

August 10, 2001

The Honorable Harry Reid, Chairman  
Subcommittee on Transportation,  
Infrastructure, 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. In response to increased Congressional interest, in the May report we began to provide information regarding the status of activities involving power uprate licensing actions. On behalf of the Commission, I am pleased to transmit the thirty-first report, which covers the month of June (Enclosure 1).

The May report provided information on a number of significant NRC activities, including the marked increase in license renewal workload due to the receipt of license renewal applications from three licensees involving a total of 10 units, which include: the two-reactor North Anna site, the two-reactor Surry site, the two-reactor McGuire site, the two-reactor Catawba site, and the two-reactor Peach Bottom site.

We would like to provide updated information on our recent activities related to through-wall circumferential cracks found in control rod drive mechanism (CRDM) penetration nozzles and weldments at Duke Power Company's Oconee Nuclear Station, Unit 3, located in Seneca, South Carolina. On July 3, 2001, the staff and representatives from the Electric Power Research Institute Materials Reliability Program (MRP), the Nuclear Energy Institute (NEI), various operating nuclear reactor licensees, and members of the public participated in a public meeting. The purpose of the meeting was to brief the industry and external stakeholders on the NRC's plan to develop and issue a generic communication, in the form of a bulletin, to all operating pressurized water reactor (PWR) licensees. The bulletin, which was subsequently issued on August 3, requested information from PWR licensees which, when submitted, will allow the staff to assess licensee compliance with current regulations and determine the need for future regulatory actions to address the generic aspects of the issue. In addition, on July 10

and 11, 2001, the staff and the MRP briefed the Advisory Committee on Reactor Safeguards, a statutory committee which reports directly to the Commission and provides the NRC with independent reviews of, and advice on, the safety of proposed or existing reactor facilities and the adequacy of proposed safety standards. The staff is providing frequent updates to its dedicated website, "Generic Activities on PWR Alloy-600 Weld Cracking" (<http://www.nrc.gov/NRC/REACTOR/ALLOY-600/index.html>) in order to keep stakeholders informed of its actions. We will continue to keep you informed about this issue.

We would also like to call to your attention to an order the Commission issued on July 3, -- effective immediately -- that essentially halts the shipment of large radioactive sources in certain packages by JL Shepherd & Associates, a manufacturer of industrial and research irradiators and instrument calibrators located in San Fernando, California. The NRC action follows complaints from foreign authorities that Shepherd irradiators were not packaged for shipment in conformance with NRC regulations. The irradiator involved in the shipments contained large quantities of highly radioactive materials. A site visit by NRC inspectors identified several concerns with the manner in which the company conducted its approved quality assurance program, which is designed to assure safe design, use, maintenance, and repair of transportation packages. As a result, the order states that NRC officials "lack the requisite reasonable assurance that [Shepherd's] current operations can be conducted ... in compliance with the Commission's requirements" and are protective of the health and safety of the public, including the [company's] employees. On July 20, the company provided a partial response to the order and requested a 21-day extension (until August 13) to complete its response to the order. The company may also request a formal hearing to determine whether the order should be sustained.

Finally, on July 2, Commission approved the staff's recommendation to publish Regulatory Guide 1.188 "Standard Format and Content for Applications to Renew Nuclear Power Plant Operating Licenses," and NUREG-1800 "Standard Review Plan for the Review of License Renewal Applications for Nuclear Power Plants," and NUREG-1801 "Generic Aging Lessons Learned (GALL) report." These documents should serve to enhance the predictability, consistency, and efficiency of the NRC reviews of license renewal applications

- Since our last report, the Commission and the NRC staff also:
- ! conducted the first "Agency Action Review Meeting" in accordance with the Reactor Oversight Process (ROP). The purpose of the meeting was to: (1) review the Agency's actions for those plants with significant performance problems as determined by the ROP Action Matrix; (2) review the staff's self-assessment of ROP effectiveness; (3) review of industry performance trends; and (4) discuss agency-wide technical and policy issues.
  - ! approved the transfer of the operating licenses for the Nine Mile Point Nuclear Power Plant, Units 1 and 2, to Nine Mile Point Nuclear Station, LLC, a subsidiary of Constellation Nuclear, LLC. Niagara Mohawk Power Corp. had been the licensed operator since the two units began operation. The key issues considered by the NRC included adequacy of decommissioning funding, insurance, and Constellation's technical and financial qualifications.

- ! approved the direct transfer of the operating licenses for Calvert Cliffs Units 1 and 2, and the materials license for the Independent Spent Fuel Storage Installation to a new limited liability company, Calvert Cliffs Nuclear Power Plant LLC. Constellation Energy Group requested this transfer as part of their internal company restructuring.
- ! approved a power uprate request by Public Service Electric & Gas Company to increase the generating capacity of Hope Creek nuclear power plant by 1.4 percent, or about 15 megawatts of electricity.
- ! published a proposed rule for public comment that would amend the standards for protection against radiation. Specifically, the changes would modify Part 20 of the Commission's regulations to revise the method for determining the amount of radiation to the skin that workers receive when conducting licensed activities. The proposed rule is based on recent recommendations from the Congressionally chartered National Council on Radiation Protection and Measurements and responds to the need to establish more risk-informed limits for dose from radioactive particles, sometimes known as "hot particles," and doses to very small areas of the skin. This approach is also consistent with the regulations of the Department of Energy. Current NRC rules require conservative efforts to prevent small, insignificant skin doses, and compliance with the rules results in increases in whole-body doses.
- ! issued amendment 2 to the HI-STAR 100 Spent Fuel Dry Cask Storage system. Amendment 2, which was submitted by Holtec International on August 4, 2000, simplifies technical specifications associated with the cask pad parameters and gives the cask user more flexibility in designing cask pads.
- ! issued an amendment to the NUHOMS-24P and -52B Spent Fuel Dry Cask Storage system. The amendment modifies the present cask system design to add the 61BT dry storage canister, the storage portion of a dual purpose cask design to both store and transfer spent fuel, and makes other changes to the technical specifications.
- ! finalized the Standard Technical Specifications (STS) for spent fuel storage casks. The final STSs were forwarded in a letter to NEI with a disposition of NEI's comments on the proposed draft STS. The final STS were developed to improve the NRC and industry efficiency and effectiveness and will be published for staff and industry use.
- ! issued NUREG-1715, Volume 3, "Component Performance Study -- Air-Operated Valves, 1987 -1998." This report documents an analysis of the performance of air-operated valves used in U.S. commercial nuclear power plants. The study concluded that the estimates for probability of failure on demand were consistent with the industry generic values. No evidence was found of an increase in failure rates over time indicative of "aging" problems. The findings are intended to assist in decision-making related to inspection and licensing activities.
- ! published in the Federal Register for public comment, a preliminary assessment of nuclear industry consolidation on the agency's regulatory oversight functions. The staff identified about two dozen regulatory oversight areas that could be impacted by industry

consolidation, and the preliminary assessment discusses these areas. Following an evaluation of the comments received, a public workshop is planned in October.

We have enclosed (Enclosure 2) the 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,

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Richard A. Meserve

Enclosures:

1. Monthly Report
2. Tasking Memorandum

cc: Senator James M. Inhofe

LIST OF ADDRESSEES

The Honorable Harry Reid, Chairman  
Subcommittee on Transportation,  
Infrastructure, and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510  
cc: Senator James M. Inhofe

The Honorable Joe Barton, Chairman  
Subcommittee on Energy and Air Quality  
Committee on Energy and Commerce  
United States House of Representatives  
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cc: Representative Rick Boucher

The Honorable Sonny Callahan, Chairman  
Subcommittee on Energy and Water Development  
Committee on Appropriations  
United States House of Representatives  
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cc: Representative Peter J. Visclosky

The Honorable Harry Reid, Chairman  
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Committee on Appropriations  
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cc: Senator Pete V. Domenici

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

The Honorable James M. Jeffords, Chairman  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510  
cc: Senator Bob Smith

The Honorable Pete V. Domenici  
United States Senate  
Washington, D.C. 20510

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

**June 2001**

Enclosure 1

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<sup>1</sup>**Note:** 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.

## **VI. 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 June 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-Informing Special Treatment Requirements for Power Reactors

In 1998, the Commission decided 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 treatments are defined as current requirements imposed on structures, systems, and components that extend beyond industry-established requirements for equipment classified as "commercial grade". These requirements 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 March 2000, the Commission published an advance notice of proposed rulemaking (ANPR) inviting comments, advice, 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.

Since September 2000, the staff has been working with industry and interested stakeholders to resolve issues associated with industry-developed guidance intended to implement the rule. Additionally, the staff is currently working to develop the proposed rule language, supporting regulatory information, and interacting with industry on pilot activities intended to test the implementing guidance.

On June 15, 2001, the industry submitted a significant revision to their guidance document for staff review. On June 27, 2001, the staff held a public meeting with the industry to discuss the revised guidance and pilot activities. Over the next several weeks, the staff will provide comments back to NEI on the acceptability of the revised guidance.

### Risk-informed Technical Specifications

On June 14, 2001, the staff published in the Federal Register a notice of opportunity to comment on a model staff safety evaluation that approves modification of technical specification requirements. These changes would allow unintentionally missed surveillances to be treated as an emergent condition and therefore could be rescheduled using the licensee's configuration risk management program. This modification provides licensees the flexibility to consider the plant conditions and other planned activities so that the risk of performing the missed surveillance can be managed. The Federal Register notice is the first step in offering the proposed generic change for plant license amendment through the consolidated line item improvement process or

"CLIP." As the first offering of an initiative for adoption through CLIP, this represents a major milestone in the joint NRC/industry project to risk inform technical specifications.

### South Texas Project 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 exemption request is based on a risk-informed categorization of components in the plant. On November 15, 2000, the staff provided its preliminary findings in a draft Safety Evaluation (SE). 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.

The staff held a series of public meetings with STPNOC starting in January 2001, to discuss the open items and to resolve issues regarding the treatment of some components. STPNOC submitted its final supplement to its exemption request on May 21, 2001. On June 6, 2001, the staff forwarded a safety evaluation to the Commission approving the majority of the exemptions. The staff and STPNOC briefed the Commission on this matter on July 20, 2001.

## **II. 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 collect feedback on the efficacy of the process and consider this feedback in making refinements to the ROP. Recent activities include:

- a. The NRC has issued annual assessment letters for all operating nuclear power plants and posted them to its web site on June 1, 2001. The assessment letters are available from the NRC Office of Public Affairs, on the NRC web site, <http://www.nrc.gov/OPA/ppr>, and through ADAMS, the Agencywide Documents Access and Management System. The purpose of these letters is to inform licensees of NRC's assessment of licensees' safety performance and also NRC's plans for future inspections. Public meetings to discuss licensees' safety performance are currently taking place, and details are available on the NRC Web site for the public's information. The NRC is in the process of aligning the inspection and assessment cycle with the calendar year. Accordingly, the current inspection and assessment cycle will consist of three quarters (the second, third and fourth calendar quarters of calendar year 2001). The next annual assessment letters will be issued in March 2002, and the next mid-cycle review letters in September 2002.
- b. The staff is continuing efforts to interface with internal and external stakeholders to discuss ROP initial implementation issues. For example, on June 5, 2001, the staff attended the Nuclear Energy Institute (NEI) - sponsored workshop in St. Louis, MO, to discuss the Revision 1 changes to the NEI 99-02, "Regulatory Assessment Performance Indicator Guideline." The staff also provided support at the Region III Reactor Inspector Counterpart meeting on June 6, 2001. At this meeting the staff made a presentation on the results of lessons learned from the first year of implementation of the ROP including successes, and improvement areas. In addition, the staff discussed the initial

implementation issues with key internal managers at a Region III meeting on June 21-22, 2001.

- c. The working group tasked with revising the program for training and qualifying inspectors (Inspection Manual Chapter (IMC) 1245) met on June 6-7, 2001, at NRC headquarters. The group is completing a redesign of the training and qualification program for inspectors. The revised program will provide training that is more focused on job performance and allow newly hired employees to be assigned limited scope inspection activities more quickly than under the current qualification program. The redesigned program will provide more structure and evaluation criteria for the self study and on-the-job training activities and revised training requirements to better reflect the reactor oversight process. A draft of IMC 1245 incorporating all of the proposed changes is expected to be issued for public comment later this summer.
- d. The NRC conducted its first Agency Action Review Meeting (AARM) on June 26 - 28, 2001, in the Region II office at Atlanta. The AARM was conducted in accordance with the approved draft Management Directive 8.14, "Agency Action Review Meeting," which is available on the NRC ROP Web site. The purpose of the meeting is to: (1) review the Agency's actions for those plants with significant performance problems as determined by the ROP Action Matrix; (2) review the staff's self-assessment of ROP effectiveness; (3) review of industry performance trends; and (4) discuss agency-wide technical and policy issues.

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

Changes in the status or resolution dates for Generic Safety Issues (GSI) since the May 2001 report and the reasons for the changes are described below:

GSI Number: 163  
TITLE: Multiple Steam Generator Tube Leakage  
STATUS: Based on the recommendations of the Advisory Committee on Reactor Safeguards, an action plan for resolution of the GSI was developed by the staff in May 2001. This plan encompasses several complex technical sub-issues with milestones that are scheduled for completion beginning in FY-2001. Close-out of the GSI is scheduled for September 2005.

### **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, age of the licensing action inventory, and size 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: number of other licensing tasks completed.

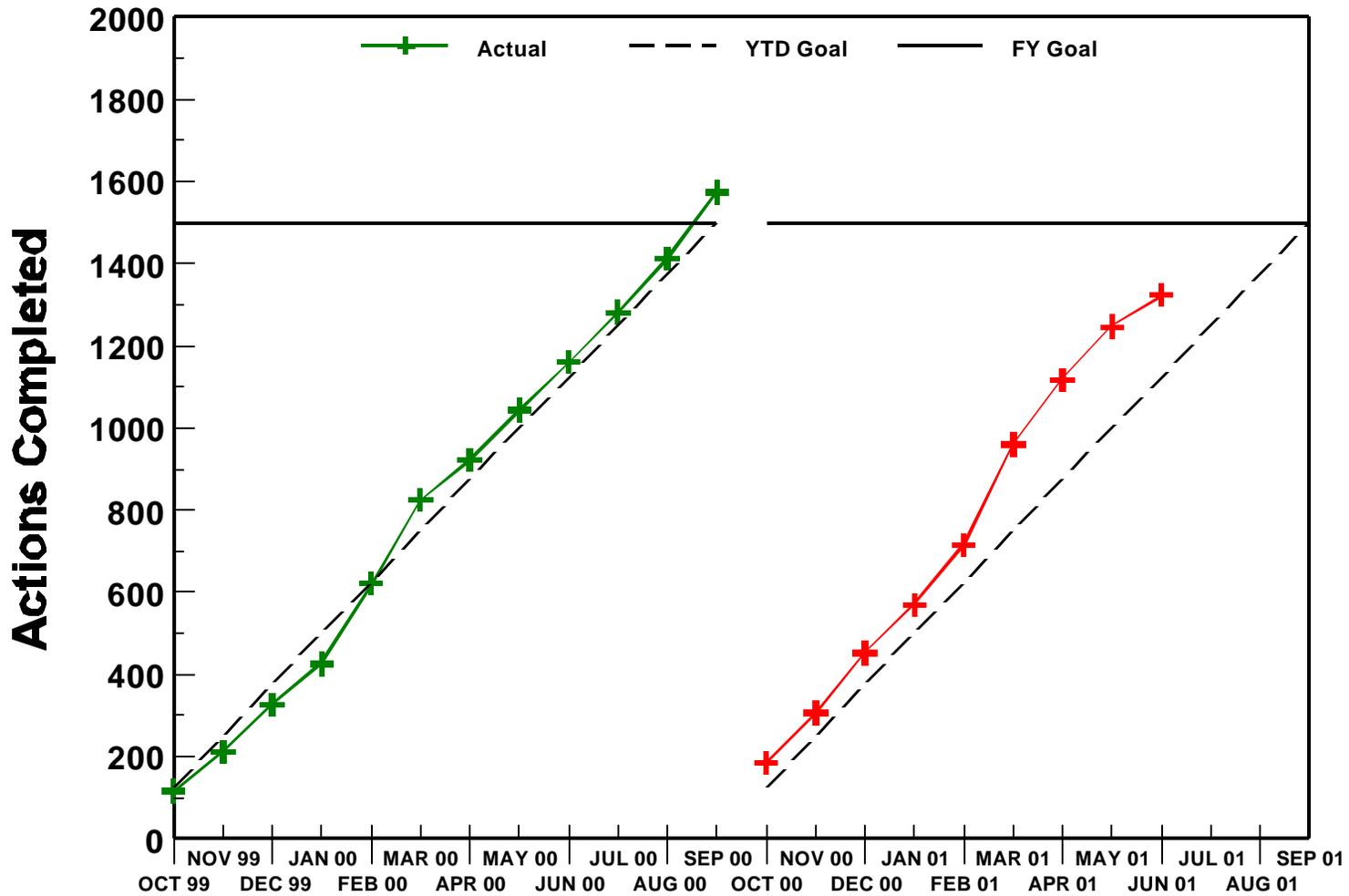
The actual FY 1999 and FY 2000 results, the FY 2001 goals and the actual FY 2001 results, as of June 30, 2001, for the four NRC Performance Plan output measures for licensing actions and other licensing tasks are shown in the table below.

PERFORMANCE PLAN				
Output Measure	FY 1999 Actual	FY 2000 Actual	FY 2001 Goals	FY 2001 Actual (thru 06/30/2001)
Licensing actions completed	1727	1574	≥ 1500	1324
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	94.7% ≤ 1 year; 99.9% ≤ 2 years
Size of licensing action inventory	857	962	≤ 650	813
Other licensing tasks completed	939	1100	≥ 675	431

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

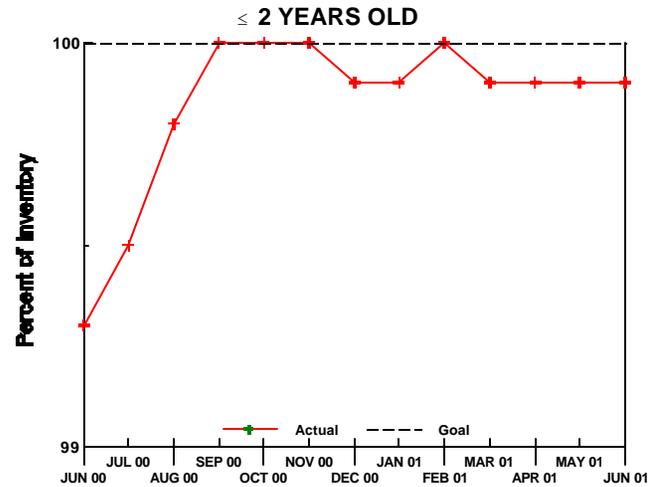
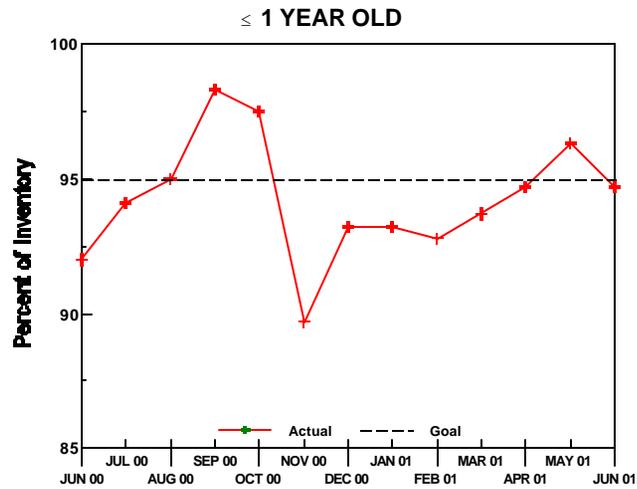
# Nuclear Reactor Safety - Reactor Licensing

## Performance Plan Target: Completed Licensing Actions



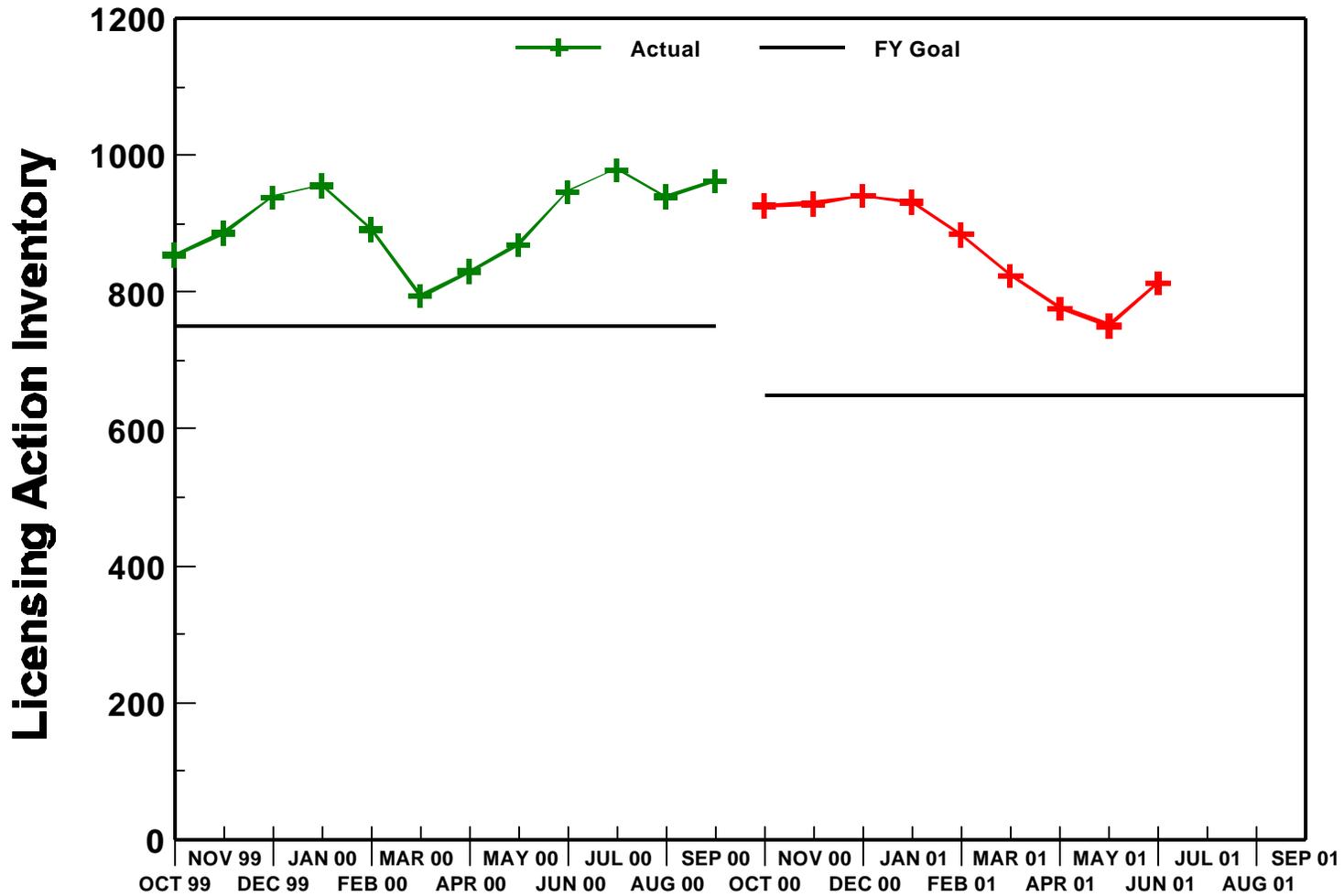
# Nuclear Reactor Safety - Reactor Licensing

## Performance Plan Target: Age of Licensing Action Inventory



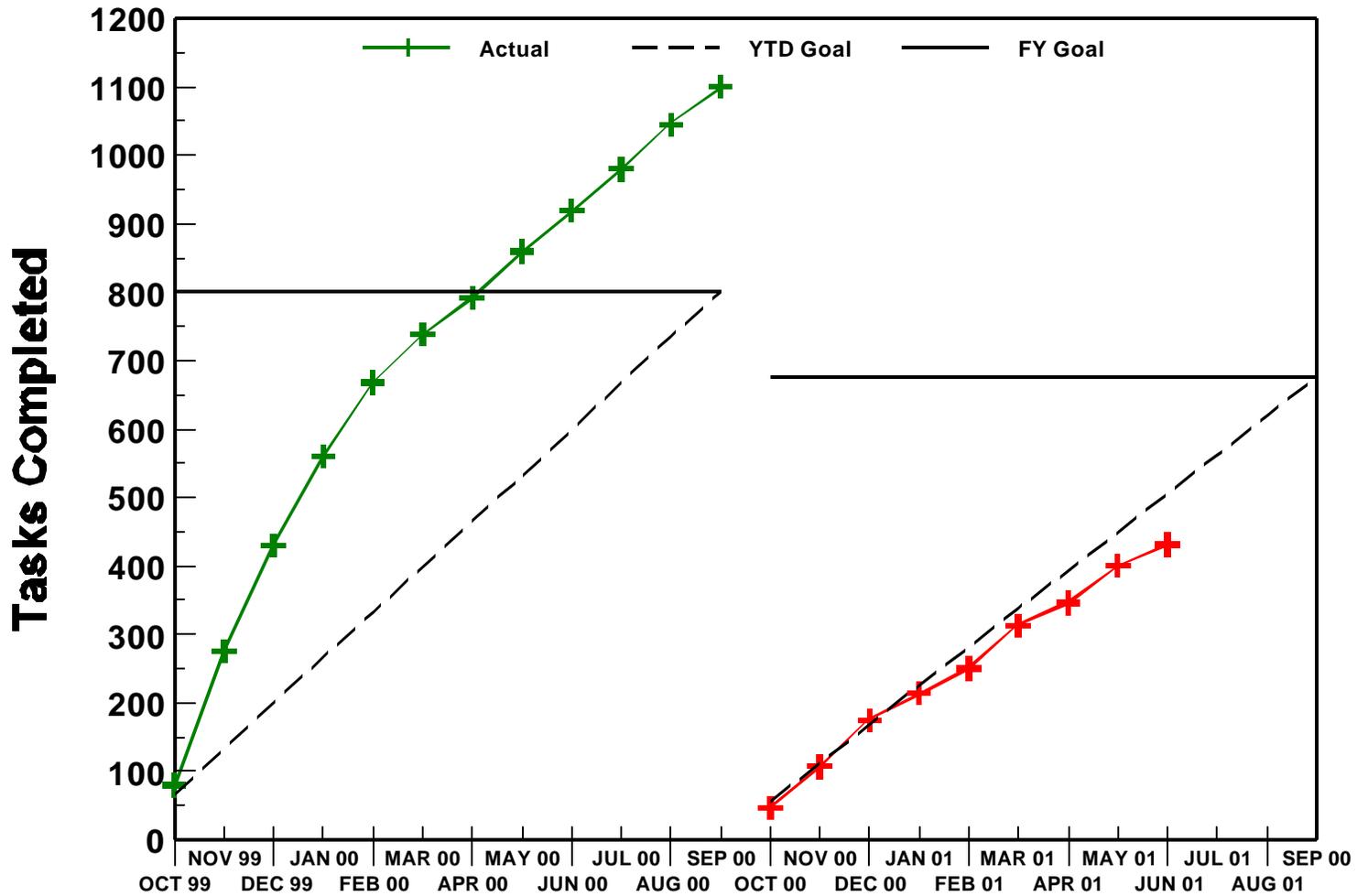
# Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: 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 NRC's review of the license renewal application.

### 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 renewed license for Arkansas Nuclear One, Unit 1 (ANO-1), was issued on June 20, 2001, completing the NRC's review of the license renewal application. Because of the efficiencies gained through the lessons learned and implemented by the applicant and NRC staff from the Oconee Nuclear Station license renewal review (a plant similar to ANO-1), the review was completed approximately 8 months ahead of schedule.

### Hatch, Units 1 and 2, Renewal Application

The review of the Hatch renewal application is on schedule. The staff issued the safety evaluation report identifying open items in February 2001. The NRC staff and the applicant are working to resolve the open items and issue the completed report by October 2001.

The draft supplemental environmental impact statement was published for public comment in November 2000 and the public comment period ended in January 2001. The staff issued the final supplemental environmental impact statement in May 2001.

### Turkey Point, Units 3 and 4, Renewal Application

The review of the Turkey Point renewal application is on schedule. All safety and environmental requests for additional information (RAIs) were issued. The applicant completed its responses to the environmental RAIs on March 30, 2001, and to the safety RAIs on April 19, 2001. The staff is now preparing to issue draft supplemental environmental impact statement by July 17, 2001, and the safety evaluation report identifying any open items by August 17, 2001.

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. In an order dated February 26, 2001, the Board ruled that both parties have standing to intervene, however, neither petitioner identified admissible contentions. Therefore, the Board concluded that the intervention petitions were denied and the hearing proceedings terminated. By letter dated March 19, 2001, one petitioner has filed an appeal of the ASLB's decision. The appeal is pending before the Commission.

### Surry and North Anna Renewal Applications

On May 29, 2001, the NRC received concurrent applications for renewal of the Surry, Units 1 and 2, and North Anna, Units 1 and 2, operating licenses. The applications identify information that is common to both plants with the goal of improving efficiencies for the applicant's preparation and the NRC's review of the applications. The staff is currently performing the required acceptance review and, if found acceptable, will docket the application, notice an opportunity for hearing, and issue the review schedule.

### McGuire and Catawba Renewal Applications

On June 14, 2001, the NRC received concurrent applications for renewal of the McGuire, Units 1 and 2, and Catawba, Units 1 and 2, operating licenses. The applications identify information that is common to both plants with the goal of improving efficiencies for the applicant's preparation and the NRC's review of the applications. The staff is currently performing the required acceptance review and, if found acceptable, will docket the application, notice an opportunity for hearing, and issue the review schedule.

### Peach Bottom Renewal Application

On July 2, 2001, the NRC received an application for renewal of the Peach Bottom, Units 2 and 3, operating licenses. The staff is currently performing the required acceptance review and, if found acceptable, will docket the application, notice an opportunity for hearing, and issue the review schedule.

### License Renewal Implementation Guidance Development

The NRC staff issued the revised standard review plan, generic aging lessons learned report, and regulatory guide for public comment. Public comments were received and the staff has met with stakeholders to address the comments and revise the documents. The staff submitted the revised documents to the Commission for approval on April 26, 2001, and discussed them with the Commission in a June 14, 2001, public meeting. The staff expects to issue the documents in the summer of 2001.

The NRC staff is also participating in a demonstration project involving industry preparation of sample license renewal application sections for the staff's review using the revised license renewal guidance documents. The goal is to identify ways in which the generic aging lessons learned report can be referenced in renewal applications to achieve the desired effectiveness and efficiency in the review process, and to enhance the review guidance.

## **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**

On June 20, 2001, the NRC staff sent a letter to Private Fuel Storage, Limited Liability Company (PFS), concluding that the license application amendment regarding new geotechnical information (originally submitted in March 2001) was complete to support a detailed technical review, with the submittal of additional information on May 31, 2001. The letter also provided a schedule for the review of this license application amendment. The schedule states that the staff will issue a supplement in January 2002, to the NRC safety evaluation report (SER) for the PFS application, which was issued by NRC in September 2000. This SER supplement will also

include the staff's evaluation of the license application amendment on aircraft crash hazards near the site of the proposed PFS facility. PFS submitted this aircraft crash hazard license application amendment in January 2001. However, PFS also submitted May 31, 2001, additional information that was requested by the staff on aircraft crash hazards. As reported previously, the results of the safety evaluation of these amendments could impact conclusions the staff has reached during the development of the environmental impact statement (EIS). Therefore, the staff will not finalize a schedule for release of the Final EIS until the staff determines whether any of the environmental impact conclusions could be changed as a result of the new data submitted by PFS.

Litigation in the adjudicatory proceeding on the PFS application continued during this reporting period as follows: (1) the NRC Staff and Applicant responded to the State of Utah's contention challenging the applicant's revised seismic design; (2) the State of Utah filed a request to modify its proposed seismic design contention; (3) the Commission affirmed the Licensing Board's decision to admit the State's contention challenging the Applicant's seismic exemption request; (4) the parties responded to the Applicant's motion for summary disposition of an environmental justice contention, and (5) the Applicant filed motions for summary disposition of other environmental contentions.

## 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	May 2001	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	May 2001	0	1	0	0	1
	FY 2001 YTD	0	1	0	0	1
	FY 00 Total	1	2	0	0	3
	FY 99 Total	5	0	2	0	7
Severity Level III	May 2001	1	0	0	1	2
	FY 2001 YTD	1	1	0	1	3
	FY 00 Total	5	0	4	4	13
	FY 99 Total	9	2	7	8	26

Reactor Enforcement Actions*						
Severity Level IV	May 2001	0	0	0	0	0
	FY 2001 YTD	0	0	1	1	2
	FY 00 Total	4	1	3	5	13
	FY 99 Total	52	42	57	60	211
Non-Cited Severity Level IV & Green	May 2001	28	0	2	12	42
	FY 2001 YTD	206	79	129	99	513
	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	May 2001 -Red	0	0	0	0	0
	-Yellow	0	0	0	0	0
	-White	0	0	0	0	0
	FY 2001 YTD	3	3	2	1	9
	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 Regions II & IV reflect a shift from a six-week inspection period to a quarterly inspection period.

## **Description of Significant Actions taken in May 2001**

### **Niagara Mohawk Power Corporation (Nine Mile Point Nuclear Station) EA 01-011**

On May 2, 2001, a Notice of Violation was issued for a Severity Level III violation involving the deliberate failure of an NRC-licensed chief shift operator to provide complete and accurate information on health history forms that were required for the Fitness-For-Duty regulations.

### **Tennessee Valley Authority (Watts Bar, Sequoyah, and Browns Ferry Nuclear Plants) EA 99-234**

On May 4, 2001, the NRC issued an Order Imposing Civil Monetary Penalty in the amount of \$110,000 for a Severity Level II violation involving employment discrimination against a former corporate employee for engaging in protected activities. The NRC reviewed the licensee's denial of the violation and protest of the civil penalty dated January 22, 2000, and concluded that the agency's original proposal remained valid.

### **Union Electric Company (Callaway Nuclear Plant) EA 01-005**

On May 14, 2001, a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$55,000 was issued for a Severity Level III violation involving the Wackenhut Corporation, a contractor of Union Electric (see EA 01-006), and Union Electric discriminating against a security officer and training instructor for having engaged in protected activity.

## **VIII. Power Reactor Security Regulations**

The staff has been involved in a significant effort to re-evaluate and revise its regulations pertaining to security at power reactor facilities. The staff has performed a comprehensive review of the power reactor security regulations (10 CFR 73.55), including a proposed new requirement for exercising the capability of security organizations to protect against the design basis threat. 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 related to the major issues within the rulemaking effort and completed its evaluation of public comments. Issues raised in these comments were incorporated into the proposed performance objectives for the revised rule. The proposed rule was submitted to the Commission for approval on June 4, 2001. The proposed rule was made publicly available on June 14, 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 industry has developed a Safeguards Performance Assessment (SPA) program, and the staff has proposed a pilot to test the SPA concepts. 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 considered in the final rulemaking. Several public meetings have been held to discuss the SPA program. The most recent of these meetings, held May 18, 2001, discussed further development of the industry's SPA guidance document and additional details regarding the proposed pilot program. The staff is currently awaiting the Commission's approval for SPA pilot

initiation. In parallel with this effort, the staff will continue to conduct currently scheduled OSREs.

## **IX. Power Uprates**

The staff has assigned power uprate license amendment reviews a high priority. The staff considers power uprate applications among the most significant licensing actions and is, therefore, conducting power uprate reviews on accelerated schedules.

Licensees have been applying for and implementing power uprates since the 1970s as a way to increase the power output of their plants. The staff has been conducting power uprate reviews since then and to date, has completed 61 such reviews. Figure 1, "Power Capacity Increase," shows the cumulative increase in power that resulted from the power uprates to date. This figure shows that, an equivalent of approximately two nuclear power plant units (approximately 1000 MWe each) has been gained through implementation of power uprates at existing plants. The staff currently has 13 applications for power uprates under review and has assigned these reviews a high priority.

Based on licensees' voluntary responses to Nuclear Regulatory Commission Regulatory Issue Summary (RIS) 2001-08, "OPERATING REACTOR LICENSING ACTION ESTIMATES," and the results of a staff survey of all licensees, the staff estimates that licensees plan to submit 44 power uprate applications in the next 5 years. Based on the information provided, the planned power uprates are expected to result in an increase of about 4440 MWt or approximately 1480 MWe. The staff will utilize the information provided in response to the RIS and survey for planning and allotting resources for power uprate reviews and to assure the staff's readiness and availability to perform the technical reviews for these applications when they arrive.

**Figure 1: Power Capacity Increase**

