INFORMATION REPORT

<u>August 29, 2005</u> <u>SECY-05-0155</u>

For: The Commissioners

From: William M. Dean, Assistant for Operations, Office of the EDO

Subject: SECY-05-0155 - "WEEKLY INFORMATION REPORT - WEEK

ENDING AUGUST 19, 2005"

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Office of Nuclear Reactor Regulation (NRR) Items of Interest Week Ending August 19, 2005

Nine Mile Point Nuclear Station, Unit No. 1 (NMP1) - Water Temperature Emergency Amendment

On August 12, 2005, the staff issued an emergency license amendment to Nine Mile Point Nuclear Station, LLC (the licensee), which revised NMP1 Technical Specification (TS) 3.3.7, "Containment Spray System," to increase the maximum allowable lake water temperature in TS 3.3.7.f. from 81°F to 83°F. This change was requested under emergency circumstances to avoid a reactor shutdown due to a higher than anticipated water temperature rise in Lake Ontario and weather forecasts for higher temperatures over the next 10-day period. TS 3.3.7.g. requires the plant to begin shutting down within 1 hour of reaching the TS 3.3.7.f. limit and be in hot shutdown conditions within 8 hours and in cold shutdown within 24 hours.

National Fire Protection Association (NFPA) 805 Transition Pilot Program Kickoff Public Meeting

On August 11, 2005, the staff held a public meeting at the Region II office in Atlanta, GA with Duke Power and Progress Energy to discuss their pilot plant transition to 10 CFR 50.48(c), the NFPA 805 Rule. Several other utilities, including Dominion Power, First Energy, and Constellation Energy, sent representatives to the meeting. The purpose of the meeting was to agree on the high-level goals of the pilot reviews, coordinate the schedule of the observation visits to the pilot plant, and discuss challenges and focus areas during such visits.

A tentative schedule of November 2005, was set for the first observation visit. The visit will be held at Duke Power corporate offices in Charlotte, NC. A second observation visit was tentatively scheduled for March, 2006, at Progress Energy offices in Raleigh, NC, to discuss the progress on the fundamental elements review, the fire protection probability risk assessment (PRA) status, and the transient analysis.

Revision 2 Significance Determination Process (SDP) Risk-Informed Inspection Notebooks Project

On August 18, 2005, Division of Systems Safety and Analysis staff completed its technical review of all 71 SDP notebooks under the Revision 2 project. During FY'05, NRC and Brookhaven National Laboratory (BNL) have been working together to revise all 71 notebooks with the most current licensee Probabilistic Risk Assessment information and standardizes the Revision 1 notebooks where appropriate. NRR conducted a series of technical meetings and notebook reviews at BNL as part of quality assurance oversight. This completes NRR's review and comment on the proposed revisions to the 71 SDP inspection notebooks. Approximately 20 notebooks are still under review by various regional Senior Reactor Analysts with final comments due by early September. By September 30, 2005, BNL will deliver to NRR the finalized Revision 2 notebooks and associated "pre-solved" tables of potential inspection finding cases which will be issued for NRC staff use.

American Society of Mechanical Engineers (ASME) Boiler Code Meetings

Division of Inspection Program Management staff participated in several Section III and Section XI meetings at the working group, sub-group, and subcommittee levels the week of August 8th in Los Angeles, California. The staff made a presentation to the Section III Nuclear Power Subcommittee on its position regarding the use of the Nuclear Quality Assurance (NQA) NQA-1-2000 standard. Specifically, the staff has determined that portions of the NQA-1-2000 quality standard do not meet the NRC regulations in 10 CFR 50.34(b)(6)(ii) and Appendix B. Based on the staff's previous presentation at the May 2005 Section III Sub-group on General Requirements, and the presentation at these meetings, the Section III Nuclear Power Subcommittee voted to update the ASME Code to reference NQA-1-1994. The 1994 version of the standard has been found to be acceptable by the staff. The staff intends to continue to work with the ASME/NQA-1 main committee to address the staff's concerns with the newer revisions of NQA-1.

NRC Regulatory Issue Summary (RIS) 2005-16: Issuance of NRC Management Directive 8.17, "Licensee Complaints Against NRC Employees"

On August 10, 2005, NRR staff issued Regulatory Issue Summary (RIS) 2005-16, "Issuance of NRC Management Directive 8.17, "Licensee Complaints Against NRC Employees." This RIS informs addressees of the issuance of NRC Management Directive (MD) 8.17, "Licensee Complaints Against NRC Employees." This MD standardizes the NRC's process for resolving licensee complaints against NRC employees.

Nuclear Quality Assurance Oversight Conference

Division of Inspection Program Management staff attended the Nuclear Quality Oversight Conference hosted by Detroit Edison in Detroit, Michigan from August 9-12, 2005. The conference is held periodically to discuss topics of mutual interest to utility quality assurance managers. Results of an industry wide effort to consolidate, eliminate, and improve the effectiveness of more than 400 industry groups involved in oversight and quality assurance topics were reported. The results of the effort, coordinated by the Nuclear Energy Institute (NEI), were reviewed by the NEI Executive Task Force on Industry Coordination and Quality Assurance Topical Area in May 2005 and summarized in an NEI report. Action items resulting from the review will be implemented by individual utilities and by an industry group chartered to coordinate, monitor, and report on the effectiveness of generic actions.

Regional and NRR Operating Plan Strategies

On August 17, 2005, the Division of Inspection Program Management staff hosted a video teleconference with the regions to discuss operating plan strategies and alignment. Items discussed included: Reactor Oversight Process (ROP) Baseline Inspections, Supplemental and Reactive Inspections, Plant Specific and Generic Safety Issues Inspections, Reactor Performance Assessment, ROP Program Management, Operator Licensing, New Reactors, License Renewal, and Allegations.

Reactor Oversight Process Public Meeting

On August 18, 2005, the Division of Inspection Program Management staff hosted the monthly ROP public meeting at NRC Headquarters. Meeting participants discussed fire protection and other significance determination process issues, status updates on the Scrams with Loss of Normal Heat Removal and Reactor Coolant System Leakage Performance Indicator Task Forces, general ROP issues, and open and new performance indicator Frequently Asked Questions. The next meeting of the ROP Working Group will be September 21, 2005 (combined with the MSPI meeting).

Staff Issues Point Beach Nuclear Plant Final Supplemental Environmental Impact Statement

On August 12, 2005, the staff issued the Final Supplement 23 to NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," regarding Point Beach Nuclear Plant, Units 1 and 2. The report contains the NRC's finding that there are no environmental impacts that would preclude license renewal for an additional 20 years of operation. The U.S. Environmental Protection Agency is expected to issue the Notice of Availability of the final supplemental environmental impact statement in the August 26, 2005, Federal Register.

Meeting with Nuclear Energy Institute (NEI) and Industry on Steam Generator Issues

On August 12, 2005, NRC staff met with NEI and industry representatives to discuss the results of an industry effort to develop guidance for licensees to use in evaluating steam generator tube leakage under accident conditions. This effort was initiated to support implementation of the industry's steam generator initiative documented in NEI 97-06 and to specifically address the effects of loads other than pressure loads (e.g., bending loads) on steam generator tube leakage. The industry's initial conclusion, supported by analytical results, is that non-pressure loads are only important when circumferential degradation occurs. The industry plans a test program to confirm the analytical results. Licensees are adopting the new steam generator technical specifications to implement the NEI 97-06 program. To date, the staff has received applications from approximately 15 units to adopt the new steam generator technical specifications.

Office of Nuclear Material Safety and Safeguards (NMSS) Items of Interest Week Ending August 19, 2005

NMSS/Regional Division Directors' Counterpart Meeting

On August 16-17, 2005, Division Directors from NMSS met with their counterparts from the regional Divisions of Nuclear Materials Safety, at NRC Headquarters, in an effort to further enhance communications between NMSS and the regions. These managers are responsible for: (1) nuclear materials; (2) fuel cycle safety and safeguards; (3) waste and decommissioning; and (4) spent fuel and transportation activities. The meeting included discussions on: (1) security issues for NMSS and Agreement State licensees; (2) training initiatives; (3) various program status updates for a number of activities across the materials and waste arenas; and (4) reports from NMSS/regional management pairs on actions taken since the last meeting to achieve continuous program improvements. Managers, supervisors, and senior staff attended the meeting. Managers from the Office of Nuclear Security and Incident Response, the Office of Human Resources, and the Office of State and Tribal Programs also participated. This was the second of two Division Director counterpart meetings held this year. Plans call for the next meeting to take place in approximately 6 months.

American Nuclear Society Decontamination, Decommissioning, and Reutilization Conference

During the week of August 8, 2005, staff from the Division of Waste Management and Environmental Protection presented nine papers at the American Nuclear Society Decontamination, Decommissioning, and Reutilization Conference in Denver, CO. The papers discussed various aspects of decommissioning that included lessons-learned; Multi-Agency Radiological Laboratory Analytical Protocols; international involvement; Environmental Protection Agency Memorandum of Understanding; long-term control licenses; realistic scenarios; plans to prevent future legacy sites; soil mixing; and improved communications. Additionally, two papers written by staff from the Office of Nuclear Regulatory Research were presented. The chair of the technical program committee commented that NRC was well represented at the conference, based on the number of papers that were accepted and presented.

Meeting On USEC Inc.'s Gas Centrifuge Nuclear Material Reporting Requirements

On August 8, 2005, staff from the Office of Nuclear Security and Incident Response and the Division of Fuel Cycle Safety and Safeguards met with USEC Inc. (USEC), NAC International (NAC), and the Department of Energy (DOE), in a closed meeting, to discuss USEC's planned gas centrifuge Lead Cascade Facility nuclear material reporting activities. USEC is required to report nuclear material transactions and periodic inventories to the Nuclear Materials Management and Safeguards System (NMMSS), which NAC operates for NRC and DOE. The potential for reporting to the International Atomic Energy Agency (IAEA) was also discussed. In addition, NMMSS and IAEA reporting needs for the proposed American Centrifuge Plant were also discussed.

Office of Nuclear Regulatory Research (RES) Items of Interest Week Ending August 19, 2005

Public Meeting on the Mitigating Systems Performance Index (MSPI)

On August 17, 2005, staff from Offices of Nuclear Regulatory Research (RES) and Nuclear Reactor Regulation (NRR) and the Regions discussed MSPI implementation issues with industry representatives and other interested stakeholders. Discussions during the public meeting focused on the staff's response to the Nuclear Energy Institute's proposed alternatives to probabilistic risk assessment quality requirements for the MSPI. As a result of the meeting, the staff and industry representatives came to a general agreement on the MSPI probabilistic risk assessment quality issue. The staff also discussed the need for licensees to submit MSPI basis documents to the NRC by September 1, 2005, in order to support the current MSPI implementation schedule. To facilitate review of the MSPI basis documents, RES sponsored an all-day planning session for NRR and Regional staff prior to the public meeting in order to ensure that the basis document reviews can be conducted efficiently. Industry-wide implementation of the MSPI is scheduled for January 2006.

Pressurized Water Reactor (PWR) Sump Research Coordination Meeting

On August 9-10, 2005, RES hosted a research coordination meeting at the Argonne National Laboratory with the contractors working on technical issues supporting resolution of Generic Letter 2004-02, "Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized Water Reactors." Contractors from Los Alamos National Laboratory, Pacific Northwest National Laboratory, Argonne National Laboratory, and the Center for Nuclear Waste Regulatory Analysis attended, along with NRC staff. The meeting was successful in achieving its objectives to exchange technical information and to coordinate research being conducted in the areas of debris head loss and chemical effects.

Annual Public Meeting Interagency Steering Committee on Research and Development of Multimedia Environmental Models (ISCMEM)

On August 16, 2005, the staff participated in the annual public meeting of the ISCMEM research group of nine Federal agencies for the purpose of cooperation and collaboration in the development and application of multimedia environmental models, and the databases that populate those models. This effort will lead to a common solution to environmental modeling problems that will increase staff capabilities to assess difficult sites and reduce costs through the shared use of common technology.

Office of Nuclear Security and Incident Response (NSIR) Items of Interest Week Ending August 19, 2005

Preliminary Notifications

- 1. PNO-I-05-023, TJUH, Inc. IODINE-131 CONTAMINATION EVENT RESULTING IN A SKIN EXPOSURE LIKELY TO EXCEED 50 REM (0.5 SV).
- 2. PNO-I-05-023A, TJUH, Inc. UPDATE TO IODINE-131 CONTAMINATION EVENT RESULTING IN A SKIN EXPOSURE LIKELY TO EXCEED 50 REM (0.5 SV).
- 3. PNO-IV-05-010, Palo Verde Nuclear Generating Station, Unit 1 SHUTDOWN TO REPAIR AUTO VOLTAGE REGULATOR ON EMERGENCY DIESEL GENERATOR (EDG) TRAIN B.
- 4. PNO-I-05-024, Princeton Technology Center LOSS OF A SEALED SOURCE CONTAINING 1.5 CURIES OF TRITIUM (HYDROGEN-3).

Office of Administration (ADM) Items of Interest Week Ending August 19, 2005

State of Nevada; Receipt of Petition for Rulemaking (PRM-51-9)

On August 12, 2005, the NRC published a document in the Federal Register (70 FR 47148) requesting public comment on a petition for rulemaking submitted by the State of Nevada (PRM-51-9). The petitioner requests that the NRC amend the regulation pertaining to the adoption of an environmental impact statement prepared by the Secretary of Energy in proceedings for the issuance of a construction authorization or materials license with respect to a geological repository. The petitioner believes that the current regulation, as written, violates the National Environmental Policy Act of 1969, as amended, the Nuclear Waste Policy Act of 1982, as amended, and a recent court decision. The comment period for this action closes October 26, 2005.

State of Nevada; Denial of Petition for Rulemaking (PRM-51-8)

On August 17, 2005, the NRC published a document in the Federal Register (70 FR 48329) that denies a petition for rulemaking submitted by the State of Nevada (PRM-51-8). The petitioner requested that the NRC amend a decision reached in a 1990 rulemaking referred to as the "Waste Confidence" decision. The petitioner believes that this action is necessary to avoid prejudging the outcome of an anticipated licensing proceeding on a potential application from the Department of Energy for a construction authorization for a geologic repository at Yucca Mountain. The NRC is denying the petition because it fundamentally misconstrues the decision the NRC reached in 1990 and because the information provided in the petition does not meet the criteria established in 1999 for reopening the Waste Confidence findings.

Office of Information Services (OIS) Items of Interest Week Ending August 19, 2005

Freedom of Information Act (FOIA) and Privacy Act Requests Received During the Period of August 12 through August 18, 2005:

| Solicitation RSACR05300, Link Technologies contract | FOIA/PA-2005-0322 |
|--|-------------------|
| Training records in Docket file 55-32465, Byron Nuclear Station | FOIA/PA-2005-0323 |
| Directed reassignments, Office of the Inspector General (OIG) employees from 11-22-89 through 07-07-1996, all records | FOIA/PA-2005-0324 |
| Homestake Mining Company site, Cibola County, NM, SUA-708, SUA-1471, Docket no. 04008903 or 408903, all records including violations, corrective actions | FOIA/PA-2005-0325 |
| Office of Investigations (OI) Report 1-2003-046 & 1-2003-046S, exhibits, interview transcripts, transcripts of enforcement conference, letters | FOIA/PA-2005-0326 |
| Duluth, MN, Dept. of Defense Barrel Dump Site, Lake Superior, license no. SMB-239 & SNM-764, all records | FOIA/PA-2005-0327 |

Office of Human Resources (HR) Items of Interest Week Ending August 19, 2005

| Arrival | | |
|-----------------------------|---------------------------------|-------|
| APGER, GABRIEL | REACTOR ENGINEER | R-IV |
| BONANNO, JERRY | LEGAL INTERN | OGC |
| HAMRICK, STEVEN | LEGAL INTERN | OGC |
| JERNELL, ELENI | SENIOR CONTRACT SPECIALIST | ADM |
| MOULDING, PATRICK | LEGAL INTERN | OGC |
| PETERS, EUGENE | HYDROGEOLOGIST | |
| STENGEL, SUSAN C. | ACCOUNTANT | OCFO |
| Departures | | |
| ALDERMAN, MICHAEL C. | STUDENT MGMENT ANALYST (SUMMER) | OCFO |
| AXELROD, JULIE BETH | STUDENT LAW CLERK (SUMMER) | OGC |
| BRUMMETT, ELAINE S. | HEALTH PHYSICIST | NMSS |
| CABRERA TOLEDO, IVELISSE M. | HEALTH PHYSICIST (NSPDP) | NMSS |
| CAMERON, GREGORY R. | STUDENT ENGINEER (COOP) | R-II |
| COOPER, LATOYA D. | STUDENT CLERK (SUMMER) | NMSS |
| HOLT, JODA D. | RECORDS MANAGEMENT ANALYST | OIS |
| JANUS, ALEXANDRA R. | STUDENT MNGT ANALYST (COOP) | NRR |
| MARIANI, AMANDA NICOLE | OFFICE AUTOMATION ASSISTANT | NRR |
| MEHLHAFF, ZACHARY M. | STUDENT TRAINEE (IT SPEC) | R-IV |
| NERRET, AMANDA M. | STUDENT ADMIN CLERK (SUMMER) | NSIR |
| PRUETT, TIMOTHY D. | IT SPECIALIST (INET) | OIS |
| RODRIGUEZ, TOMAS | NUCLEAR SAFETY INTERN | R-III |
| SLATTERY, MEGHAN A. | STUDENT ADM CLERK (SUMMER) | NSIR |
| STRONG, KATHERINE EILEEN | STUDENT LAW CLERK (SUMMER) | OGC |
| WASHINGTON, BRITTNEY MARIE | CLERK (SUMMER) | ADM |
| WOODSON, THOMAS S. | STUDENT ENGINEER | R-IV |

| YOUNG, MATTHEW R. | STUDENT ENGINEER | R-IV |
|-------------------|------------------------|------|
| YU, DEANNA | STUDENT CLERK (SUMMER) | ADM |

Office of Public Affairs (OPA) Items of Interest Week Ending August 19, 2005

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

Review schedule extension for Early Site Permit applications.

Emergency siren activation at Indian Point.

Yucca Mountain radiation protection rules and handling of damaged fuel assemblies.

| Press Releases | | |
|----------------|--|--|
| Headquarters: | | |
| 05-110 | NRC Finds No Significant Environmental Impacts from Extended Operation of Point Beach Nuclear Plant, Units 1 and 2 (8/16) | |
| 05-111 | NRC Revises Schedule for Reviewing Existing Early Site Permit Applications (8/16) | |
| 05-112 | NRC to Hold Two Public Meetings on Proposed National Source Tracking System (8/17) | |
| 05-113 | NRC Advisory Committee on Reactor Safeguards to Meet Sept. 8-10 in Rockville, Maryland (8/19) | |
| Regions: | | |
| I-05-043 | NRC to Hold Aug. 24 th Public Meeting in Lacey Township, N.J., on License Renewal Application for Oyster Creek Nuclear Plant (8/17) | |

Office of International Programs (OIP) Items of Interest Week Ending August 19, 2005

<u>Japanese Delegation from Chubu Electric Visits NRC Headquarters</u>

On August 15, 2005, a two-person delegation from Chubu Electric, Japan, met with Chairman Diaz, and Commissioners Jazcko and Lyons to discuss issues related to the outlook and status of the nuclear industry in Japan and NRC's role and strategic plan for achieving high-level industry performance and safety.

Office of the Secretary (SECY) Items of Interest Week Ending August 19, 2005

| Document Released to Public | Date | Subject | |
|-----------------------------|---------|---|--|
| Decision Documents | | | |
| SRM-SECY-05-0078 | 6/30/05 | Staff Recommendations for Regulatory Improvements to the Nuclear Materials Management and Safeguards System Database | |
| Information Papers | | | |
| SECY-05-0147 | 8/12/05 | "Weekly Information Report - Week Ending August 5, 2005" | |

Commission Correspondence

- 1. Letter to Congress, dated August 11, 2005, provides the monthly report for June 2005 on the status of NRC's licensing and regulatory activities.
- 2. Letter to Senator Hillary Rodham Clinton, dated August 11, 2005, responds to letter urging NRC to reconsider and change its decision regarding the public petitions requesting that all nuclear power plants equip their alert and notification sirens with power sources independent of the electrical grid.
- 3. Letter to Congresswoman Sue Kelly, dated August 11, 2005, responds to letter urging NRC to reconsider and change its decision regarding the public petitions requesting that all nuclear power plants equip their alert and notification sirens with power sources independent of the electrical grid.

Federal Register Notices Issued

 Establishment of Atomic Safety and Licensing Board, In the Matter of Nuclear Management Company, LLC (Monticello Nuclear Generating Plant), Docket No. 50-263, ASLBP No. 05-841-02-LR.

Region I (RI) Items of Interest Week Ending August 19, 2005

Mid-Atlantic Nuclear Training Group (MANTG) Exam Conference

On August 16-18, 2005, the MANTG held an operator exam conference at Millstone Nuclear Training Center in Waterford, Connecticut, in order to provide an open forum to discuss operator licensing and requalification program issues. There were approximately 115 total conference attendees, including about 15 individual licensees from plants outside Region I, as well as industry consultants from the American Nuclear Society. The Region I Administrator, Samuel J. Collins, opened the conference and later that evening presented NRC licenses to new operators. The NRC Region I staff conducted four breakout sessions that covered: The Simulator Rule Change and Scenario-based Testing; Exam Project Management; Initial Written Exam; Licensed Operator Requalification, and other topics. Initial attendee feedback was generally very positive, simulator testing issues received the most extensive discussion. For more details, see Notice of Significant Meeting, dated June16, 2005.

Indian Point Siren System Issues

On August 15, 2005, the primary method for activation of the emergency sirens surrounding Indian Point began experiencing intermittent communication problems. Additionally, Westchester and Putnam Counties experienced degraded backup methods for activation. The primary method for siren activation includes frame relay connections between the four County warning points and a host computer that actuates a radio transmitter to signal the sirens. The backup activation method uses radio signals from the County warning points to the host computer, rather than the frame relay connection. Entergy is providing 24-hour coverage at the host computer until the intermittent problems are resolved and arrangements with the Counties are in place for activation of the sirens from the host computer, if necessary. Region I staff will continue to monitor the licensee's compensatory actions and activities to remedy the intermittent communication problems.

Coast Guard Rear Admiral Pekoske Visits Indian Point

On August 15, 2005, United States Coast Guard Rear Admiral David P. Pekoske visited Indian Point to discuss waterfront security with Entergy senior management. The Rear Admiral has also made recent visits to Seabrook, Pilgrim, and Millstone. The main topic of discussion was coordination of State and Federal authorities, licensee security, and local law enforcement, for protection of the waterfront at Indian Point. The Indian Point 3 Senior Resident Inspector met briefly with the Rear Admiral and his staff.

Region II (RII) Items of Interest Week Ending August 19, 2005

Regulatory Conference with Southern Nuclear Operating Company, Inc.

On August 16, 2005, Region II staff met with representatives of Southern Nuclear Operating Company, Inc., in the Regional Office for a Regulatory Conference. The purpose of the meeting was to discuss the significance of a finding regarding the removal of the Hatch Technical Support Center from service for modifications.

Region III (RIII) Items of Interest Week Ending August 19, 2005

Enforcement Action Against Harsco/Heckett MultiServ Division

On August 15, 2005, Region III issued a Severity Level III Notice of Violation to the Harsco/Heckett MultiServ Division facility located in East Chicago, Indiana, for failure to replace the individual named on the NRC licensee as the Radiation Safety Officer following the individual's departure from the company in May 2003. The position was not filled until the violation was identified during an NRC inspection in May of this year. Three Severity Level IV violations were also identified during the inspection.

Region IV (RIV) Items of Interest Week Ending August 19, 2005

California Energy Commission (CEC) Workshop on Nuclear Power

On August 16, 2005, a Region IV manager participated in a CEC workshop on nuclear power. The input from this workshop is used in preparing the biennial energy policy report which is provided to the governor and legislature. The Region IV participant discussed the reactor oversight process, the safety performance of Diablo Canyon and San Onofre stations, plant security, spent fuel pool, decommissioning and license renewal issues.

Public Meeting with Arizona Public Service Company

On August 18, 2005, the Regional Administrator and other Region IV managers and staff held a public meeting with Arizona Public Service Company representatives. Discussion topics included the Palo Verde Nuclear Generating Station corrective action trending programs and the results of a safety culture survey, including licensee actions to address the survey results.