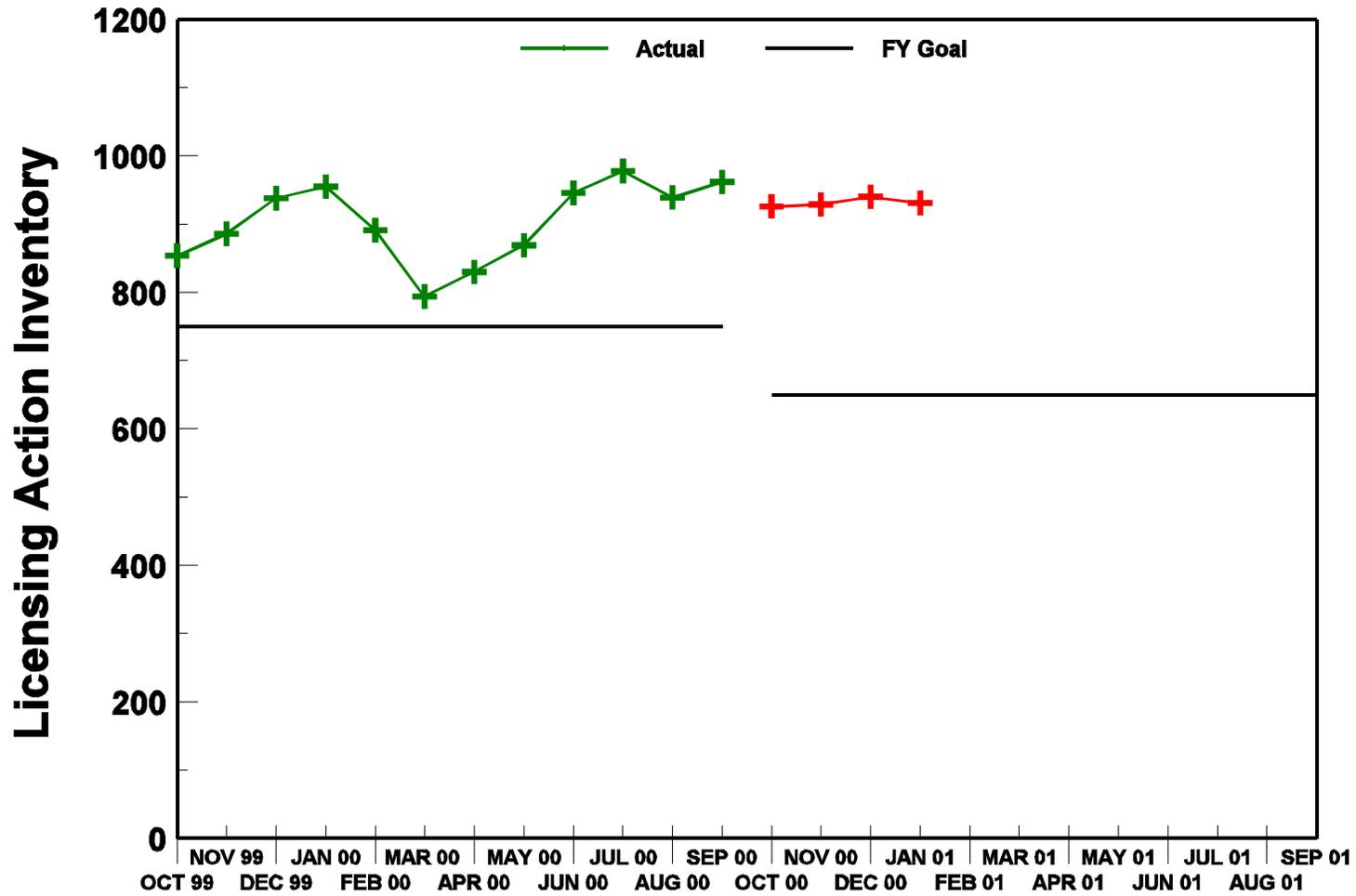
Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: Completed Licensing Actions



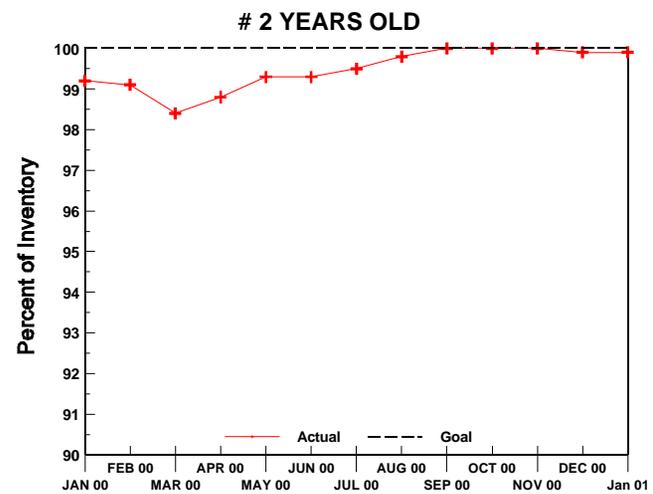
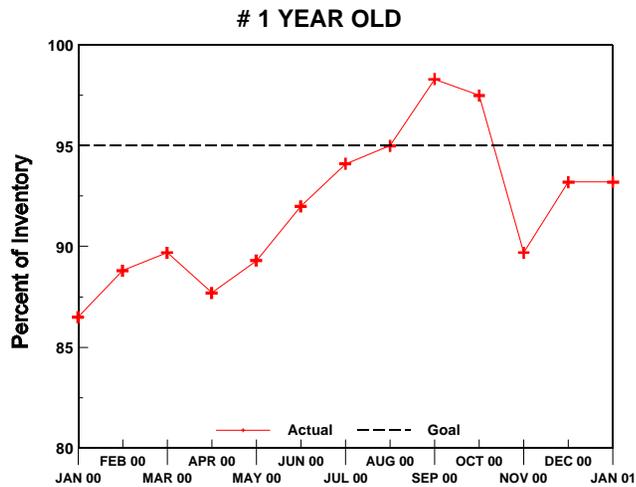
Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: Licensing Action Inventory



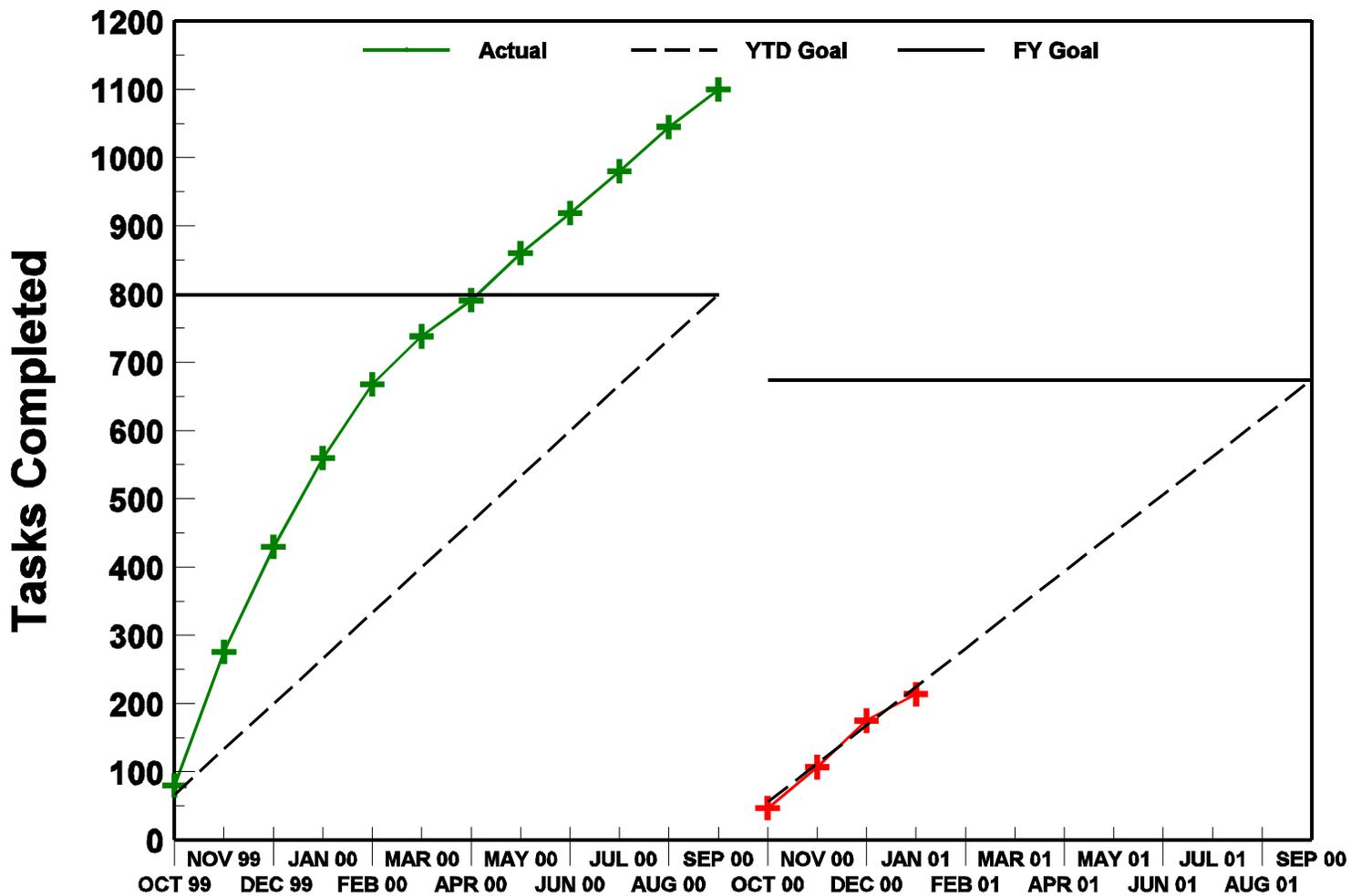
Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: Age of Licensing Action Inventory



Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: Completed Other Licensing Tasks



V. Status of License Renewal Activities

Calvert Cliffs Renewal Application

The renewed licenses for Calvert Cliffs were issued on March 23, 2000, completing the NRC's review of the license renewal applications.

The Commission's denial of a request for hearing on the Calvert Cliffs application was appealed to the Court of Appeals for the D.C. Circuit. On April 11, 2000, the court issued its decision denying the petition for review. The petitioner requested a rehearing by the full Court of Appeals which was denied on June 15, 2000. On January 8, 2001, the Supreme Court denied the petitioner's request for review of the Appellate Court decision. All NRC review activity regarding license renewal for Calvert Cliffs is now complete.

Oconee License Renewal Application

The renewed licenses for Oconee Units 1, 2, and 3 were issued on May 23, 2000, completing the NRC's review of the license renewal application.

Arkansas Nuclear One, Unit 1, Renewal Application

The review of the Arkansas Nuclear One, Unit 1, renewal application is on schedule. All safety and environmental requests for additional information (RAIs) were issued and the applicant's responses were received. The draft supplemental environmental impact statement was issued for public comment in October 2000. The staff issued the SER identifying open items in January 2001.

Hatch, Units 1 and 2, Renewal Application

The review of the Hatch renewal application is on schedule. All safety and environmental RAIs were issued and the applicant's responses were received. The draft supplemental environmental impact statement was published for public comment in November 2000. The staff issued the SER identifying open items on February 7, 2001.

Turkey Point, Units 3 and 4, Renewal Application

The review of the Turkey Point renewal application is on schedule. The application is currently under review and the staff is issuing RAIs. Two requests for hearing were received in response to the public notice of an opportunity for hearing and an Atomic Safety and Licensing Board Panel (ASLB) was convened to consider the requests. The ASLB held a prehearing conference with the petitioners, applicant, and staff in Homestead, Florida, on January 18, 2001.

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

During this reporting period, the Governor of Utah announced an expansion of the State's formal opposition to the proposed Private Fuel Storage Facility, including a request for more than one million dollars in State funding for a new Office of High Level Nuclear Waste Opposition.

The applicant for a license for the Private Fuel Storage Facility, Private Fuel Storage, Limited Liability Company, informed the NRC staff that, in March 2001, it would be submitting a license application amendment which would include changes to Safety Analysis Report and Environmental Report. The information to be provided deals with additional geophysical characterization of the site of the proposed facility. It will be necessary for the NRC staff to review and analyze this new information to determine whether it affects conclusions reached in the September 2000 SER and also whether there is any affect on the Final Environmental Impact Statement that is scheduled for completion in February 2001. It may be necessary for a supplement to the SER to be issued. It is likely that there will have to be a delay in the release of the Final Environmental Impact Statement.

The NRC staff (lead agency) and the three Federal agencies cooperating in the development of the Environmental Impact Statement (the Surface Transportation Board and the U.S. Department of the Interior's Bureau of Indian Affairs and Bureau of Land Management) have continued to review and prepare responses to the public comments received on NUREG-1714, "Draft Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah." The four Federal agencies have also begun to compile the Final Environmental Impact Statement.

Litigation in the adjudicatory proceeding on the Private Fuel Storage, Limited Liability Company application continued during this reporting period with the following: (1) the Atomic Safety and Licensing Board issued a partial initial decision on emergency planning issues, in favor of the Applicant, which is subject to appeal in January 2001; (2) the State of Utah has appealed from the Atomic Safety and Licensing Board's rejection of four late-filed transportation contentions; (3) the Applicant has filed motions for summary disposition of three contentions, concerning geotechnical, aircraft crash, and financial (model service agreement) issues; (4) the State of Utah's motion to admit an additional late contention on transportation issues is pending before the Licensing Board.

VII. Enforcement Process and Summary of Reactor Enforcement by Region

Reactor Enforcement by Region

		Reactor Enforcement Actions*				
		Region I	Region II**	Region III	Region IV	TOTAL
Severity Level I	Dec 2000	0	0	0	0	0
	FY 2001 YTD	0	0	0	0	0
	FY 00 Total	0	0	0	0	0
	FY 99 Total	0	0	0	0	0
Severity Level II	Dec 2000	0	0	0	0	0
	FY 2001 YTD	0	0	0	0	0
	FY 00 Total	1	2	0	0	3
	FY 99 Total	5	0	2	0	7
Severity Level III	Dec 2000	0	0	0	0	0
	FY 2001 YTD	0	1	0	0	1
	FY 00 Total	5	0	4	4	13
	FY 99 Total	9	2	7	8	26
Severity Level IV	Dec 2000	0	0	0	0	0
	FY 2001 YTD	0	0	0	1	1
	FY 00 Total	4	1	3	5	13
	FY 99 Total	52	42	57	60	211
Non-Cited Severity Level IV & Green	Dec 2000	41	1	25	15	82
	FY 2001 YTD	74	24	62	36	196
	FY 00 Total	313	190	289	258	1050
	FY 99 Total	343	267	334	305	1249

Escalated Reactor Enforcement Actions Associated with the Revised Reactor Oversight Process*						
		Region I	Region II**	Region III	Region IV	Total
NOVs related to white, yellow or red findings	Dec 2000 -Red	0	0	0	0	0
	-Yellow	0	0	0	0	0
	-White	1	1	0	0	2
	FY 2001 YTD	2	2	0	0	4
	FY 00 Total	6	1	0	0	7

*Numbers of violations are based on enforcement action tracking system (EATS) 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.

** Violation totals for Region II reflect a shift from a 6 week inspection period to a quarterly inspection period.

Description of Significant Actions taken in December 2000

South Carolina Electric & Gas Company (Virgil C. Summer Nuclear Station)

On December 28, 2000, a Notice of Violation was issued for a violation associated with a white Significance Determination Process (SDP) finding involving the inoperability of the turbine driven emergency feedwater (TDEFW) pump. The violation cited the licensee's failure to properly follow procedures which resulted in the failure to comply with the technical specification for TDEFW pump operability.

Northeast Nuclear Energy Company (Millstone Unit 2)

On December 6, 2000, a Notice of Violation was issued for a violation associated with a white SDP finding involving the degraded condition of the turbine-driven auxiliary feedwater (TDAFW) pump. The violation was based on the licensee's failure to promptly correct a significant condition adverse to quality involving the speed control mechanism for the TDAFW.

VIII. Power Reactor Security Regulations

Based on directions given by the Commission in Staff Requirements Memoranda dated June 29, 1999, November 22, 1999, and April 12, 2000, the staff has been involved in a project to re-evaluate and revise its regulations pertaining to security at power reactor facilities. This project is an outgrowth of the staff's recommendation in May 1999, to institute a requirement for licensees to conduct periodic exercises to test the capability of their security organizations to protect against the design basis threat (SECY-99-024, "Recommendations of the Safeguards Performance Assessment Task Force," January 22, 1999). Following this

paper, the staff recommended that a comprehensive review of the power reactor security regulations (10 CFR 73.55) be undertaken, including a new requirement for exercising the capability of security organizations to protect against the design basis threat (SECY-99-241, "Rulemaking Plan, Physical Security Requirements for Exercising Power Reactor Licensees' Capability to Respond to Safeguards Contingency Events," October 5, 1999). The Commission approved these recommendations and directed the staff to undertake the project.

The staff conducted a series of public meetings to ensure that external stakeholders had an opportunity to provide input to the process. The staff developed several position papers while drafting a proposed rule, including one which defined the approach the staff intended to take in the rulemaking. This approach included the use of performance criteria and critical safety functions as the basis for the rule (SECY-00-0063, "Staff Re-Evaluation of Power Reactor Physical Protection Regulations and Position on a Definition of Radiological Sabotage," March 9, 2000). This approach was approved by the Commission and the staff was directed to publish SECY-00-0063 in the Federal Register and invite public comments. The staff has completed its evaluation of the public comments and incorporated issues raised in these comments into the proposed performance objectives for the exercise rule. The staff's proposal will be discussed in an information paper for the Commission. The paper will include an outline of the status of several significant safeguards initiatives. The final performance criteria will be submitted to the Commission for approval in the proposed rulemaking by May 2001.

In addition to the above effort, considerable attention has been paid to related issues surrounding the conduct of the Operational Safeguards Response Evaluation (OSRE) program. The OSRE program is NRC's current program for performance exercises conducted at nuclear power plants. The industry has developed a Safeguards Performance Assessment (SPA) pilot program to test concepts for the exercise portion of the new 10 CFR 73.55. The staff has interacted extensively with stakeholders on this program and expects to pilot the SPA program while the rulemaking, including the exercise requirement, is being processed. Lessons learned from the SPA will be incorporated into the final rulemaking. To date, four public meetings were held to discuss the SPA program. The most recent of these meetings, held December 13, 2000, discussed the final SPA guidance document and details regarding the proposed pilot program.

On January 25, 2001, the Commission approved use of the staff's recommended interim revision to the Physical Protection Significance Determination Process (PPSDP), which addresses issues associated with application of the pre-existing PPSDP. In the reactor oversight program, the significance determination process is used to determine significance of findings and the appropriate action to be taken, including additional oversight. The staff plans to formally revise the PPSDP in a process involving all stakeholders.

The staff continues to conduct scheduled OSREs in accordance with an attachment to Inspection Procedures 71130.03 and 81110 which provides details on adversary characteristics, and a memorandum to all regional offices which provides guidance on critical issues in the scheduling and conduct of OSREs.