

July 28, 2003

Mr. David Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW, Suite 600
Washington, DC 20006-3919

Dear Mr. Lochbaum:

This letter responds to your request to inform you of technical discussions between the U.S. Nuclear Regulatory Commission (NRC) staff and the Tennessee Valley Authority (TVA) staff regarding possible corrosion of the reactor coolant pressure boundary at the Watts Bar Nuclear Plant due to defects in the stainless steel cladding applied to the interior surface of the carbon steel reactor pressure vessel. This request was made in your petition dated May 30, 2003, on behalf of the Union of Concerned Scientists (UCS). By letter dated July 2, 2003, the NRC staff acknowledged your petition and determined that it will be treated pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206 of the Commission's regulations. Your specific requests and our responses are listed below:

(a) Provide UCS with copies of all correspondence sent to TVA regarding this petition and the subject cladding defects at Watts Bar.

In accordance with our process (i.e., Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," which was attached to our acknowledgment letter dated July 2, 2003), as a petitioner, you have been added as an addressee to the Watts Bar service list for correspondence sent to TVA regarding this petition and the subject Watts Bar cladding defects. Please note that correspondence containing proprietary, sensitive, or safeguards information is not routinely distributed to the service list addressees.

(b) Provide UCS with advance notice of all public meetings conducted by the agency with TVA regarding this petition and the subject cladding defects.

Notices of public meetings are typically posted on the NRC external Web site (www.nrc.gov) at least 10 calendar days prior to the meeting. Additionally, meeting notices are distributed to the service list addressees. However, due to the potential for short-notice meetings, while we suggest that you monitor the NRC Web site to keep informed of public meetings on this issue, we will attempt to contact you if any meetings on this issue are scheduled that do not meet the 10 day posting period.

(c) Provide UCS with an opportunity to participate in all relevant phone calls between NRC staff and TVA regarding this petition and the subject cladding defects at Watts Bar.

While some informal communication between the NRC staff and licensee personnel is beneficial to reduce regulatory burden and to increase efficiency, information that is needed for decisionmaking must be preserved by appropriate means prior to staff action. Regulations require that all license applications, requests for amendments and

associated correspondence be submitted in writing or by authorized electronic submittal. It is NRC policy to make all correspondence used to support decisionmaking an official agency record and to make it publicly available by placing a copy into the Agencywide Document Access and Management System (ADAMS) unless exempted by Title 10 *Code of Federal Regulations* Section 2.790. Information that is received informally that involves an application or associated correspondence such as that used in regulatory decisionmaking must be followed up by official correspondence. Similarly, outgoing information may not be considered an official agency issuance unless it has received appropriate review and concurrence and is signed by an authorized individual.

Nuclear Reactor Regulation, Office Instruction (OI), COM-203, "Informal Interfacing and Exchange of Information With Licensees and Applicants," provides guidance regarding informal interfacing and information exchange with licensees and applicants. This OI, which applies to informal communications such as telephone calls, e-mails, facsimiles, etc., requires that informally exchanged information be preserved if the material contains unique information that adds to a proper understanding of the issue or the decisionmaking process. Preservation of a record consists of placing the record in the ADAMS. Any such ADAMS records are generally available to the public. Although this does not grant your request to participate in relevant phone calls, it will inform you of telephonic discussions between the NRC staff and TVA staff on the issues raised in your petition.

(d) Provide UCS with copies of all correspondence sent to Members of Congress and/or industry organizations (e.g., the Nuclear Energy Institute, the Electric Power Research Institute, the Institute for Nuclear Power Operations).

We assume this request pertains to correspondence specifically related to the technical issues described in your petition. Please note that some of this correspondence may not be publicly available. However, since you have been added to the addressee service list, you will receive the publicly available documents.

We believe that the currently available processes described above meet your need for maintaining an awareness of the technical information exchanges between the NRC staff and TVA staff. If you have any questions regarding your petition, please contact Ms. Margaret Chernoff, Petition Manager, at 301-415-4041 or via e-mail (mhc@nrc.gov).

Sincerely,

/RA/

Ledyard B. Marsh, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-390

cc: See next page

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/RA/

Ledyard B. Marsh, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

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Incoming: ML 031600922 Package: ML 031950124 Response: ML 031950179 *See previous concurrence

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David Lochbaum

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