

March 22, 2002

The Honorable Harry Reid, Chairman
Subcommittee on Transportation,
Infrastructure, and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Fiscal Year (FY) 2002 Energy and Water Development Appropriations Act, House Report 107-258, directed the Nuclear Regulatory Commission (NRC) to continue to provide a monthly report on the status of its licensing and regulatory duties. The initial reporting requirement arose in the FY 1999 Energy and Water Development Appropriations Act, Senate Report 105-206. The FY 2000 Energy and Water Development Appropriations Act, House Report 106-253, expanded the scope of the report requirement to include regulatory reform efforts affecting power reactor operations beyond 10 CFR Part 50, particularly NRC efforts to evaluate NRC security regulations. In FY 2000, we also expanded the monthly report to include the status of all license renewal applications that are under active review and other NRC initiatives in developing implementation guidance for the license renewal rule. In response to increased Congressional interest, in the May 2001 report we began to provide information regarding the status of activities involving power uprate licensing actions. On behalf of the Commission, I am pleased to transmit the thirty-eighth report, which covers the month of January 2002 (Enclosure 1).

The December 2001 report provided information on a number of significant NRC activities, including our actions taken following the terrorist attacks of September 11. On February 25, 2002, the NRC issued Orders to all 104 commercial nuclear power plants to implement interim compensatory security measures for the generalized high-level threat environment. Some of the requirements formalize a series of security measures that licensees have taken in response to advisories issued by the NRC in the aftermath of the September 11 terrorist attacks. Additional security enhancements, which have emerged from our on-going comprehensive security review, are also spelled out in the Orders. The details of specific additional security requirements are sensitive, but they include such things as additional personnel access controls; enhanced requirements for guard forces; increased stand-off distances for searches of vehicles approaching nuclear facilities; and heightened coordination with appropriate local, State, and Federal authorities. The requirements will remain in effect until such time as the Commission determines that the level of threat has diminished, or that other security measures are needed following a comprehensive re-evaluation of current safeguards and security programs.

Licensees are required to provide NRC with a schedule for achieving full compliance within 20 days from the date of the Orders. Licensees must also notify NRC within 20 days and justify in writing if they are unable to comply with any of the requirements of the Order, if

compliance with any requirement is unnecessary in their specific circumstances, or if implementation of any requirement would cause the licensee to be in violation of the provisions of any Commission regulation or the facility license, or would adversely impact safe operation of the facility.

The NRC continues to respond to a significant number of letters from the public and members of Congress regarding the security of NRC-licensed facilities. We will continue to keep you informed of the status of our activities in this area.

Also during this reporting period, we issued annual assessment letters for all 103 operating nuclear power plants and posted them to NRC's public web site. Every six months each plant receives either a mid-cycle review letter or an annual assessment letter along with an NRC inspection plan. Updated information on plant performance is posted to the NRC web site every quarter. The next mid-cycle assessment letters will be issued in September. The assessment letters sent to each licensee are available through ADAMS, the Agencywide Documents Access and Management System, or on the NRC web site at: <http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/index.html>.

Since our last report, the Commission and the NRC staff:

- submitted a report on February 11, 2002, to the House and Senate Committees on Appropriations regarding the regulatory burden associated with its revised final regulations on diagnostic nuclear medicine. The 2002 Energy and Water Appropriations Act prohibited the NRC from implementing or enforcing its revised regulations in Part 35 of Title 10 of the Code of Federal Regulations with regard to diagnostic nuclear medicine (except for certain parts that establish training and experience requirements) until the agency submitted its report. The report concludes that revisions to Part 35 achieve a significant reduction in regulatory burden while ensuring that medical professionals are sufficiently trained and experienced in radiation safety when administering nuclear material for diagnostic purposes. The report also concludes that further reduction of regulatory burden beyond that provided by the revised rule has the potential to increase the risk to the public health and safety. However, the Commission is working to develop guidance that will ensure conformance with the regulations while minimizing adverse impacts on the medical community.
- provided comments, on February 4, 2002, on the U.S. Department of Energy's final environmental impact statement for the proposed high-level waste repository at Yucca Mountain, Nevada. These comments were provided, as required, by the Nuclear Waste Policy Act of 1982.
- published in the Federal Register (67 FR 3628) on January 25, 2002, a proposed rule that would amend the regulations governing the disposal of high-level radioactive waste in a potential geologic repository at Yucca Mountain, Nevada. The proposed rule would define the term "unlikely" in quantitative terms to provide a range of numerical values for determining whether a feature, event, or process or a sequence of events or processes should be excluded from certain required assessments. The comment period on this action closes April 10, 2002.
- issued a final policy statement establishing the criteria of its existing license termination rule (10 CFR 20, Subpart E) as the decommissioning criteria for the West Valley Demonstration Project at the West Valley site in New York. The policy statement became effective on February 1, 2002. The demonstration project will be

decommissioned by the U.S. Department of Energy in cooperation with the New York State Energy Research and Development Authority. Nuclear Fuel Services, Inc., formerly operated a spent nuclear fuel reprocessing facility at the site from 1966 to 1972.

- dispatched an augmented inspection team on January 31, 2002, to the Callaway nuclear plant, located near Fulton, Missouri. This fact-finding inspection team was sent to the plant to review the circumstances surrounding the malfunction of an auxiliary feedwater pump and an associated equipment problem that could potentially affect all three auxiliary feedwater pumps at the Callaway plant. The auxiliary feedwater system is an important plant safety system that is relied upon to supply cooling water to the steam generators if the main feedwater system is not available.
- issued the final significance determination of an inspection finding at Entergy Northeast's Indian Point nuclear power plant Unit 2, related to the failure of crews during a facility-administered annual licensed operator requalification exam last Fall. The NRC staff determined that this finding should be characterized as "yellow," meaning it is an issue that, when it occurred, was of substantial importance to safety and will result in additional NRC inspection.
- approved a proposed rule on January 23, 2002, that amends the list of approved spent fuel storage casks by adding the Standardized Advanced NUHOMS-24PT1 Storage System.
- participated in a table-top exercise on January 15, 2002, in Port Clinton, Ohio, involving a terrorism-based scenario at the Davis-Besse nuclear power plant. Other participants included the Federal Bureau of Investigation, the Federal Emergency Management Agency, the U.S. Coast Guard, various State of Ohio agencies, and the FirstEnergy Nuclear Operating Company.
- issued a final environmental impact statement on January 11, 2002, for the proposed renewal of the operating licenses of the Turkey Point nuclear power plant (Units 3 and 4) for an additional 20 years. The NRC found no significant environmental impact from extended operation of the Turkey Point nuclear plant. The current operating licenses for Turkey Point Units 3 and 4 expire in July 2012 and April 2013, respectively. The Turkey Point nuclear plant is located in Homestead, Florida, and is owned and operated by Florida Power and Light Company.
- received an application on January 11, 2002, from the Omaha Public Power District to renew the operating license of the Fort Calhoun nuclear power plant for an additional 20 years. The plant is located in Fort Calhoun, Nebraska, and its current operating license expires in August 2013.
- issued Regulatory Issue Summary (RIS) 2002-03, "Guidance on the Content of Measurement Uncertainty Recapture Power Uprate Applications." This RIS provides guidance on the information that the NRC staff needs for reviewing these particular types of power uprate applications. Development of this guidance was undertaken by the NRC staff in an effort to make the applications and the review process for these types of power uprates more effective and efficient.

- completed the Phase 2 evaluation of the Westinghouse AP1000 reactor design. The Phase 2 review determined whether the scaling analysis provided by Westinghouse for the AP1000 design using the AP600 design test results was sufficient and whether the computer codes used for accident analyses of the AP600 design are appropriate for analyses of the AP1000 design.

I have enclosed (Enclosure 2) the update to the Tasking Memorandum which delineates the schedules for accomplishing high priority initiatives.

Please do not hesitate to contact me if I may provide additional information.

Sincerely,

/RA/

Richard A. Meserve

Enclosures:

1. Monthly Report
2. Tasking Memorandum

cc: Senator James M. Inhofe

MONTHLY STATUS REPORT ON THE
LICENSING ACTIVITIES AND REGULATORY DUTIES OF THE
UNITED STATES NUCLEAR REGULATORY COMMISSION

JANUARY 2002

Enclosure 1

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¹Note: The period of performance covered by this report includes activities occurring between the first and last day of January 2002. The transmittal letter to Congress accompanying this report may provide more recent information in order to keep Congress fully and currently informed of NRC's licensing and regulatory activities.

I. Implementing Risk-Informed Regulations

The staff continues to make progress on tasks involving use of probabilistic risk information in many areas. Although various activities are in progress, we did not reach a milestone of significance that warrants separate reporting in January 2002. The milestone schedule for significant risk-informed activities is included in the Chairman's Tasking Memorandum (Enclosure 2 to this report).

II. Revised Reactor Oversight Process

The NRC continues to implement the Revised Reactor Oversight Process (ROP) at all U.S. commercial nuclear power plants. The NRC has continued meeting with interested stakeholders on a periodic basis to collect feedback on the efficacy of the process and considers this feedback in making refinements to the ROP. Recent activities include:

- m. NRR staff conducted a Safety System Unavailability/Unreliability (UA/UR) Committee pilot program meeting with the industry and public on January 22-24, 2002. The meeting defined the objectives and success criteria for a pilot program for the proposed replacement UA/UR performance indicators (PIs), scope of the pilot program, threshold of PIs, and discussed open issues from previous UA/UR PI meetings. The Committee has reached agreement on most of the major policy issues and the proposed pilot program activities. The NRC and industry working group workshop is scheduled to start in June 2002.
- n. NRR staff conducted another of a continuing series of public meetings on January 25, 2002, with the industry's working group on the ROP. The key issues discussed included frequently asked questions and the significance determination process (SDP) for handling issues associated with fault exposure unavailability hours. The next industry/staff ROP public meeting is scheduled for February 28, 2002.
- o. On January 29, 2002, the NRC staff began conducting end-of-cycle (EOC) plant performance reviews for the current assessment period in accordance with NRC Inspection Manual Chapter 0305, "Operating Reactor Assessment Program." The EOC reviews for all plants will be completed by February 13, 2002. The EOC reviews for the plants involve the participation of all technical divisions in evaluating performance indicators for the most recent quarter and inspection results for the period April 1, 2001, to December 31, 2001. The results of the EOC reviews will be issued in annual assessment letters to all power plant licensees on March 4, 2002.

III. Status of Issues in the Reactor Generic Issue Program

There are no updates in this area to report for January 2002.

IV. Licensing Actions and Other Licensing Tasks

Licensing actions are defined as requests for: license amendments, exemptions from regulations, relief from inspection or surveillance requirements, topical reports submitted on a plant-specific basis, or other licensee requests requiring NRC review and approval before they can be implemented by the licensee. The fiscal year (FY) 2002 NRC Performance Plan

incorporates three output measures related to licensing actions. These are: the number of licensing action completions per year; the age of the licensing action inventory; and the size of licensing action inventory.

The FY 2001 NRC Performance Plan incorporates one output measure for the number of other licensing tasks completed. Other licensing tasks are defined as licensee responses to NRC requests for information through generic letters or bulletins, NRC responses to 2.206 petitions, NRC review of licensee topical reports, NRR responses to regional requests for assistance, NRC review of licensee 10 CFR 50.59 analyses and FSAR updates, or other licensee requests not requiring NRC review and approval before they can be implemented by the licensee.

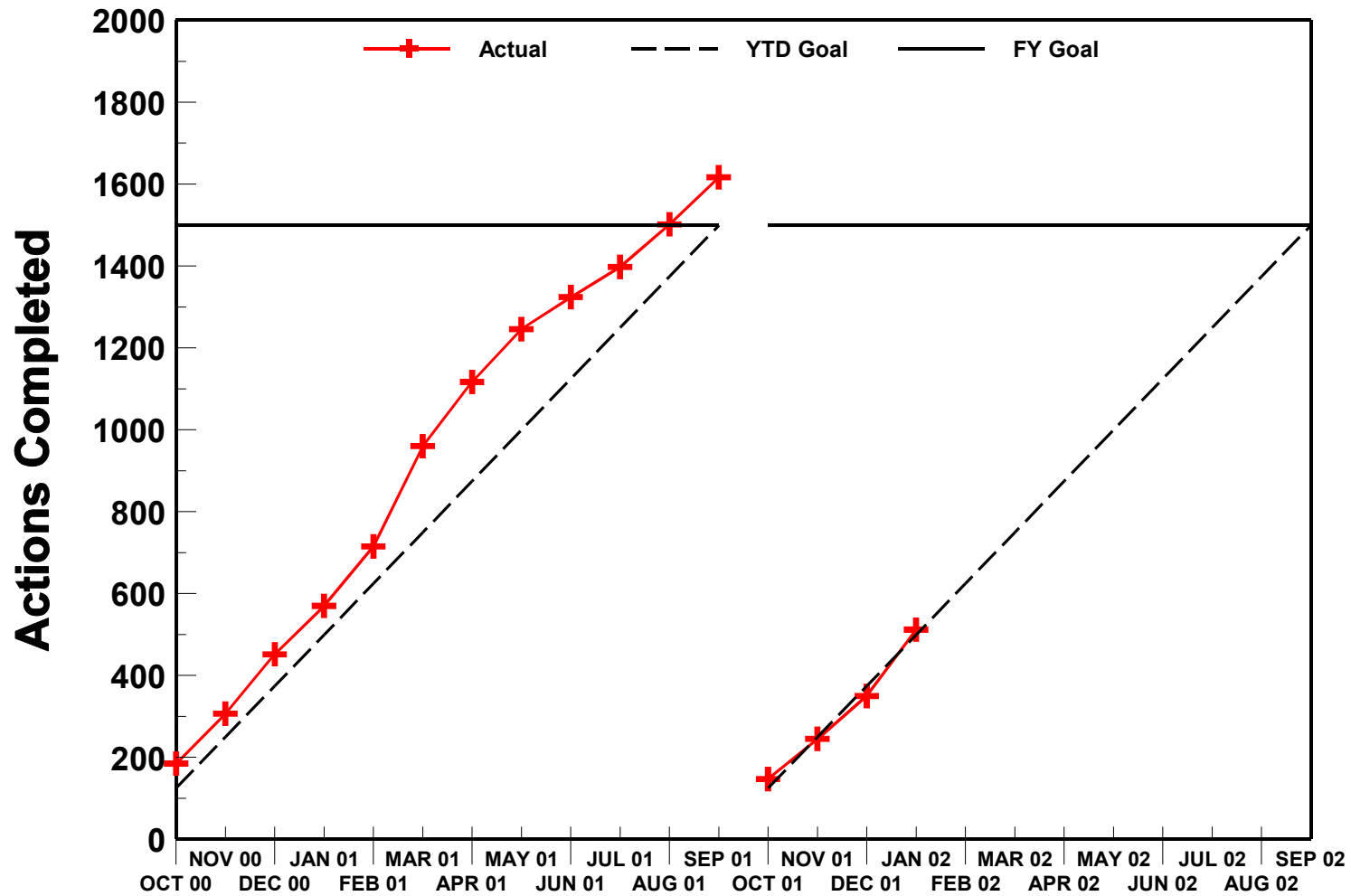
In January 2002, the goal for the size of the licensing action inventory was restored to the Performance Plan and the goal for the age of licensing action inventory less than or equal to 1 year old was increased from 95% to 96%. The actual FY 2000 and FY 2001 results, the FY 2002 goals and the actual FY 2002 results, as of January 31, 2002, for the four NRC Performance Plan output measures for licensing actions and other licensing tasks are shown in the table below.

PERFORMANCE PLAN				
Output Measure	FY 2000 Actual	FY 2001 Actual	FY 2002 Goals	FY 2002 Actual (thru 01/31/2002)
Licensing actions completed/year	1574	1617	≥ 1500	512
Age of licensing action inventory	98.3% ≤ 1 year; 100% ≤ 2 years	96.9% ≤ 1 year; 100% ≤ 2 years	96% ≤ 1 year; 100% ≤ 2 years	92.5% ≤ 1 year; 100.0% ≤ 2 years
Size of licensing action inventory	962	877	1000	832
Other licensing tasks completed/year	1100	523	≥ 350	147

The following charts demonstrate NRC's FY 2002 trends for the four licensing action and other licensing task output measure goals.

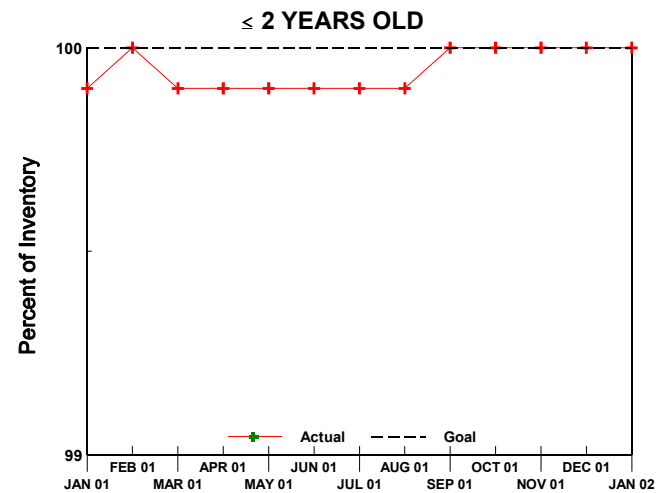
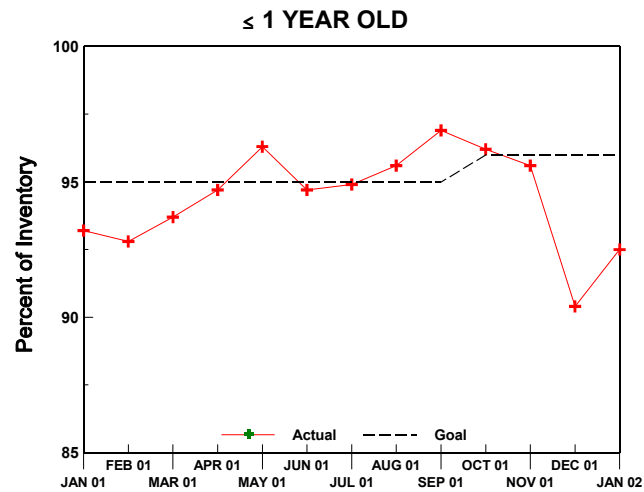
Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: Completed Licensing Actions



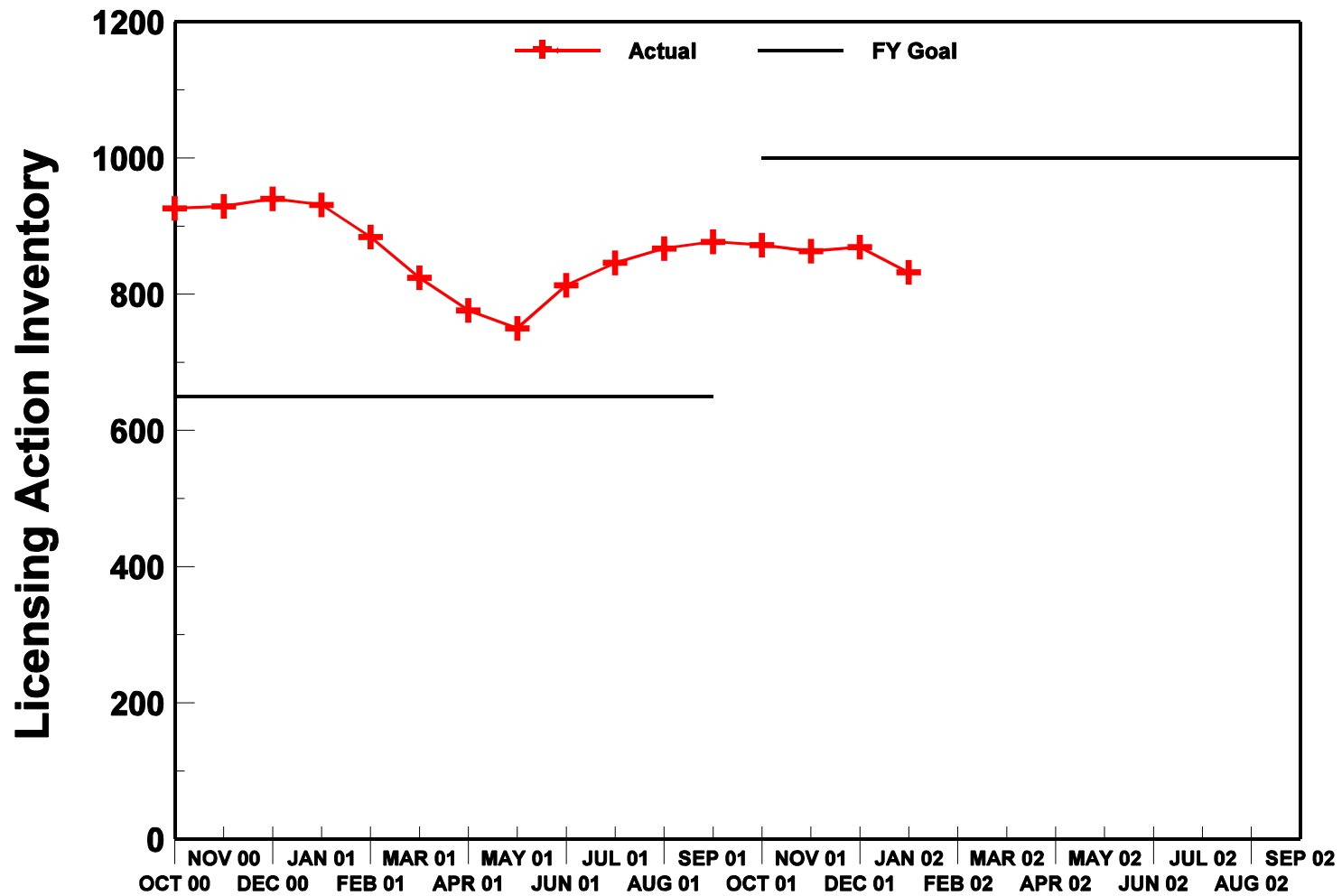
Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: Age of Licensing Action Inventory



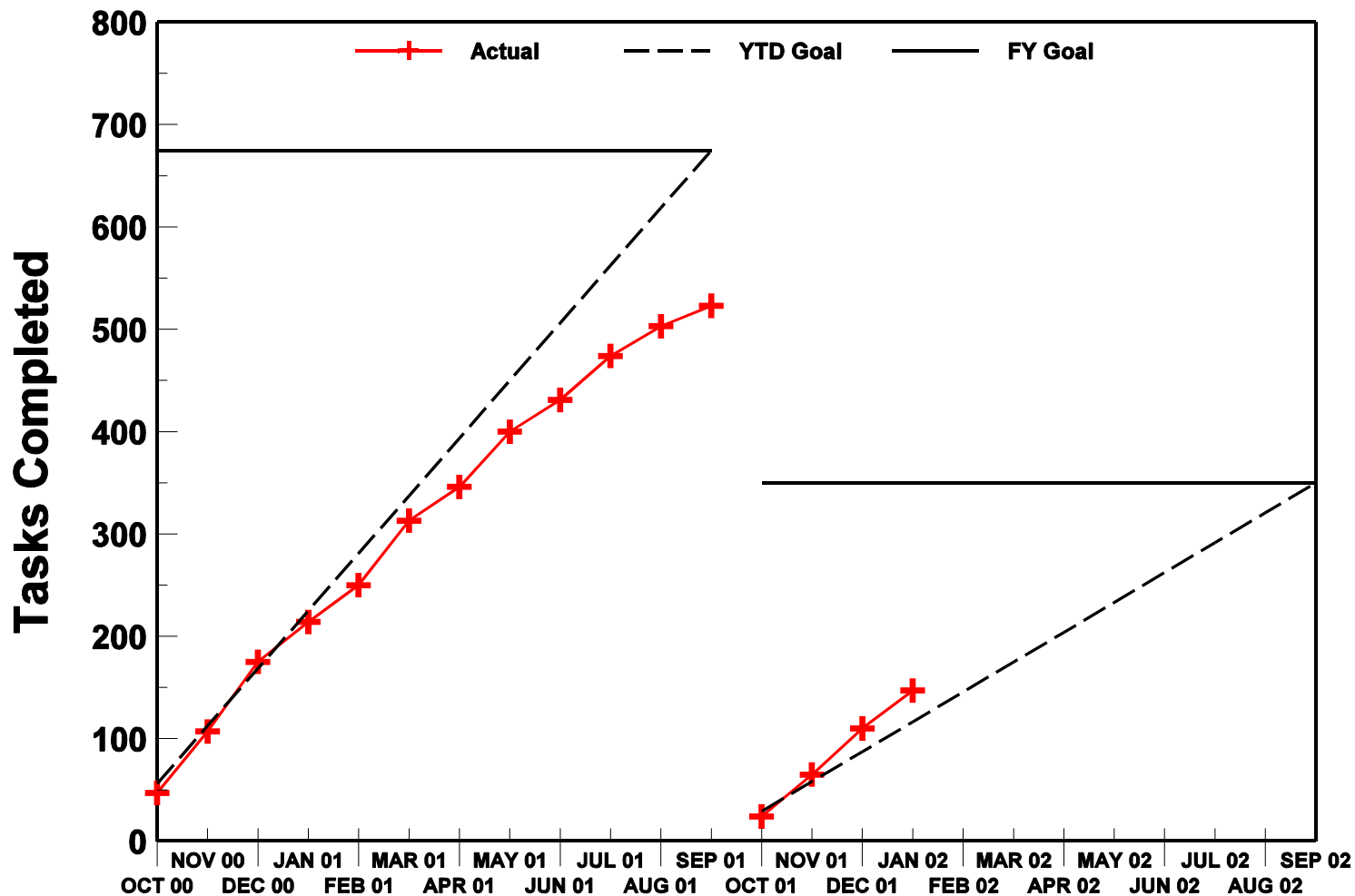
Nuclear Reactor Safety - Reactor Licensing

Performance Plan: Size of Licensing Action Inventory



Nuclear Reactor Safety - Reactor Licensing

Performance Plan Target: Completed Other Licensing Tasks



V. Status of License Renewal Activities

To date, NRC has renewed the licenses of a total of eight units at four sites and license renewal applications for fifteen units are currently under review.

Hatch, Units 1 and 2, Renewal Application

The renewed licenses for Hatch were issued on January 15, 2002, completing the review of the first boiling water reactor license renewal application (23 months after receipt).

Turkey Point, Units 3 and 4, Renewal Application

The staff is working to resolve comments and open items and is scheduled to issue the completed safety evaluation report in February 2002. The final supplemental environmental impact statement was issued on January 11, 2002. The Commission's decision on issuing the renewed license is scheduled for July 2002.

Surry, Units 1 and 2, and North Anna, Units 1 and 2, Combined Renewal Applications

The Surry and North Anna renewal applications are currently under review. Responses to environmental requests for additional information were received in December 2001 and responses to the safety requests are due by February 2002.

McGuire, Units 1 and 2, and Catawba, Units 1 and 2, Combined Renewal Applications

The McGuire and Catawba renewal applications are currently under review. All environmental requests for additional information were issued by December 2001 and safety requests by January 2002. Responses to the environmental requests and safety requests are due by February 2002 and by April 2002, respectively.

Two petitions were received requesting a hearing on the renewal of the McGuire and Catawba licenses and by Commission Order, an Atomic Safety and Licensing Board (ASLB) was established. In a memorandum and Order of January 24, 2002, the Atomic Safety and Licensing Board Panel issued its ruling on standing and the admissibility of contentions finding that both petitioners have standing and concluded that admissible contentions have been proffered. One question relating to terrorism risks was referred to the Commission for its consideration.

Peach Bottom, Units 2 and 3, Renewal Application

The Peach Bottom renewal application is currently under review. All environmental requests for additional information were issued by December 2001. All safety requests for additional information are scheduled to be issued by March 2002.

St. Lucie, Units 1 and 2, Renewal Application

On November 30, 2001, the NRC received an application for renewal of the St. Lucie nuclear power plant, Units 1 and 2, operating licenses. The staff has completed its acceptance review and has found the application acceptable for docketing and review. The review schedule and

notice of opportunity for hearing were issued in January 2002. Until it is determined whether a hearing will be conducted, a 30-month review schedule has been established with a final decision on issuance of the licenses scheduled for June 2004.

Fort Calhoun Renewal Application

On January 11, 2002, the NRC received an application for renewal of the Fort Calhoun operating license. The staff is currently performing the required acceptance review. If found acceptable, the NRC will docket the application, notice an opportunity for hearing, and issue the review schedule.

VI. Status of Review of Private Fuel Storage, Limited Liability Corporation's Application for a License to Operate an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians

During this reporting period, the NRC staff released to the public unredacted versions of both the geotechnical supplement to the "Safety Evaluation Report Concerning the Private Fuel Storage Facility" (SER supplement) and the project's Final Environmental Impact Statement (FEIS). This was the result of a determination made as part of the wider NRC reconsideration of the kinds of information that should be made publicly available in the wake of the events of September 11, 2001. The FEIS was filed with the Environmental Protection Agency on January 11, 2002. With the completion of the SER supplement and the FEIS, the staff has completed its safety and environmental reviews regarding the Private Fuel Storage, Limited Liability Company (PFS) license application. The NRC staff is now in the process of preparing for adjudicatory hearings before the ASLB which are scheduled to be held in April-May 2002.

Litigation in the adjudicatory proceeding on the PFS license application continued during this reporting period: (1) the ASLB denied PFS's motion for summary disposition of Contention Utah L, Part B, concerning its request for an exemption from certain seismic regulations; (2) PFS, the State of Utah and the NRC staff reformulated all seismic/geotechnical issues in a single contention; (3) the State filed discovery requests against the NRC staff concerning geotechnical issues; (4) the ASLB granted PFS's motion for summary disposition of Contention Utah W (flooding at the intermodal transfer facility), and (5) the ASLB held a pre-hearing conference with the parties, to address various procedural issues in preparation for the April-May 2002 hearings.

VII. Enforcement Process and Summary of Reactor Enforcement by Region

Reactor Enforcement by Region

	Reactor Enforcement Actions*					
		Region I	Region II**	Region III	Region IV**	TOTAL
Severity Level I	Dec 2001	0	0	0	0	0
	FY 2002 YTD	0	0	0	0	0
	FY 01 Total	0	0	0	0	0
	FY 00 Total	0	0	0	0	0
Severity Level II	Dec 2001	0	0	0	0	0
	FY 2002 YTD	0	0	0	0	0
	FY 01 Total	0	1	0	0	1
	FY 00 Total	1	2	0	0	3
Severity Level III	Dec 2001	0	0	0	0	0
	FY 2002 YTD	2	0	0	0	2
	FY 01 Total	1	1	1	1	4
	FY 00 Total	5	0	4	4	13
Severity Level IV	Dec 2001	0	0	2	0	2
	FY 2002 YTD	0	0	4	0	4
	FY 01 Total	1	0	2	1	4
	FY 00 Total	4	1	3	5	13
Non-Cited Severity Level IV & Green	Dec 2001	29	1	27	1	58
	FY 2002 YTD	64	38	56	36	194
	FY 01 Total	279	105	201	139	724
	FY 00 Total	313	190	289	258	1050

*Numbers of violations are based on enforcement action tracking system (EATS) data that may be subject to minor changes following verification. The number of Severity Level I, II, III listed refers to the number of Severity Level I, II, III violations or problems. The monthly totals generally lag by 30 days due to inspection report and enforcement development.

** Violation totals for Regions II & IV reflect a shift from a 6 week inspection period to a quarterly inspection period.

Escalated Reactor Enforcement Actions Associated with the Revised Reactor Oversight Process						
		Region I	Region II	Region III	Region IV	Total
NOVs related to white, yellow or red findings	Dec 2001 -Red	0	0	0	0	0
	-Yellow	0	0	0	1	1
	-White	0	1	0	0	1
	FY 2002 YTD	0	1	1	1	3
	FY 01 Total	8	4	4	3	19
	FY 00 Total	6	1	0	0	7

Description of Significant Actions taken in December 2001

Energy Northwest (Columbia Generating Station) EA 01-236

On December 28, 2001, a Notice of Violation was issued for a violation associated with a yellow SDP finding involving the failure to follow and maintain emergency plans and procedures to meet required emergency planning requirements.

Virginia Electric and Power Company (Surry Power Station) EA 01-235

On December 21, 2001, a Notice of Violation was issued for a violation associated with a white SDP finding involving failed piston wrist pins and bearings in an emergency diesel generator (EDG). The violation cited the licensee's failure to establish measures to assure that conditions adverse to quality were promptly identified and corrected resulting in the inoperability of the EDG.

VIII. Power Reactor Security Regulations

In response to the terrorist attacks on September 11, 2001, the NRC and the nuclear industry have taken a number of actions to ensure the security at nuclear power plants. Immediately following the terrorist attacks on the World Trade Center and the Pentagon, the NRC advised nuclear power plant licensees to go to the highest level of security (i.e., Level 3), and all promptly did so. The Nation's nuclear power plants remain at the highest level of security and the NRC continues to monitor the situation.

For the longer term, the Chairman with the full support of the Commission has directed the NRC staff to thoroughly reevaluate the NRC safeguards and physical protection programs. This reevaluation will be a top-to-bottom analysis involving all aspects of the agency's

safeguards and physical protection programs. The NRC staff is continuing its ongoing efforts associated with this review.

On February 25, 2002, the NRC issued Orders to all 104 commercial nuclear power plants to implement interim compensatory security measures for the generalized high-level threat environment. Some of the requirements formalize a series of security measures that licensees have taken in response to advisories issued by the NRC in the aftermath of the September 11 terrorist attacks. Additional security enhancements, which have emerged from our on-going comprehensive security review, are also spelled out in the Orders.

Given the nature of the attacks on September 11, the identification of any necessary adjustments to the safeguards and physical security measures for civilians must involve other U.S. national security organizations. The NRC is currently interacting with the FBI, other intelligence and law enforcement agencies, the Department of Defense, and the recently established Office of Homeland Security to ensure that all pertinent input from relevant U.S. agencies is considered before any changes are made to the NRC's programs.

IX. Power Upgrades

The staff has assigned power upgrade license amendment reviews a high priority. The staff considers power upgrade applications among the most significant licensing actions and is conducting power upgrade reviews on accelerated schedules.

Licensees have been applying for and implementing power upgrades since the 1970s as a way to increase the power output of their plants. The staff has been conducting power upgrade reviews since then and to date, has completed 72 such reviews. Approximately 9800 MWt (3250 MWe) or an equivalent of about three nuclear power plant units has been gained through implementation of power upgrades at existing plants. During the month of January, the staff issued Regulatory Issue Summary (RIS) 2002-03, "Guidance on the Content of Measurement Uncertainty Recapture Power Upgrade Applications." This RIS outlines the staff's information needs for reviewing measurement uncertainty recapture power upgrades. Development of the guidance in the RIS was undertaken by the NRC staff as a process improvement effort to make the application and review processes for measurement uncertainty recapture power upgrades more effective and efficient. The staff believes that the guidance issued by RIS 2002-03 can help improve the quality of and standardize licensee submittals for measurement uncertainty recapture power upgrades. In addition, the guidance provides a more focused approach for the staff's review of such submittals. The staff believes that standardization of licensees' submittals, improvements in the quality of submittals, and more focused reviews by the staff could reduce the review duration for these upgrades considerably.

During the month of January, the staff received one application for a measurement uncertainty recapture power upgrade of 1.7 percent. The staff currently has 12 plant-specific applications and two General Electric Nuclear Energy topical reports for power upgrades under review.

Based on licensee voluntary responses to NRC Regulatory Issue Summary (RIS) 2001-08, "Operating Reactor Licensing Action Estimates," and the results of a staff survey of all licensees in June 2001 to obtain information regarding the industry's future plans related to power upgrade applications, the staff estimates that licensees plan to submit 34 additional power

uprate applications in the next 5 years. Based on the information provided, planned power uprates are expected to result in an increase of about 3485 MWt (1160 MWe, equivalent to approximately one nuclear power plant unit). The staff will utilize the information provided in response to RIS 2001-08 and the June survey for planning and allocating resources for power uprate reviews and to assure the staff's readiness and availability to perform the technical reviews for these applications when they arrive.

Identical letters sent to:

The Honorable Harry Reid, Chairman
Subcommittee on Transportation,
Infrastructure, and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510
cc: Senator James M. Inhofe

The Honorable Joe Barton, Chairman
Subcommittee on Energy and Air Quality
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515
cc: Representative Rick Boucher

The Honorable Sonny Callahan, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515
cc: Representative Peter J. Visclosky

The Honorable Harry Reid, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510
cc: Senator Pete V. Domenici

The Honorable W.J. "Billy" Tauzin, Chairman
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515
cc: Representative John D. Dingell

The Honorable James M. Jeffords, Chairman
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510
cc: Senator Bob Smith

The Honorable Pete V. Domenici
United States Senate
Washington, D.C. 20510