

INFORMATION REPORT

March 1, 2007

SECY-07-0033

For: The Commissioners
From: Michael R. Johnson, Assistant for Operations, Office of the EDO
Subject: WEEKLY INFORMATION REPORT - WEEK ENDING
FEBRUARY 9, 2007

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*No input this week.

/RA/

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Office of Nuclear Reactor Regulation (NRR)
Items of Interest
Week Ending February 9, 2007

American Society of Mechanical Engineers (ASME) Code Meeting on the Development of a Code Case on Dissimilar Butt Welds

During the week of January 29, 2007, the staff participated at the ASME Boiler and Pressure Vessel Code, Section XI, meetings in Atlanta, GA. The most significant activity involved the continuing development of a code case for the inspection requirements of dissimilar metal welds. The code case will provide appropriate examination frequency requirements for nickel-based dissimilar metal butt welds in reactor coolant pressure boundary piping of pressurized water reactors (PWRs). This action is intended to result in the incorporation of inspection requirements into the ASME Code that are similar to those contained in MRP-139, "Materials Reliability Program: Primary System Piping Butt Weld Inspection and Evaluation Guideline." This code case is nearing the stage when it will be ready to issue for a review and comment ballot to the responsible ASME committees.

Meeting with Industry on Digital Instrumentation and Controls Issues

On January 30, 2007, the staff conducted a Category 2 public meeting at the Ramada Inn in Rockville, MD between the NRC Digital Instrumentation and Controls (I&C) Steering Committee and the Nuclear Energy Institute (NEI) Digital I&C and Human Factors Working Group. The purpose of this meeting was to exchange information with industry on the project plan to resolve key issues regarding deployment of digital I&C to both currently operating and new nuclear facilities. The staff presented the proposed NRC digital I&C project plan structure and process and discussed digital I&C at fuel cycle facilities. The NRC and the industry agreed to resolve the key challenges in digital I&C.

Staff Holds Public Meetings to Solicit Comments on the Draft Supplemental Environmental Impact Statement for the License Renewal of Vermont Yankee Nuclear Power Station

On January 31, 2007, the staff conducted two meetings in Brattleboro, VT, to solicit comments from the public on the Draft Supplemental Environmental Impact Statement (DSEIS), regarding the Vermont Yankee License Renewal Review. The Draft Supplement 30, published on December 13, 2006, is a plant specific supplement to the "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (NUREG-1437). Approximately 165 people attended the meetings, including members of the public and representatives of the NRC staff, Argonne National Laboratory, Entergy, State of Vermont, local citizen organizations, and local news media. Public comments and questions were mainly focused on spent fuel storage and disposal, emergency planning, the Biological Effects of Ionizing Radiation (BEIR) VII report, the NRC regulatory review process, and alternatives to license renewal.

The public comment period ends on March 7, 2007. At the conclusion of the comment period, the staff will evaluate the comments received and revise the DSEIS if necessary. The final supplemental environmental impact statement is scheduled to be published in August 2007.

Issuance of NRC Generic Letter 2007-01

On February 7, 2007, the NRC issued Generic Letter (GL) 2007-01, "Inaccessible or Underground Power Cable Failures that Disable Accident Mitigation Systems or Cause Plant Transients," to nuclear power reactor licensees. The purpose of the GL is to: (1) inform licensees that the failure of certain power cables can affect the functionality of multiple accident mitigation systems or cause plant transients, (2) inform licensees that in the absence of adequate monitoring of cable insulation, equipment could fail abruptly during service, causing plant transients or disabling accident mitigation systems, and (3) ask licensees to provide information on the monitoring of inaccessible or underground electrical cables, who requested to have it included.

Issuance of Regulatory Issue Summary (RIS) 2007-02, "Clarification of NRC Guidance for Emergency Notifications During Quickly Changing Events"

On February 2, 2007, the subject RIS was issued (ADAMS Accession No. ML062370311). The RIS clarifies that it is not permissible to restart the 15-minute notification "clock" if degrading plant conditions cause an escalation in the declared emergency while the notification for the previous declaration was in progress.

Meeting with Industry on Generic Safety Issue 191

On February 7-8, 2007, the staff met with representatives of NEI, the PWR Owners Group, PWR licensees, and sump strainer vendors to discuss aspects of Generic Safety Issue 191, "Assessment of Debris Accumulation on PWR Sump Performance." Topics discussed included facilitating operational changes for water management, downstream effects, long-term cooling/fuel effects, plans for testing chemical effects, the draft buffer changeout process, chemical leaching from coatings, and chemical effects testing protocols. The parties agreed to a follow-up meeting in April 2007 to continue to address remaining technical issues, discuss progress in development and review of several pertinent topical reports, and discuss format of Generic Letter 2004-02 responses that the NRC expects licensees to submit by the end of 2007.

Office of New Reactors (NRO)
Items of Interest
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Meeting with Mitsubishi to Discuss US-APWR Design Certification Pre-Application Topical Reports

On February 1, 2007, the staff held a public meeting with Mitsubishi Heavy Industries (MHI) to discuss the pre-application submittal of topical reports for the non-LOCA and large-break LOCA methodologies. These topical reports will support their design certification application scheduled for December 2007. MHI plans to submit these two topical reports in July 2007.

General Electric (GE) Proposed Review Process Adjustment for the Economic Simplified Boiling Water Reactor (ESBWR) Design Certification

On February 2, 2007, GE submitted a letter to the staff which proposed a process change related to the ESBWR design certification review currently underway. The letter was the result of discussions in which the staff and GE agreed to focus on the identification and closure of many of the open issues prior to the issuance of a safety evaluation report, rather than working towards the goal of issuing an SER with open items in October 2007. This decision was influenced by the upcoming submittal, planned for February 22, 2007, of Revision 3 to the design control document, which includes several changes that could result in additional open items.

Office of Nuclear Material Safety and Safeguards (NMSS)
Items of Interest
Week Ending February 9, 2007

Westinghouse Electric Company Margin of Subcriticality Site Visit

From January 29-February 2, 2007, the staff visited the Westinghouse Columbia Fuel Fabrication Facility (CFFF) in Columbia, South Carolina, to resolve a remaining technical issue associated with renewal of CFFF's special nuclear material license, SNM-1107. The issue is that of minimum margin of subcriticality safety. After extensive reviews and discussion, NRC staff agreed on an acceptable minimum margin of subcriticality under specified conditions that preserved an adequate level of conservatism in criticality safety analyses.

High-level Waste Briefing for Staff of Representative Berkley of Nevada

On February 5, 2007, the staff provided a briefing on the NRC high-level waste program for three members of the staff of Representative Shelley Berkley of Nevada, in her Capitol Hill office. Topics covered included: (1) NRC's pre-licensing interactions with the U.S. Department of Energy's (DOE) Office of Civilian Radioactive Waste Management; (2) NRC's licensing process; (3) infrastructure development, such as operating and maintaining a computer-based electronic hearing system to support licensing decisions and hearing processes; and (4) preparations to review and evaluate a DOE license application to construct a repository at Yucca Mountain, Nevada.

Meeting with Washington TRU Solutions on TRUPACT-II Exemption Request

On February 7, 2007, the staff met with Washington TRU Solutions (WTS) to discuss WTS' plan regarding its response to the staff's second round of Requests for Additional Information (RAI) on an exemption request. The exemption request is for transporting 55-gallon drums containing transuranic wastes which generate high levels of flammable gases. WTS indicated that it is planning to perform addition deflagration tests on a full scale ARROW-PAK container, which is a container placed within transportation packaging, as a result of the staff's second round RAIs. WTS intends to submit the responses to the RAIs sometime in October 2007.

Office of Federal and State Materials and Environmental Management Programs (FSME)
Items of Interest
Week Ending February 9, 2007

Pa'ina Irradiator Public Meeting

On February 1, 2007, staff participated in a public meeting to present findings of a draft environmental assessment for Pa'ina's proposed underwater irradiator to be located at the Honolulu International Airport. Approximately 80 people attended the meeting with over 40 people providing oral comments.

Management Review Board (MRB) Meeting for the New York Integrated Materials Performance Evaluation Program (IMPEP) Review

On February 8, the MRB met to consider the proposed final IMPEP report for the State of New York. The New York IMPEP review was conducted November 1-9, 2006. The MRB agreed with the review team's recommendations that the State be found adequate to protect public health and safety. However, the State was found to be not compatible with NRC regulations. Two of the three New York agencies that implement the Agreement State program have a number of overdue NRC regulations not adopted that are required for compatibility with the NRC and other Agreement States. The State will continue to be on heightened oversight which will require the submission of a Program Improvement Plan and bi-monthly conference calls with NRC staff to monitor progress. Despite the difficulty in adopting regulations in a timely manner, all three State programs were found satisfactory (highest rating) for the seven other performance indicators evaluated by the review team.

Office of Nuclear Regulatory Research (RES)
Items of Interest
Week Ending February 9, 2007

Public Meeting on Digital System Diversity and Defense-in-Depth (D3) Issues

On February 2, 2007, staff from the offices of RES, Nuclear Reactor Regulation, and New Reactors met with representatives of the nuclear power industry and the public to discuss technical issues associated with the current staff position on D3 of digital I&C systems. The agenda included a review of current NRC research projects in this area, potential near-term changes to Branch Technical Position BTP-19, "Guidance for Evaluation of Defense-in-Depth and Diversity in Digital Computer-Based Instrumentation and Control Systems," and longer-term changes to the NRC's deterministic D3 evaluations. The meeting resulted in a draft problem statement in the D3 area that will be used in developing the NRC's Digital I&C Project Plan.

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Office of Nuclear Security and Incident Response (NSIR)
Items of Interest
Week Ending February 9, 2007

Preliminary Notifications

1. PNO-I-07-001A - Entergy Nuclear Operations, Inc., UPDATE - NOTIFICATION OF UNUSUAL EVENT (NOUE) DECLARED DUE TO LOW WATER LEVEL IN INDIAN POINT UNIT 3 SERVICE WATER INTAKE BAY
2. PNO-I-07-001 - Entergy Nuclear Operations, Inc., NOTIFICATION OF UNUSUAL EVENT (NOUE) DECLARED DUE TO LOW WATER LEVEL IN INDIAN POINT UNIT 3 SERVICE WATER INTAKE BAY

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Office of Administration (ADM)
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Relief From Fingerprinting and Criminal History Record Checks (AI04 - Part 73)

On February 2, 2007, the NRC published a final rule in the *Federal Register* (72 FR 4945) that relieves certain categories of individuals from the requirement to undergo fingerprinting, identification, and criminal history record checks before they are permitted access to radioactive material or other property subject to Commission regulation. The final rule became effective February 2, 2007.

Revision of Fee Schedules; Fee Recovery for FY 2007 (AI00 - Parts 170 and 171)

On February 2, 2007, the NRC published a proposed rule in the *Federal Register* (72 FR 5108) that would amend the licensing, inspection, and annual fees charged to the Commission's applicants and licensees. The proposed rule is intended to ensure NRC compliance with the Omnibus Budget and Reconciliation Act of 1990, as amended. The Act mandates that the NRC recover approximately 90 percent of its budget authority in Fiscal Year 2007, less amounts appropriated from the Nuclear Waste Fund, for Waste Incidental to Reprocessing, and generic homeland security activities. The amount to be recovered for FY 2007 is approximately \$664.9 million pending enactment of a final appropriation. The comment period on this action closes March 5, 2007.

Regulatory Improvements to the Nuclear Materials Management and Safeguards System (AH95 - Parts 40, 72, 74, and 150)

On February 6, 2007, the NRC published a proposed rule in the *Federal Register* (72 FR 5348) that would amend regulations concerning required licensee reports to the Nuclear Materials Management and Safeguards System. The proposed rule would lower the reporting threshold for special nuclear material and certain source materials, require the submission of materials status reports, modify the type and timing for submission of transaction reports, and require licensees to reconcile materials inventory discrepancies. The comment period on this action closes April 23, 2007.

List of Approved Spent Fuel Storage Casks: NUHOMS HD® Addition, Correction (AH93 - Part 72)

On February 7, 2007, the NRC published a document in the *Federal Register* (72 FR 5595) that corrects the effective date of the final rule that added the entry for the NUHOMS HD® cask system in the list of approved spent fuel storage casks. As corrected, the final rule became effective January 10, 2007.

Office of Information Services (OIS)
 Items of Interest
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Freedom of Information Act (FOIA) and Privacy Act (PA) Requests Received During the Period of February 2 through February 8, 2007:

Investigation RI-2006-A-0004, all records	FOIA/PA-2007-0107
Inspector General report on alleged improper classification of Office of Investigation investigators in GG-1811 series dated October 25, 1999	FOIA/PA-2007-0108
Documents sought under FOIA/PA-1999-0168, all internal NRC memo's etc., about the handling of this closed FOIA request	FOIA/PA-2007-0109
NRC Mailing List in Ascii format including specific fields	FOIA/PA-2007-0110
Millstone Nuclear Power Station, Units 1, 2 & 3, all records re: construction, repairs, inspections, asbestos installation or removal and asbestos abatement	FOIA/PA-2007-0111
Radioactive material licenses for specific companies in specific cities in Illinois	FOIA/PA-2007-0112
Big Rock Restoration Project, Michigan, records regarding monitoring levels of radiation from Independent Spent Fuel Storage Installation and residual contamination	FOIA/PA-2007-0113
Millstone Nuclear Power Station Unit 3 incident involving a radioactive leak on or about January 28, 2007, all records	FOIA/PA-2007-0114
Contracts 02-06-001, 02-06-009, 03-03-037, 33-05-0397 and 33-03-341	FOIA/PA-2007-0115
Project Dribble, 1964-1966, Tatum Salt Dome, MS	FOIA/PA-2007-0116

Office of Human Resources (HR)
Items of Interest
Week Ending February 9, 2007

Arrivals		
DONOHUE, JOHN	PROJECT MANAGER	NRO
RIVERA-CAPELLA, GRETCHEN	STUDENT ENGINEER (CO-OP)	RES
Departure		
LOPATTO, JEANNE	SPEC ASST FOR FED AND INTL PROG	OCM

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Office of Enforcement (OE)
Items of Interest
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DPO-2006-004: Davis Besse's Reply to the NRC's April 21, 2005, Notice Of Violation

[Late entry for Week Ending January 5, 2007.] On December 18, 2006, the Director, OE, issued a decision on a Differing Professional Opinion (DPO) regarding FirstEnergy Nuclear Operating Company's (FENOC or licensee) September 14, 2005, response to the Notice of Violation and Proposed Imposition of Civil Penalties that was issued to the Davis Besse Nuclear Plant on April 21, 2005 (DPO-2006-004). On May 22, 2006, an NRC employee submitted a DPO that focused on the licensee's response to one of five escalated violations cited in the Agency's April 21, 2005, Notice of Violation (NOV) and the manner in which the staff addressed concerns regarding the completeness and accuracy of this response and associated violations. On October 18, 2006, an Ad Hoc Review Panel provided the results of its independent review to the Director, OE. The Panel concluded that the licensee's reply to the Notice of Violation did not constitute an additional violation of 10 CFR 50.9 and that the Agency's final determination concerning this issue was appropriate. Based on a review of the Panel's report, the Director of the Office of Enforcement agreed with the Panel's conclusions and recommendations.

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ENCLOSURE L

Office of Public Affairs (OPA)
Items of Interest
Week Ending February 9, 2007

OPA received significant media inquiries on the following:

NRC's budget request for Fiscal Year 2008.

The unusual event at Indian Point.

NRC's high standing in a poll of best places to work in the Federal government.

Other Public Affairs Items:

OPA assisted Chairman Klein with his presentation to the Platts Nuclear Energy Conference.

Region II OPA assisted at the Atomic Safety Licensing Board's limited appearance sessions regarding the North Anna Early Site Permit application.

Press Releases	
Headquarters:	
07-020	NRC Releases FY2008 Budget Request to Congress (2/5)
07-021	Atomic Safety and Licensing Board to Hold Pre-Hearing Conference on Vogtle Early Site Permit Application (2/6)
07-022	NRC Staff Issues Generic Letter on Inaccessible or Underground Electric Cables (2/7)
07-023	NRC Chairman Addresses Growth Issue at Platts Nuclear Energy Conference (2/8)
Regions:	
I-07-006	NRC Following Up on Unusual Event at Indian Point 3 Nuclear Power Plant (2/5)

Office of the Secretary (SECY)
Items of Interest
Week Ending February 9, 2007

Document Released to Public	Date	Subject
Information Papers		
1. SECY-07-0013	01/22/07	2006 Annual Report on Commission Adjudication
2. SECY-07-0017	01/23/07	Change in Membership on the Bureau of the Nuclear Energy Agency Radioactive Waste Management Committee
3. SECY-07-0019	01/26/07	Submission of the Annual Freedom of Information Act Report

Commission Correspondence

1. Letter to Maurice Magugumela, Republic of South Africa, dated January 30, 2007, responds to letter that requested the MACCS2 Software Code for the purpose of sharing it with Eskom.
2. Letter to Congressman Edward J. Markey, dated January 29, responds to letter regarding the incorporation of technologies and other means to mitigate the potential damages and consequences of a terrorist attack against a nuclear power plant.

Federal Register Notices Issued

1. Advisory Committee on Reactor Safeguards (ACRS), Subcommittee Meeting on Materials, Metallurgy, and Reactor Fuels, 2/21/07 meeting is postponed to 3/6/07.
2. ACRS, Subcommittee Meeting on Materials, Metallurgy, and Reactor Fuels, 2/22/07 meeting postponed.
3. ACRS, Subcommittee Meeting on Thermal-Hydraulic Phenomena, Revised (2/26-27/07 revised to a one-day meeting on 2/27/07).

Region II (RII)
Items of Interest
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Region I/Region II Plant Manager's Meeting

On February 9, 2007, the Regional Administrator attended the Region I/Region II Plant Manager's Meeting in Destin, Florida.

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Office of Congressional Affairs (OCA)
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CONGRESSIONAL HEARINGS SCHEDULE, NO. 3					
OCA Contact	DATE & PLACE	TIME	COMMITTEE	SUBJECT	WITNESSES
Decker	02/07/2007 366 Dirksen	9:30	Senate Energy and Natural Resources (Senators Bingaman / Domenici)	Proposed FY2008 budget for the Department of Energy	Secretary Samuel Bodman, DOE
Decker	02/08/2007 2123 Rayburn	10:00	House Energy and Commerce (Representatives Dingell / Barton)	Proposed FY2008 budget for the Department of Energy	Secretary Samuel Bodman, DOE

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ENCLOSURE R