

INFORMATION REPORT

November 28, 2005

SECY-05-0217

For: The Commissioners
From: William M. Dean, Assistant for Operations, Office of the EDO
Subject: WEEKLY INFORMATION REPORT - WEEK ENDING
NOVEMBER 18, 2005

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*No input this week.

/RA/

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Office of Nuclear Reactor Regulation (NRR)
Items of Interest
Week Ending November 18, 2005

Monthly Mitigating Systems Performance Index (MSPI) Public Meeting

On November 16, 2005, the staff hosted the monthly MSPI public meeting in Headquarters. Meeting attendees discussed the status of the staff review of the MSPI outlier and basis document reviews, remaining milestones needing completion, and status of MSPI implementation.

Monthly Reactor Oversight Process (ROP) Public Meeting

On November 17, 2005, the staff hosted the monthly ROP public meeting in Headquarters. Meeting attendees discussed ROP cross cutting issues, the independent fuel storage facility inspection program update, performance indicator (PI) general improvements, and new frequently asked questions (FAQs) on the PIs. During the discussion on the PI FAQs, the staff conveyed the result from a November 1, 2005, public meeting on a FAQ appeal regarding a Millstone safety system unavailability PI FAQ associated with high pressure safety injection system. The November 1, 2005, public meeting was a FAQ appeal meeting conducted in accordance with the guidance contained in Appendix E to NEI 99-02, Revision 3, "Regulatory Assessment Performance Indicator Guideline."

Meeting with Nuclear Energy Institute (NEI) to Discuss License Renewal Topics

On November 8, 2005, the staff met with the NEI License Renewal Working Group and industry representatives to discuss generic license renewal topics and license renewal process improvements. The participants discussed the status of the pressurized thermal shock rulemaking, the NRR reorganization, and future resource challenges as NRR grows to support license renewal and new reactor licensing.

The staff shared its license renewal application audit and review schedule and emphasized the need for the industry to continue supporting onsite audits. NEI representatives discussed the status of the Nine Mile Point and Beaver Valley license renewal applications. First Energy Nuclear Operating Company indicated that it will submit the new license renewal application for Beaver Valley Power Station in February 2007. An NEI representative also discussed "trends and concerns" that were identified by the industry, characterized as areas for further enhancements by staff. The participants agreed to hold separate working meetings to address these areas.

Requests for Hearings for Oyster Creek License Renewal Application

On November 14, 2005, the Office of the Secretary of the Commission (SECY) received a fax from the New Jersey Department of Environmental Protection requesting a hearing regarding the Oyster Creek license renewal application. The State has three contentions in its filing: (1) Severe Accident Management Alternatives - Aircraft Attack scenario, Spent Fuel Pool scenario, and Interim Compensatory Measures; (2) Metal Fatigue - Non-conservative use of

Code, Cumulative Usage Factor (CUF); and (3) Combustion Turbines - Ownership by another utility may impact availability of the turbines.

On November 14, 2005, SECY also received via Federal Express a request for a hearing from Michelle Donato. Ms. Donato is filing on behalf of several New Jersey based Organizations. Her one contention concerns drywell liner corrosion, for which ultra-sonic testing (UT) was not performed and for which visual inspections were inadequate.

Combined License (COL) applications for Grand Gulf and River Bend sites

On November 15, 2005, the NRC staff met with Entergy Nuclear to discuss planning related to combined license (COL) applications for its Grand Gulf and River Bend sites. The Grand Gulf application is scheduled to be submitted the 4th quarter 2007 or 1st quarter 2008, and the River Bend application is scheduled approximately 6 weeks after the Grand Gulf submittal. The Grand Gulf application will be a joint venture with NuStart and both submittals will be referencing the General Electric (GE) Economic Simplified Boiling Water Reactor (ESBWR). Entergy stated that it is working with Dominion Nuclear to submit a standardized COL application. Entergy is working with GE on the certification of the ESBWR design.

Regional Public Meetings Present Purpose of Proposed Fitness-For-Duty Rule

On November 7 and 9, 2005, the staff held Category 3 public meetings in Morris, IL and Charlotte, NC, respectively. The meetings were part of a public outreach initiative designed to facilitate public comment on the proposed rulemaking by providing individual workers, members of the public, and other stakeholders opportunities to ask clarifying questions regarding the proposed 10 CFR Part 26 (Fitness-for-Duty Programs) rule. Approximately 80 people attended the meetings. In general, most questions concerned the fatigue management provisions of the proposed rule. A preliminary assessment of the feedback forms received from these meetings indicated that staff's outreach effort was successful in helping stakeholders better understand the overall intent of the regulations. The staff encouraged all stakeholders to submit their comments in writing to ensure that they are formally considered in the rulemaking process.

First Observation Visit to National Fire Protection Association (NFPA) 805 Pilots

During the week of November 7, 2005, the staff led an NRR/regional team to perform its first NFPA 805 pilot observation visit of transition activities at Oconee and Shearon Harris. The meeting was held at Duke Energy Corporate offices in Charlotte, NC. Personnel in attendance included those from Duke Power, Progress Energy, Entergy, South Carolina Electric and Gas, NRC consultants from Pacific Northwest National Laboratory, and various contractors. The topics included Appendix R reconstitution, a risk-informed process for screening multiple spurious circuits, aggregation of cumulative impact of deficiencies during transition, fire probabilistic risk assessment (PRA) peer review, fire protection for nuclear safety circuits, and examples using the "Change Control Process." During the presentations, the staff and the licensee documented several action items that require future resolution. The next observation visit is scheduled for the week of March 13, 2006, at Progress Energy's corporate offices in Raleigh, NC.

Office of Nuclear Material Safety and Safeguards (NMSS)
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Meeting on Safety of Spent Fuel Management and Radioactive Waste Management

From November 5-10, 2005, staff participated in an Extra-Ordinary and Organizational Meeting for the Joint Convention of International Atomic Energy Agency (IAEA) Member States at IAEA Headquarters in Vienna, Austria. The meeting established five country groups that will review Contracting Parties' National Reports on the safety of spent fuel and radioactive programs. The U.S. will be in Country Group 1, with Spain, Belgium, the Netherlands, Romania, Belarus, and Croatia. The Director, Division of High-Level Waste Repository Safety, NMSS, was elected Vice Chair of this group.

Meeting with Russian Federation on Mixed-Oxide Fuel Program

On November 8-11, 2005, a manager from the Division of Fuel Cycle Safety and Safeguards participated in a U.S./Russian Federation bilateral meeting at the Headquarters of the Russian Nuclear, Industrial and Environmental Regulatory Authority (Rostekhnadzor) in Moscow. These meetings are held every 3 months to discuss the status of the surplus weapons-grade plutonium disposition program. During the meeting, representatives of Rostekhnadzor briefed the U.S. representatives (from the U.S. Department of Energy/National Nuclear Security Agency (DOE/NNSA) and NRC) on the development of the regulatory infrastructure for the project that is being funded by the U.S. government. They also provided a status report on the construction of the Russian mixed-oxide fuel fabrication facility (MFFF). The NRC representative provided an update on the status of licensing activities associated with the U.S. facility. The major items of interest for NRC resulting from this meeting are:

- DOE/NNSA would like NRC to continue to review and comment on regulatory documents developed by Rostekhnadzor. Approximately six to eight documents are expected in the next few months.
- The next bilateral meeting has been scheduled for January 31 - February 3, 2006.
- NRC will conduct a workshop in Moscow on February 6-9, 2006, on the mechanical systems in the U.S. MFFF. This is the last in a series of workshops sponsored by DOE/NNSA to communicate to Rostekhnadzor information on MFFF licensing requirements and NRC's regulatory basis for authorizing construction.

Meeting with Nuclear Energy Institute (NEI)

On November 10, 2005, staff from NMSS and the Office of Nuclear Reactor Regulation (NRR) held a public meeting with representatives of NEI and industry to discuss technical and licensing issues associated with spent fuel storage and transportation licensing. The infrastructure for future interactions of NMSS staff with the industry 10 CFR Part 71/72 issues was also discussed. NRR led the discussion on "NRC Regulatory Issue Summary (RIS) 2005-05, Regulatory Issues Regarding Criticality Analyses for Spent Fuel Pools and Independent Spent Fuel Storage Installations" (RIS 2005-05). NRR and NEI discussed RIS 2005-05 and 10 CFR

50.68 criticality safety requirements for casks loading in spent fuel pools. Staff agreed to evaluate the issues expressed by the NEI members.

Public Scoping Meeting to Develop a Standard Review Plan (SRP) for Incidental Waste Determinations

On November 10, 2005, NMSS hosted a public scoping meeting in Gaithersburg, MD, to gather input for an SRP to guide staff reviews of DOE's incidental waste determinations. The purpose of the meeting was to ensure that stakeholders and the public were aware of the SRP effort and had an opportunity to provide input early in the development process. At the meeting, NRC staff provided an overview of the draft SRP outline and solicited feedback from meeting participants. Attendees included representatives from several Federal and State agencies; the South Carolina Citizens Advisory Board; Weapons Complex Monitor; National Resources Defense Council; National Academy of Sciences; Congressman Doc Hastings' Office; and the Sierra Club.

Electric Power Research Institute's (EPRI's) Decommissioning and Operating Plan Workshop

On November 15-16, 2005, Division of Waste Management and Environmental Protection staff participated in EPRI's Decommissioning and Operating Plan Workshop in Providence, RI. The workshop was attended by licensees from operating and decommissioning sites and focused on groundwater contamination assessment and license termination activities.

Office of Nuclear Regulatory Research (RES)
Items of Interest
Week Ending November 18, 2005

Organization for Economic Cooperation and Development's (OECD) Nuclear Energy Agency (NEA) Committee for the Safety of Nuclear Installations Workshop

From November 7-9, 2005, staff attended the subject workshop in France, which focused on the identification of various sources of uncertainties regarding severe accidents and Level 2 probabilistic safety analysis, and the means to evaluate these uncertainties. Staff presented information on ex-vessel core debris coolability from the OECD's Melt Coolability and Concrete Interaction (MCCI) Program. This information will be used to assess the NRC's severe accident codes.

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Office of Nuclear Security and Incident Response (NSIR)
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Preliminary Notifications

PNO-IV-05-014, ProTechnics Division of Core Laboratories - FOLLOWUP ON LOST OR MISSING RADIOACTIVE MATERIAL.

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Office of Administration (ADM)
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Statement of Organization and General Information (AH79-Part 1)

On November 16, 2005, the NRC published a final rule in the Federal Register (70 FR 69421) that amended its regulations containing its statement of organization and general information. The amendments reflect a number of recent organizational changes and transfers of responsibilities. The final rule became effective November 16, 2005.

Union of Concerned Scientists and San Luis Obispo Mothers for Peace; Partial Grant of Petition for Rulemaking (PRM-50-80)

On November 17, 2005, the NRC published a document in the Federal Register (70 FR 69690) announcing the Commission's intent to partially grant a petition for rulemaking submitted by the Union of Concerned Scientists and the San Luis Obispo Mothers for Peace (PRM-50-80). The petitioners requested that the NRC amend its regulations to require nuclear power plant owners to formally evaluate whether proposed changes, tests, and experiments cause protection against radiological sabotage to be decreased and, if so, that the changes, tests, and experiments only be conducted with prior NRC approval. The NRC is contemplating a rulemaking action that would address this request and, if issued as a final rule, essentially grant this portion of the petition. The petitioners also requested that licensees be required to formally evaluate specified aerial hazards and make changes to provide reasonable assurance that the ability of the facility to reach and maintain safe shutdown will not be compromised. The NRC intends to address this issue as part of its proposed design basis threat rule.

Office of Information Services (OIS)
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Freedom of Information Act (FOIA) and Privacy Act Requests Received During the Period of
November 11 through November 17, 2005:

Correspondence between Rep. Robert Ney (OH-18) & NRC from January 1, 1995 & October 31, 2005, all records	FOIA/PA-2006-0034
Employment records, compensation claims, medical records & transcripts for named individual	FOIA/PA-2006-0035

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Office of Human Resources (HR)
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Arrival		
HICKEY, JOHN W.	CONSULTANT	NMSS
SINGAL, BALWANT K.	PROJECT MANAGER	NRR

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Office of the Secretary (SECY)
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Document Released to Public	Date	Subject
Decision Documents		
1. SECY-05-0200	10/28/05	Efforts by Western Nuclear, Inc., to Acquire Off-Site Properties in Conjunction with Decommissioning its Uranium Recovery Site and the Need for Institutional Controls
2. SECY-05-0048	03/28/05	Petition for Rulemaking on Protection of U.S. Nuclear Power Plants Against Radiological Sabotage (PRM-50-80)
SRM on 05-0048	06/28/05	(same)
Commission Voting Record on 05-0048	06/28/05	(same)
Amendment to SRM on SECY-05-0048	10/27/05	(same)
Information Papers		
1. SECY-05-0204	11/04/05	Weekly Information Report - Week Ending October 28, 2005
2. SECY-05-0199	10/28/05	Update of the Risk-Informed Regulation Implementation Plan
3. SECY-05-0202	10/29/05	Staff Review of the National Academies Study of the Health Risks From Exposure to Low Levels of Ionizing Radiation (BEIR VII)
4. SECY-05-0209	11/10/05	Weekly Information Report - Week Ending November 4, 2005
Memoranda		
M051101	11/14/05	Briefing on Implementation of the Davis-Besse Lessons Learned Task Force Recommendations

Commission Correspondence

1. Letter to Dr. E. William Colglazier, NAS, dated November 8, 2005, regarding the NAS project on radioactive source use and replacement.

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ENCLOSURE O

2. Letter to Congress, dated November 7, 2005, concerns the proposed Agreement between the State of Minnesota and the NRC.
3. Letter to Tim Pawlenty, Governor of Minnesota, dated November 4, 2005, concerns the proposed Agreement between the State of Minnesota and the NRC.
4. Letter to Congressman Tom Davis, dated November 4, 2005, responds to request for all information and documents that NRC provided to the Senate Committee on Homeland Security and Governmental Affairs regarding Hurricane Katrina.

Federal Register Notices Issued

1. State of Minnesota: NRC Draft Staff Assessment of a Proposed Agreement Between the NRC and the State of Minnesota.
2. Advisory Committee on Reactor Safeguards (ACRS), Subcommittee Meeting on Planning and Procedures, notice of meeting (12/7/05).
3. ACRS, notice of 528th meeting (12/7-10/05).

Region I (RI)
Items of Interest
Week Ending November 18, 2005

Safety Light Corporation License

On November 10, 2005, Region I renewed Safety Light Corporation License Nos. 37-00030-02 and 37-00030-08 in accordance with the terms of the Settlement Agreement, as approved by the Atomic Safety and Licensing Board in LBP-05-14 on June 29, 2005. LBP-05-14 became a final agency decision on August 8, 2005. The licenses authorize the characterization and decommissioning of contaminated facilities equipment and land located in Bloomsburg, Pennsylvania, and the manufacture and distribution of self-luminous devices to persons specifically licensed to receive the devices, respectively. The licenses will expire on December 31, 2007. Region I also issued the enforcement actions associated with this case and in accordance with the settlement agreement on November 18, 2005.

Oyster Creek Security Contract Agreement Reached

On November 17, 2005, the International Union of United Government Security Officers of America announced it had signed a new four-year labor agreement with Wackenhut management to provide security services for the Oyster Creek Nuclear Power Plant. The agreement was ratified by the union rank-and-file membership on November 16, 2005. The previous labor contract was set to expire on November 19, 2005, at midnight.

Office of Congressional Affairs (OCA)
Items of Interest
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CONGRESSIONAL HEARING SCHEDULE, NO. 40					
OCA Contact	DATE & PLACE	TIME	WITNESS	SUBJECT	COMMITTEE
Keeling	TBA Postponed	TBA	NNSA, DOS	International Efforts to Promote Nuclear Security	Reps. Linder/Langevin Prevention of Nuclear and Biological Attack Homeland Security

Note: The House of Representatives is in recess until December 6. The Senate is in recess until December 12.