

# INFORMATION REPORT

December 20, 2002

SECY-02-0220

For: The Commissioners  
From: John W. Craig, Assistant for Operations, Office of the EDO  
Subject: SECY-02-0220 WEEKLY INFORMATION REPORT - WEEK  
ENDING DECEMBER 13, 2002

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\*No input this week.

**/RA/**

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Office of Nuclear Reactor Regulation  
Items of Interest  
Week Ending December 13, 2002

Public Meeting with NEI and Industry on Public and Occupational Radiation Safety Cornerstone Issues

On December 4, 2002, Division of Inspection Program Management staff, participated in a teleconferenced, level-two public meeting with representatives of the nuclear industry, and the Nuclear Energy Institute (NEI) to discuss program changes and Frequently Asked Questions (FAQs) on the Public and Occupational Radiation Safety Cornerstone of the Reactor Oversight Process.

The purpose of these periodic public meetings is to receive stakeholder input on the Significance Determination Process (SDP) in order to make revisions to the SDP as experience is gained with the program. NEI brought up issues and concerns with individual branches of the cornerstone based on recent NRC inspections. The focus of these meetings is to refine the SDP into a more user-friendly, clear and accurate inspection assessment tool. The next public meeting is scheduled for January 23, 2002.

The Division of Regulatory Improvement Programs and Office of General Counsel Hold Public Meeting on License Amendment Threshold

Staff from the Offices of Nuclear Reactor Regulation and Office of the General Counsel conducted a public meeting with stakeholders on the subject of the threshold for license amendments. The meeting was prompted by a letter from Nuclear Energy Institute (NEI) dated July 10, 2002, and other comments. The purpose of the meeting was to clarify the threshold for when an NRC review and approval is implemented through the license amendment process prescribed in 10 CFR 50.90. The staff made a presentation on the processes for changes to licensing bases and how the *Perry* decision sheds light on changes that require a license amendment. The staff stated that their approach is not a new position, and indicated that this issue appeared to be related to the development of voluntary alternative regulations and requirements, and how such requirements become part of a specific plant's licensing basis.

The *Perry* decision (CLI 96-13) concerned an approval (required by Appendix H) of a change in a capsule withdrawal surveillance schedule and whether this approval was a license amendment. In the cited case, the Commission concluded that the approval was not a license amendment, stating "by merely ensuring that required technical standards are met, the staff's approval does not alter the terms of the license and does not grant the licensee greater operating authority." The Commission also noted that under Appendix H, the staff evaluates a proposed schedule in terms of objective, technical, pre-established criteria.

During the meeting, the staff discussed these aspects of the decision as guiding the staff's proposals that particular changes (for example, use of alternative methods to those in NFPA-805, or implementation of proposed section 50.69) be through license amendments. While there was agreement that altering the terms of a license required a license amendment, there were different views among the meeting participants to how greater operating authority was to be judged and the role played by the existence of "objective, pre-established criteria."

December 13, 2002

ENCLOSURE A

Public Meeting to Discuss Option 3 Guidance and the Draft Plan for Achieving Risk-Informed Coherence

On December 5, 2002, staff of the Office of Nuclear Reactor Regulation (NRR) and the Office of Nuclear Regulatory Research (RES) met with public stakeholders to discuss draft Option 3 guidance for risk-informing additional regulations in 10 CFR Part 50 and the draft Coherence Plan for risk-informing regulatory activities in the reactor safety arena. In addition to NRR and RES staff, attendees included representatives from the Nuclear Energy Institute (NEI), the Electric Power Research Institute (EPRI), Westinghouse, Brookhaven National Laboratory, and other engineering and law firms.

The staff presented its planned activities in these areas and solicited feedback and input from stakeholders. NEI and EPRI presented comments on the current Option 3 framework; the EPRI representative also presented a summary of an alternative framework for risk-informed changes to the technical requirements of 10 CFR Part 50. NEI also presented comments on the risk-informed regulation coherence plan, including a proposal for developing a safety cornerstone for occupational and public radiation safety.

Office of Nuclear Material Safety and Safeguards  
Items of Interest  
Week Ending December 13, 2002

Staff Participates in the First Meeting of the National Academies' Committee on Improving Practices for Regulating and Managing Low-Activity Waste

On December 4-5, 2002, staff from the Division of Waste Management (DWM) participated in the first meeting of the National Academies' Committee on Improving Practices for Regulating and Managing Low-Activity Radioactive Waste (LAW). This Committee was formed to study options for improving practices for regulating and managing LAW radioactive waste in the United States. NRC is a co-sponsor of this study, with the Department of Energy, the Environmental Protection Agency, the Army Corps of Engineers, and the Southeast Low-Level Radioactive Waste Compact. The Committee invited each of the sponsors to present information on its organization's responsibilities, issues, and expectations with respect to Low-Activity Waste and "Improving Practices for Regulating and Managing Low-Activity Radioactive Waste." DWM staff presented information on: NRC's regulatory role; low-activity radioactive waste laws applicable to NRC; NRC radioactive waste management regulations; low-activity waste not regulated by NRC; current issues associated with LAW; NRC's guidelines for managing LAW; continuing efforts to improve regulation; and potential study outcomes of interest to NRC. DWM staff also participated in a panel discussion with the Committee, and reiterated NRC's interest in the study outcomes.

Smith County, Tennessee, Public Information Forum on Louisiana Energy Services

On December 3, 2002, staff from the Division of Fuel Cycle Safety and Safeguards and the Division of Waste Management participated on a five-member panel at a public information forum in Smith County, Tennessee, to describe NRC's licensing process and to respond to questions on the gas centrifuge uranium enrichment plant that Louisiana Energy Services (LES) is proposing to construct in Hartsville, Trousdale County, which is adjacent to Smith County. The other members of the panel included representatives of LES and a Tennessee environmental group, and an independent nuclear engineer. The Smith County Executive, who had arranged the forum, acted as the moderator.

During the forum, the panel members made short presentations and answered questions on the project from the public (about 80 persons, most of whom identified themselves as residents of Smith County). The primary item of discussion and questions concerned the disposition of depleted uranium tails. Other items of discussion and questions concerned the Tokai criticality accident; the degree of computerization of the LES plant; effluent releases; potential accidents; transportation of waste and increased traffic problems; LES' proposed pay scale; LES' financial viability; LES' white papers submitted to NRC earlier in the year; property values; and County zoning requirements.

Announcement of New President and Chief Executive Officer of NAC International

Effective December 2, 2002, Mr. Peter Wailer was appointed as the new President and Chief Executive Officer of NAC International (NAC). Mr. Wailer comes to NAC from General Electric (GE) where he was the General Manager of Reactor Services for GE Nuclear. NAC specializes in

nuclear materials transport, spent fuel management technology, nuclear fuel cycle consulting, and information technology.

Briefing of Senator Hatch's Staff

On December 12, 2002, staff from the Spent Fuel Project Office, the Office of the General Counsel, and the Office of Nuclear Reactor Regulation briefed Mr. William Castle, Counsel to Senator Orrin Hatch of Utah. Mr. Castle requested that the staff brief him on the Private Fuel Storage, LLC, license application, and the licensing process for independent spent fuel storage installations.

Atomic Safety Licensing Board Issues Order Delaying Findings in Private Fuel Storage Adjudicatory Proceeding

The Atomic Safety and Licensing Board issued an order declaring that the findings in the Private Fuel Storage Adjudicatory Proceeding would be delayed until mid-to-late January 2003.

Nuclear Security and Incident Response  
Items of Interest  
Week Ending December 13, 2002

Preliminary Notifications

1. PNO-III-02-042, Northwest Community Hospital - INTRAVASCULAR BRACHYTHERAPY MISADMINISTRATION.
2. PNO-IV-02-074A, Geosoils - UPDATE - LOST PORTABLE GAUGE FOUND.
3. PNO-IV-02-076, TXU Energy - SHUTDOWN TO REPLACE CONTROL ROD DRIVE MECHANISM COILS AND REPAIR CONTROL ROD DRIVE MECHANISM CANOPY SEAL WELD.
4. PNO-I-02-021, Lehigh Valley Hospital - MEDICAL EVENT AT LEHIGH VALLEY HOSPITAL.
5. PNO-II-02-042, Thrasher Engineering, Inc. - STOLEN PORTABLE MOISTURE/DENSITY GAUGE.
6. PNO-I-02-022, Lancaster General Hospital - REPORT OF MISSING IODINE-125 SEED (0.7 MILLICURIE).
7. PNO-IV-02-075A, CARTI-UAMS - UPDATE - MEDICAL MISADMINISTRATION.
8. PNO-III-02-043, Iowa Methodist Medical Center - BRACHYTHERAPY MISADMINISTRATION - HDR

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ENCLOSURE D

Office of Administration  
Items of Interest  
Week Ending December 13, 2002

Contract NRC-02-03-007 with Southwest Research Institute

A cost-plus-fixed-fee contract NRC-02-03-007 with Southwest Research Institute (SwRI) was awarded on November 27, 2002. The total estimated cost of this contract is \$559,930. The work, entitled, "Technical Assistance for Support of the Mixed Oxide (MOX) Fuel Fabrication Facility" is a "work for others" award to SwRI to maintain essential capabilities at the Center for Nuclear Waste Regulatory Analyses. The period of performance is November 27, 2002 through November 26, 2004.

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ENCLOSURE F

Chief Information Officer  
Items of Interest  
Week Ending December 13, 2002

Freedom of Information and Privacy Act Requests received during the period of  
December 7 through December 12, 2002:

Radiological surveys; guidelines and standards, 1952 to present; remedial action programs; for Sylvania-Corning Nuclear Corporation (aka Sylvania Electric Products Inc.) Hicksville, NY (FOIA/PA-2003-0084)

Origination airports by city/state used by HQ employees for FY01 & 02; number of trips from each airport (FOIA/PA-2003-0085)

OI 4-2002-010, all documents including witness statements (FOIA/PA-2003-0086)

Daily historic performance statistics of all U.S. nuclear power plants, from 1990 or before (FOIA/PA-2003-0087)

OI 4-2002-006, 1-2001-022, and 1-202-023, all documents; transcripts of interviews on named individuals (FOIA/PA-2003-0088)

Ciba Vision, 333 East Howard Avenue (aka Siemens Gammasonics, 2000 Nuclear Drive, Des Plaines, IL, and Wesley-Jessen, 2000 Clearwater Drive, Des Plaines, IL) (FOIA/PA-2003-0089)



Chief Financial Officer  
Items of Interest  
Week Ending December 13, 2002

Meeting On Major Upcoming Budget Events

The Chief of the Program Analysis Branch met with the office budget contacts on December 9, 2002, to discuss the upcoming budget cycle. Regions were included. Budget contacts were given a time table for the major upcoming events through May (budget assumptions, budget call, Program Review Committee (PRC) prioritization meetings, PRC budget review meetings).

December 13, 2002

ENCLOSURE H

Office of Human Resources  
 Items of Interest  
 Week Ending December 13, 2002

<b>Arrivals</b>		
BROCK, Terry	NUCLEAR SAFETY INTERN	OSTP
DUMBACHER, David	REACTOR ENGINEER	RIV
GEORGE, Gerond	STUDENT ENGINEER	RIV
GOVAN, Tekia	STUDENT ENGINEER (COOP)	RES
KENNEDY, Brandon	STUDENT ENGINEER	RIV
MALDONADO, Militza	SECRETARY	RII
MORENO, Jeff	STUDENT ENGINEER	RIV
O'KELLY, Kevin	OFFICE ASSISTANT	RIII
REICHELT, Eric	MATERIALS ENGINEER	NRR
REITER, Michael	STUDENT CLERK	OI/RIII
SAPOUNTZIS, Alexander	REACTOR OPERATIONS ENGINEER	NSIR
SOUTHERLAND, Anglea	SECRETARY	RII
TINDEL, Brian	STUDENT ENGINEER	RIV
VAN WINKLE, Mark	INFORMATION SECURITY SPECIALIST	NSIR
<b>Departures</b>		
LEE, Seung	MECHANICAL ENGINEER	NMSS

Office of Public Affairs  
Items of Interest  
Week Ending December 13, 2002

Media Interest

There was media interest in the Chairman's announcement that he will be leaving NRC at the end of March to become President of the Carnegie Institute of Washington.

Guard force and nuclear power plant security were topics of media interest.

<b>Press Releases</b>	
<b>Headquarters:</b>	
02-141	NRC Finds No Significant Environmental Impact from Extended Operation of Surry and North Anna Nuclear Plants
02-142	NRC Advisory Committee on Nuclear Waste to Meet December 17-19 in Rockville, Maryland
02-143	NRC Approves Power Uprate for Point Beach Nuclear Plant
02-144	Chairman Meserve to Leave NRC in Spring
<b>Regions:</b>	
III-02-065	NRC to Meet With United States Enrichment Corp. to Discuss Portsmouth Gaseous Diffusion Plant Performance

Office of the Secretary  
Items of Interest  
Week Ending December 13, 2002

Document Released to Public	Date	Subject
<b>Information Papers</b>		
1. SECY-02-0206	11/22/02	SECY-02-0206 Weekly Information Report - Week Ending November 15, 2002
2. SECY-02-0213	12/06/02	SECY-02-0213 Weekly Information Report - Week Ending November 29, 2002
<b>Memoranda</b>		
1. M021121B	12/12/02	Staff Requirements - Briefing on Proposed Rulemaking to Add New Section 10 CFR 50.69 (SECY-02-0176)

Commission Correspondence

1. Letter to Tom Clements, Senior Campaigner, Greenpeace International, dated December 6, 2002, concerns the application of Transport Logistics to export 25,983 kilograms of depleted uranium as uranium hexafluoride to Japan.
2. Letter to Ms. Aileen Mioko Smith, Director, Green Action, dated December 2, 2002, concerns the application of Transport Logistics to export 25,983 kilograms of depleted uranium as uranium hexafluoride to Japan.

Federal Register Notices Issued

1. ASLBP Notice - Establishment of Atomic Safety and Licensing Board - Maine Yankee Atomic Power Company.
2. 139<sup>th</sup> Meeting of the Advisory Committee on Nuclear Waste - December 17-19, 2002, Notice of Meeting.

Region I  
Items of Interest  
Week Ending December 13, 2002

Indian Point

On December 8, 2002, the New York Times ran an article asserting that there are significant deficiencies with security at the Indian Point Energy Center, based on the Times having obtained a copy of an internal report of a security review at unit 2 by a contractor. The internal review was performed in late 2001 and the report issued to Entergy in late January 2002.

On December 9, 2002, ABC's show "Good Morning America" also carried a feature asserting that security at the Indian Point Energy Center is deficient. The show featured an interview with an Indian Point security guard and with the Executive Director of the Project on Government Oversight.

The NRC has been aware of this report and some of the report's findings have previously been reviewed through the NRC's allegation process. The NRC dispatched a Headquarters and a Region I security specialist to the Indian Point site to review security at the site and Entergy's response to these specific assertions.

\$372,900 Civil Penalty Issued to AmerGen by the State of New Jersey for Environmental Permit Violations in September 2002 at the Oyster Creek Nuclear Plant

On December 11, 2002, the New Jersey Department of Environmental Protection issued a civil penalty to AmerGen for environmental permit violations at Oyster Creek. Specifically, on September 23, 2002, AmerGen removed discharge canal dilution pumps while at full power to perform certain maintenance work, an action prohibited by their environmental permit. Due to the loss of dilution flow in the discharge canal with the plant still at full power, the canal temperature rapidly increased, resulting in the death of thousands of fish from heat shock. In accordance with New Jersey's enforcement policy, the civil penalty was issued in two parts: (1) a \$190,000 fine for four concurrent violations of AmerGen's discharge permit, resulting in the September 23 fish kill, and (2) a natural resource damage assessment of roughly \$182,900 for the 5,876 fish killed during this event. AmerGen has twenty days to appeal this action and request a hearing. Press releases were issued in this matter by AmerGen and the State of New Jersey.

### Meeting with Dominion Nuclear Connecticut - Millstone Power Station

On December 12, 2002, the Division of Nuclear Materials Safety, Region I, and staff from the Spent Fuel Program Office, Office of Nuclear Materials Safety and Safeguards, met with representatives of Dominion Nuclear Connecticut (DNC), Millstone Power Station, in the NRC Region I office. The licensee representatives informed the NRC of plans to construct and operate an Independent Spent Fuel Storage Installation (ISFSI) at Millstone using the Transnuclear NUHOMS Dry Cask Storage System. This system is similar to one in operation at the Susquehanna Power Station. The licensee plans to license the ISFSI using the General License provisions of 10 CFR 72. The NUHOMS Dry Cask Storage System consists of a steel canister capable of storing 32 pressurized water reactor spent fuel assemblies in a horizontal concrete structure. DNC expects to begin construction in late 2003 and move fuel beginning in 2004. Although the ISFSI design includes plans for eventual storage of fuel from Units 1, 2, and 3, the first fuel movements will be from Unit 2 only. The initial campaign, which is expected to be completed by 2005, will entail loading Unit 2 spent fuel into nine of the dry casks.

The meeting was open to observation by the public. Two members of the public attended the meeting, and representatives from the Hartford Courant and the New London Day newspapers participated by phone.

### Meeting of Mid-Atlantic States Radiation Programs

The first meeting of the Mid-Atlantic States Radiation Programs was held in Harrisburg, PA on December 11, 2002. The meeting was attended by more than 50 managers and staff from the Commonwealth of Pennsylvania and the States of New Jersey, Maryland and Delaware, the Executive Director of the Conference of Radiation Control Program Directors, plus regional federal representatives from NRC, Food and Drug Administration, Federal Emergency Management Agency, and the Environmental Protection Agency. Topical presentations included mammography, federal antiterrorism, and radioactive materials. NRC presentations at the meeting included an update by the Region I Agreement States Officer on the implementation of Part 35, and the impact of 9/11 and the post-9/11 environment by a Senior Intelligence Analyst from the NRC's Office of Nuclear Security and Incident Response. The meeting organizers plan to make this regional meeting an annual event, with the next one tentatively scheduled to take place in New Jersey in 2003. This is the second group of States' radiation programs in the country to organize a regional meeting. The six New England States have been meeting annually for more than 30 years.

Region II  
Items of Interest  
Week Ending December 13, 2002

Tennessee Valley Authority - Browns Ferry Nuclear Plant

On December 9, 2002, the Regional Administrator accompanied the Deputy Executive Director for Reactor Programs, Office of the Executive Director for Operations to the Browns Ferry Nuclear Plant near Athens, AL. The visit included a tour of the facility and discussions with licensee management and NRC resident inspectors on current issues.

University of Puerto Rico - Closed Enforcement Conferences

On December 13, 2002, the Regional Administrator; Regional Counsel/Enforcement Officer; Director, Division of Nuclear Materials Safety; and other Region II staff members held a Pre-Decisional Enforcement Conference with representatives of the University of Puerto Rico Medical Sciences Campus in San Juan, Puerto Rico. The Conference was held to discuss apparent violations of NRC requirements and the licensee's corrective actions.

On December 12, 2002, the Director, Division of Nuclear Materials Safety, accompanied inspectors during inspections of a nuclear pharmacy, an irradiator, and a facility undergoing decommissioning in San Juan, Puerto Rico.

Regional meeting of Resident and Regional Inspectors

On December 10-12, 2002, the Regional Office held a meeting among the NRC Resident and Regional Inspectors and Regional Managers. Special sessions included talks by the Deputy Executive Director for Reactor Programs, Office of the Executive Director for Operations on lessons learned from reactor events and challenges facing the NRC and industry and by the Deputy Director, Office of Nuclear Reactor Regulation on reactor oversight and licensing activities.

Duke Energy Corporation - McGuire Nuclear Plant

On December 12-13, 2002, the Director, Division of Reactor Projects visited the McGuire Nuclear Plant in North Carolina to participate in the Operator Licensing Certificate presentation, meet with the resident inspectors and tour the plant. The plant tour and discussions included observing security activities.

Regional Awards Ceremony

On December 11, 2002, the Regional Awards Ceremony was held in the Region II office. Several employees received awards for their performance over the past year and service to the NRC.

Participation in INPO New Radiation Managers Seminar

On December 11, 2002, the Director of the Division of Reactor Safety and the Chief of the Plant Support Branch participated in a seminar for new radiation managers for power reactor facilities. The seminar was held by the Institute for Nuclear Power Operations (INPO). Discussion topics included feed back on radiation performance issues at nuclear reactors and challenges facing industry and the NRC.

December 13, 2002

ENCLOSURE P



Region III  
Items of Interest  
Week Ending December 13, 2002

NRC Oversight Panel Meetings in Oak Harbor, Ohio

The NRC Oversight Panel, established under Manual Chapter 0350 to coordinate the agency's activities in response to the reactor vessel head damage at the Davis-Besse Nuclear Power Station, conducted two meetings on December 10, 2002, in Oak Harbor, Ohio. The first meeting, with representatives of FirstEnergy Nuclear Operating Company, reviewed the status of the utility's activities at the plant and the second, a Category 3 public meeting, summarized recent NRC activities and those of the utility.

December 13, 2002

ENCLOSURE P