INFORMATION REPORT

September 5, 2003

SECY-03-0155

For: The Commissioners

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

Subject: SECY-03-0155 WEEKLY INFORMATION REPORT - WEEK ENDING AUGUST 29, 2003

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*No input this week.

/RA/

William M. Dean Assistant for Operations, OEDO

Office of Nuclear Reactor Regulation Items of Interest Week Ending August 29, 2003

Public meeting with NEI on fire protection issues

On August 21, 2003, the staff met with the Nuclear Energy Institute (NEI) to discuss fire protection issues. The topics discussed included: (1) action items from the previous meeting with NEI on April 18, 2003; (2) incentives for the adoption of Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants (NFPA 805); (3) resolution of the circuit analysis issue; (4) risk-informed evaluation of fire suppression requirements; (5) fire watches used for non-safety compliance issues; (6) regional feedback on specific inspection items; (7) NEI transition pilot on NFPA 805 at McGuire; and (8) issues management process.

Issuance of Robinson License Renewal Safety Evaluation Report

By letter dated June 14, 2002, Carolina Power and Light Company submitted to NRC for review an application pursuant to 10 CFR Part 54 to renew the operating license for the H.B. Robinson Steam Electric Plant, Unit 2, for an additional 20 years. On August 25, 2003, the staff issued its safety evaluation report with open items. The staff has identified two open items and twenty-nine confirmatory items in its review. The staff plans to present the results of its evaluation to the Advisory Committee on Reactor Safeguards on September 30, 2003.

NRC/NEI Meeting on Improved License Renewal Application Review Process

On August 27, 2003, the staff met with representatives of the Nuclear Energy Institute (NEI) and a number of licensees to discuss the improved license renewal application (LRA) review process. The staff provided an overview of the improved process and addressed numerous questions posed by the industry. Several licensee representatives questioned the amount of utility resources that would be necessary to support the proposed staff site visits. However, following discussion, the NEI and licensee representatives generally agreed that early and frequent staff and licensee interactions would be a good use of resources and an improvement over the current LRA review process. Industry appears to support implementation of the improved review process during three pilot plant LRA reviews (Farley, ANO2, and Cook) and suggested additional meetings to assess the success of the revised process as part of the pilot exercise. The goal of these meetings would be to identify additional process enhancements that might be incorporated into future LRA reviews.

<u>Meeting Regarding Programmatic Inspections, Tests, Analyses, and Acceptance Criteria</u> (ITAAC)

On August 25, 2003, the staff held a category 3 facilitated public meeting regarding programmatic ITAAC. The meeting was in the form of a round table discussion to receive feedback on the staff's draft proposal. The Commission directed the staff to interact with external stakeholders on this topic in a September 11, 2002, staff requirements memorandum. The round table participants included representatives from industry and citizens groups. In addition to the public meeting, the staff solicited written public comments on its draft proposal through a notice in the *Federal Register*. The written comment period ends on September 15,

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2003, and the staff is scheduled to issue a report on the subject to the Commission by March 1, 2004.

On-site Review of Tritium-Producing Burnable Absorber Rods Fabrication Facility

The Division of Inspection Program Management conducted an on-site review of WesDyne's quality assurance implementation at their fabrication facility which is part of the Westinghouse Nuclear Fuel plant in Columbia, South Carolina. WesDyne is fabricating tritium-producing burnable absorber rods (TPBARs) under contract to the Department of Energy for production of tritium in commercial nuclear reactors. The TPBARs will be inserted in the Watts Bar reactor core during the upcoming October fuel outage.

Public Stakeholder Meeting Concerning Proposed Worker Fatigue Rulemaking

On August 21, 2003, the NRC task force led by the Division of Inspection Program Management, held a public meeting regarding the development of requirements on worker fatigue at nuclear power plants. The task force is developing the requirements as a proposed amendment to 10 CFR 26, "Fitness for Duty Programs." The meeting participants included representatives from the power reactor licensee community, the Nuclear Energy Institute, the Professional Reactor Operator Society, the International Brotherhood of Electrical Workers, and the law firm of Winston and Strawn. The discussions focused on draft proposed rule language and the development of an industry guidance document. Stakeholders have provided comment on several iterations of the proposed rule language and the NRC will now be completing development of the proposed rulemaking package and initiating the internal review process.

Office of Nuclear Material Safety and Safeguards Items of Interest Week Ending August 29, 2003

Meeting with DOE Regarding Reimbursable on Return of Foreign Reactor Fuel

On August 26, 2003, the staff met with the Department of Energy (DOE) staff to discuss plans for extending the reimbursable with NRC that includes NRC review of foreign transport cask designs and route approvals for shipments of the fuel within the U.S. Staff discussed progress and funding for the project that began in 1998 and will expire in December 2003. Both NRC and DOE staffs agreed that the project needs to be extended for 5 years, with an adequate funding level. DOE staff provided a draft Statement of Work for review and evaluation by NRC staff.

Director's Decision on Viacom, Inc.'s, 10 CFR 2.206 Petition Issued

On August 26, 2003, the Office Director's Decision was issued on the Viacom, Inc.'s petition, submitted October 30, 2002, pursuant to 10 CFR 2.206, concerning the decommissioning of the Waltz Mill Test Reactor (WTR) facility near Madison, Pennsylvania. The Director's Decision concludes the following on the Viacom's requests: (1) for Westinghouse to release characterization data is now moot and is no longer addressed; (2) for Westinghouse to accept residual radioactive material from the WTR into its NRC Special Nuclear Material license is denied; (3) for NRC to find Westinghouse in violation of 10 CFR 50.5 is denied; and (4) for NRC to interpret the provisions of the Decommissioning Plan for the WTR in response to a separate Viacom, Inc., letter submitted on October 29, 2002, is granted.

Meetings with the Department of Energy and the U.S. Enrichment Corporation

On August 26, 2003, members of the staff from the Division of Fuel Cycle Safety and Safeguards (FCSS), Region II, and the Office of Enforcement (OE) met with the Department of Energy (DOE) staff in a closed meeting to discuss regulatory oversight issues. These issues are addressed in a draft Memorandum of Understanding and concern the U.S. Enrichment Corporation's (USEC's) gas centrifuge uranium enrichment test and demonstration facility (Lead Cascade). This facility is to be housed in an existing DOE Gas Centrifuge Enrichment Plant building at the Portsmouth Gaseous Diffusion Plant site in Piketon, Ohio.

On August 27, 2003, staffs from FCSS, Region II, OE, and the Office of the General Counsel met with staffs from USEC and DOE, in a closed meeting, to discuss USEC's plan and schedule for dismantling, installing, and operating the Lead Cascade facility, and DOE's, NRC's, and USEC's roles and responsibilities throughout the various phases of the Lead Cascade project to ensure regulatory continuity. At the meeting, USEC provided a brief overview of its gas centrifuge program, described the various Lead Cascade project phases and the associated anticipated activities, along with a rough schedule for the activities.

Louisiana Energy Services Decides to Change Enrichment Plant Site

On August 27, 2003, Louisiana Energy Services (LES) announced it had decided to discontinue its siting activities in Trousdale County, Tennessee, because of restrictions adopted by Trousdale County Commissioners. The announcement also indicated that LES is pursuing a

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site in New Mexico and has scheduled another announcement on the New Mexico site on September 2, 2003.

Office of Nuclear Regulatory Research Items of Interest Week Ending August 29, 2003

International Workshop on Uncertainty, Sensitivity and Parameter Estimation

On August 19-21, 2003, NRC hosted an International Workshop on Uncertainty, Sensitivity, and Parameter Estimation for Multimedia Environmental Modeling sponsored by the Federal Interagency Steering Committee. The workshop objectives were to: (1) facilitate communication among U.S. Federal Agencies and the international community conducting research on the workshop themes of parameter estimation, sensitivity analysis, and uncertainty assessments; (2) obtain up-to-date information from the invited international technical experts; and (3) actively discuss opportunities and new approaches. The workshop was organized by one of the working groups implementing the Memorandum of Understanding (MOU) on research into multimedia environmental modeling. The NRC, along with 8 other Federal agencies are participants in the MOU.

The 115 workshop participants included: (1) speakers invited by the 8 Federal agencies from Australia, the Netherlands, United Kingdom, Italy, Canada and the U.S.; (2) invited guests from the Geological Survey of Denmark and Greenland, Belgium scientists representing the European HarmonIt project, and representatives from the Nuclear Waste Technical Review Board; and (3) technical staff and contractors from the 8 Federal agencies. The workshop focused on techniques, databases and information for identifying and understanding the sources of uncertainty in environmental modeling. The MOU working group plans to review all of the presentations and discussions in detail, and develop a proceedings of the workshop which will be published as a NUREG/CP and posted on their Web site page at: http://ISCMEM.Org.

Research Information Letter RIL-0301 on The Lower Head Failure Program (LHF)

A research information letter (RIL) was issued that presents insights developed from an Organization for Economic Cooperation and Development and Nuclear Energy Agency (OECD-NEA) study of failure of the lower head of a reactor pressure vessel (RPV) following a core melt accident. The lower head of the RPV can be subject to significant thermal and pressure loads in the late phases of core melting during a severe accident. An understanding of the mode, timing, and size of lower head failure is important in evaluating the consequences of a severe accident, because it defines the initial conditions for many of the subsequent challenges to containment integrity. The LHF program consisted of three elements (1) integral experiments, (2) material characterization, and (3) model development and validation. LHF tests were conducted at Sandia National Laboratories (SNL) under the auspices of OECD-NEA. This program extended and built upon the completed USNRC LHF program, but at more prototypic conditions (i.e., large temperature gradient across the vessel wall). The tests were performed on a 1/5-scale RPV lower head (0.91 m diameter) of typical RPVs. Results from this program were used to validate and improve models for RPV lower head failure, specifically with regard to time history and location of the failure. The improved models from this program and other related programs are being implemented in the USNRC MELCOR severe accident code. With this improvement, the MELCOR code can be used to assess LHF of the RPV for various accident sequences, reactor designs, and vessel boundary conditions (e.g., ex-vessel flooding).

Delayed Restart of Halden Reactor

OECD Halden Reactor Project (HRP) has reported the discovery of cracks in a coolant line between the bottom of the research reactor vessel and the first isolation valve. The cracks were discovered during a scheduled maintenance and inspection outage in June-July, 2003. No cracks are through-wall, but one does exceed the ASME Code acceptance criterion. The Norwegian Institute for Energy Technology (IFE), operators of the Halden Project, have decided to repair the cracks before resuming operation of the reactor. As a result, the outage has been extended until approximately early October 2003.

At the request of Halden staff, the Division of Engineering Technology (DET) staff assembled a package of technical and regulatory reference documents, along with contact information for several experts, to support their repair decisions and their interactions with the Norwegian regulators. The DET staff also coordinated support from the EPRI Non Destructive Examination (NDE) Center, who supplied some proprietary references.

Delayed restart of the Halden reactor will have an impact on ongoing materials testing programs. DET has a group of test specimens at Halden for irradiation, that were scheduled to be discharged in February, 2004. Specimens include stainless steels and welds typical of reactor internals, as well as some nickel base materials representative of reactor coolant pressure boundary components. The specimens are to be shipped to Argonne National Laboratory for mechanical testing. If the Halden reactor can restart as planned in October 2003, the specimens are expected to be delayed by 3-4 months. Repairs on the cracked coolant pipe have not yet begun, so the full extent of the delay is uncertain at this time.

Nuclear Security and Incident Response Items of Interest Week Ending August 29, 2003

Preliminary Notifications

- 1. PNO-III-03-036, Community Hospital of Anderson EVENT INVOLVING AN UNINTENDED DOSE TO AN EMBRYO/FETUS.
- 2. PNO-IV-03-039, Phelps-Dodge, Inc. FAILURE OF FIXED GAUGING DEVICE TO RETRACT INTO THE SHIELDED POSITION.

Office of Administration Items of Interest Week Ending August 29, 2003

Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities <u>Receiving Federal Financial Assistance</u>; Nondiscrimination on the Basis of Handicap in <u>Programs or Activities Receiving Federal Financial Assistance</u>; Nondiscrimination on the Basis <u>of Age in Programs or Activities Receiving Federal Financial Assistance (AG85 - Part 4)</u>

The NRC and 21 other Federal agencies issued a combined final rule on August 26, 2003 (68 FR 51335). The final rule amends the regulations implementing statutes prohibiting discrimination on the basis of race, color, national origin, disability, and age in programs or activities receiving Federal financial assistance. The final rule adds definitions designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The final rule becomes effective September 25, 2003.

<u>State of Utah: NRC Staff Assessment of Utah's Proposed Alternative Standard to use Utah's</u> <u>Existing Groundwater Regulation in Lieu of the NRC Regulations (Part 40)</u>

A document appearing in the Federal register of August 27, 2003 (68 FR 51516) presents the NRC staff assessment of the State of Utah's proposal to regulate a portion of the groundwater aspects of uranium milling within the State under its existing groundwater protection regulations. These regulations are based on the Environmental Protection Agency's drinking water limits, in lieu of a portion of the specific groundwater requirements in Appendix A to 10 CFR Part 40. The Commission has determined that Utah's proposed approach constitutes the use of an alternative standard. The Atomic Energy Act requires that the Commission make a determination that the use of the alternative standard achieves a level of stabilization and containment of the sites concerned and a level of protection for public health, safety, and the environment from radiological and non-radiological hazards associated with the sites at least equivalent to the Commission's regulations. This document requests public comment and provides an opportunity for a public hearing that is statutorily mandated for such a proposal. The comment period for this action closes September 26, 2003.

Contract Award

On August 28, 2003, Delivery Order No. NRC-33-03-341 was awarded to Information Manufacturing Corporation for document processing support services. The total estimated cost of the delivery order, inclusive of option years, is \$14,228,638.00. The period of performance is September 6, 2003, through September 5, 2006, with three one-year option periods. This procurement was awarded on a competitive basis, as a small business set-aside, under the General Services Administration's Federal Supply Schedule.

General Services Administration (GSA) Purchase Card Conference

On August 18-22, 2003, the Purchase Card System Administrator attended the GSA Fifth Annual Smartpay Conference in San Antonio, Texas. The conference focused on current trends and practices in the management of government card programs, identification of misuse and fraud, what to do if you suspect misuse or fraud, and remedial actions.

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Chief Information Officer Items of Interest Week Ending August 29, 2003

<u>Freedom of Information and Privacy Act Requests received during the period of August 22 through August 28, 2003</u>:

Rep. James P. Moran, all records, 1979 through 2003	FOIA/PA-2003-0397
Indian Point, emergency preparedness, 18 categories of documents	FOIA/PA-2003-0398
Computer worm, vulnerability of computers at federally regulated energy companies since 07/16/03	FOIA/PA-2003-0399
Davis Besse, safety conscious work environment from 01/01/99 through 03/10/03	FOIA/ PA-2003-0400
Palo Verde, assessment of Palo Verde Nuclear Generating Station I&C Dept. prepared by Barry Letts	FOIA/PA-2003-0401
Materials Licensee Tracking System database for medical licensees in DE, NJ, PA, NY, MA, CT, RI, MD, NC, OH, & VA	FOIA/PA-2003-0402
FOIA/PA-2003-0347, Marson Blair Hull, Hull Trading Co., Matlock Capitol, and Sixteen to One, Inc., 1977 to present, all records	FOIA/PA-2003-0403
OI case no. 2-2003-003, report and all exhibits	FOIA/PA-2003-0404
Indiana Counties of Marion, Hamilton, Johnson, Hendricks & Boone, incidents regarding loss, misuse of radioactive materials	FOIA/PA-2003-0405
Radioactive Materials License #48-17543-01	FOIA/PA-2003-0406
SECY-03-0025 and SRM, including attachments, re Utah alternative groundwater protection regulations	FOIA/PA-2003-0407
International Merchant Purchase Authorization Card (I.M.P.A.C.) Listing	FOIA/PA-2003-0408
REB Industries, 95-131 Oak Street, Glastonbury, CT, radiological release survey, 1987, investigation on thorium	FOIA/PA-2003-0409

Office of Human Resources Items of Interest Week Ending August 29, 2003

Arrivals					
BARATTA, Anthony	ASSOC. CHIEF ADMIN. JUDGE(TECHNICAL)	ASLBP			
MITTAL, Ankit	STUDENT TRAINEE	NMSS			
ROMA, Amy	LAW CLERK	ASLBP			
SCOTT, Adrienne	STUDENT TRAINEE	NRR			
Departures	Departures				
GHOSH, Suchandra	STUDENT ENGINEER	ACRS			
HENRY, Patricia	STUDENT ENGINEER	NRR			
NGUYEN, Victoria	STUDENT CLERK	RIII			
OMOTOSHO, Emmanuel	STUDENT IT SPECIALIST	NSIR			
TULLIO, Stephanie	NUCLEAR SAFETY INTERN	RI			
WASHINGTON, Brittney	STUDENT CLERK	ADM			
YU, Deanna	STUDENT CLERK	ADM			

Office of Public Affairs Items of Interest Week Ending August 29, 2003

Media Interest

The continued investigation by electric industry experts into the August 14 blackout, as a U.S.-Canadian Joint Task Force examines its cause, aftermath and develops recommendations to avoid future outages.

NRC issuing a license to CFC Logistics, Inc., for the operation of a commercial underwater irradiator at its Milford Township (Bucks County), Pa., cold storage facility.

The Bush administration issued new rules that will relax pollution-control regulations for thousands of power plants and factories nationwide.

Press Releases		
Regions:		
I-03-051	NRC Issues License For Irradiator In Milford Township (8/27)	
II-03-042	NRC Sends Inspection Team To Review Shutdown At Sequoyah Nuclear Plant (8/29)	
III-03-059	Special NRC Inspection Of Equipment Problems At Perry Nuclear Plant (8/28)	

Office of the Secretary Items of Interest Week Ending August 29, 2003

	Document Released to Public	Date	Subject
1.	SECY-03-0127	7/24/03	Final Rulemaking-Risk-Informed 10 CFR 50.44, "Combustible Gas Control in Containment"
	Voting Record on SECY- 03-0127	8/28/03	(same)
2.	SECY-03-0090	6/2/03	Final Rule: 10 CFR Parts 30, 40, and 70: Financial Assurance for Materials Licensees
	Voting Record on SECY- 03-0090	8/28/03	(same)
3.	SECY-03-0130	8/1/03	Final Rule on Electronic Maintenance and Submission of Information
	Voting Record on SECY- 03-0130	8/28/03	(same)
Ne	egative Consent Documen	ts	
1.	SECY-03-0140	8/15/03	Proposed Arrangement for the Exchange of Technical Information and Cooperation in Nuclear Safety Matters with the State Nuclear Regulatory Committee of Ukraine
	SRM on SECY-03-0140	8/27/03	(same)
	Voting Record on SECY- 03-0140	8/27/03	(same)

Memoranda		
1. M030828A	8/28/03	SRM - Affirmation Session: 1: SECY-03- 0090 - Final Rule: 10 CFR Parts 30, 40, and 70: Financial Assurance for Materials Licensees; 2: SECY-03-0127 - Final Rulemaking - Risk-Informed 10 CFR 50.44, "Combustible Gas Control in Containment"; 3: SECY-03-0130 - Final Rule on Electronic Maintenance and Submission of Information; 4: SECY-03-0133 - Tennessee Valley Authority (Watts Bar Nuclear Plant, Unit 1 & 2, Browns Ferry Nuclear Plant, Units 1, 2 and 3), Docket Nos. 50-390-CIVP; 50-0327- CIVP; 50-328-CIVP; 50-259-CIVP; 50-260- CIVP; 50-296-CIVP; LBP-03-10 (June 26, 2003)

Commission Correspondence

- 1. Letter to Congresswoman Shelley Berkley, dated August 20, 2003, concerns DOE's plans to "bundle" or group the responses to the NRC/DOE agreements on Yucca Mountain into 14 technical basis process groups.
- 2. Letter to Congress, dated August 18, 2003, provides the June report on the status of NRC's licensing and regulatory duties.

Federal Register Notices Issued

1. Notice of Meeting - Peer Review Committee for Source Term Modeling.

Region I Items of Interest Week Ending August 29, 2003

Update on Reintegration of Bargaining Unit Employees at Oyster Creek

On September 2, 2003, bargaining unit employees at Oyster Creek will return to their jobs as part of AmerGen's Staff Reintegration Plan. These workers were involved in a 78-day strike that ended on August 7. Since then, the bargaining unit employees have been involved in reorientation training, requalification and proficiency watches. The transition to normal plant staffing will be observed next week by three NRC resident inspectors.

CFC Logistics

On August 27, 2003, Region I issued a license to CFC Logistics, Inc. authorizing the receipt and use of cobalt 60 in an underwater irradiator. The irradiator will be used to treat food and other products. The license application received significant public and media interest, and resulted in a request for a hearing by the Atomic Safety and Licensing Board Panel (ASLBP). While the hearing request is under consideration by the ASLBP, the licensee has agreed to a request from the ASLBP not to take receipt of the cobalt 60 until late September.

PermaGrain

On August 21-22, 2003, a Region I inspector observed preparations and participated in a meeting concerning removal of the cobalt-60 sources from the PermaGrain site in central Pennsylvania. Present at the site were representatives of the Environmental Protection Agency and its remediation contractors, and the Commonwealth of Pennsylvania. The inspector witnessed dry runs of the cask loading operation and participated in discussions concerning preparation for the removal operation and overall schedule. It is expected that removal will be complete by September 30, 2003.

Region II Items of Interest Week Ending August 29, 2003

Southeast Nuclear Plant Manager's Meeting

On August 25-26, 2003, the Regional Administrator attended the Southeast Nuclear Plant Manager's Meeting in Huntsville, AL.

Nuclear Fuel Services, Inc. - Management Meeting

On August 29, 2003, representatives from Nuclear Fuel Services, Inc., were in the Regional Office to attend an open meeting. The purpose of this meeting was to discuss performance since the last Licensee Performance Review. At the conclusion of the open meeting, the licensee attended a closed meeting with Regional staff to discuss security and safeguards issues and other proprietary information.

Alert Declared at Sequoyah Nuclear Plant

On August 28, 2003, an alert was declared after Sequoyah Unit 1 experienced a turbine trip during routine turbine testing. Operators manually tripped the reactor when it did not appear to automatically trip as required. All safety system performed as expected and the reactor remains stable in hot shutdown. The licensee activated its emergency response facilities and Region II entered the monitoring mode until the emergency condition was exited. An NRC Augmented Inspection Team (AIT) was dispatched on August 29, 2003 to review the event.

Region IV Items of Interest Week Ending August 29, 2003

Meeting with Texas Utility (TXU) Energy, the Electric Reliability Council of Texas (ERCOT), and Oncor

On August 25, 2003, the Region IV staff met with representatives of TXU Energy, ERCOT, and Oncor, the electric distribution company, to discuss the grid disturbance which resulted in the trip of both Comanche Peak units on May 15, 2003. The ERCOT representative discussed the grid response to the fault and its recovery. An Oncor representative discussed the specific equipment problems which resulted in the fault being cleared by remote rather than local breakers. TXU Energy representatives discussed the plant response to the grid disturbance and the subsequent corrective actions which are being undertaken in coordination with Oncor.

Office of Congressional Affairs Items of Interest Week Ending August 29, 2003

	CONGRESSIONAL HEARING SCHEDULE, NO. 28				
OCA Contact	DATE & PLACE	TIME	WITNESS	SUBJECT	COMMITTEE
Gerke	09/03/03 2123 RHOB	10:00	DOE, FERC, NERC, State officials, PUC's	Blackout 2003: How Did It Happen and Why?	Reps. Tauzin/Dingell Energy and Commerce
Gerke	09/04/03 2123 RHOB	9:30	First Energy, Exelon, LIPA, AEP, ConEd, EEI, EPRI, ISO's	Blackout 2003: How Did It Happen and Why?	Reps. Tauzin/Dingell Energy and Commerce
Keeling	09/04/03 Russell	1:30	DOS, FBI, and others	Implications of the Electric Power Blackout	Reps. Camp/Sanchez Infrastructure & Border Security Reps. Thornberry/Lofgren Cybersecurity, Science, R&D Homeland Security
Keeling	09/10/03 RHOB	10:00	ТВА	Findings of 9/11 Intelligence Report	Reps. Cox/Turner Select Committee on Homeland Security
Combs	09/11/03 TBA	A.M.	Chairman Diaz, DOE, Bechtel, NEI	Yucca Mountain	Reps. Barton/Boucher Energy and Air Quality Energy and Commerce