INFORMATION REPORT

<u>April 13, 2009</u> <u>SECY-09-0060</u>

For: The Commissioners

From: Vonna L. Ordaz

Assistant for Operations

Office of the Executive Director for Operations

Subject: WEEKLY INFORMATION REPORT - WEEK ENDING

APRIL 3, 2009

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^{*}No input this week.

/RA/

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Office of Nuclear Reactor Regulation (NRR) Items of Interest Week Ending April 3, 2009

ANATECH Workshop, March 24-25, 2009

On March 24-25, 2009, as part of an ongoing program to compare analytical techniques for modeling the phenomena associated with reactivity initiated accidents (RIAs), representatives from the staff, the French Institut de Radioprotection et de Sûreté Nucléaire (IRSN), and the Electric Power Research Institute (EPRI) attended a public workshop at the ANATECH Corporation offices in San Diego, California. Additional attendees included NRC contractors from Pacific Northwest National Laboratory and EPRI contractors from ANATECH. Following a previous meeting to compare computer codes used by EPRI, IRSN, and NRC, this meeting focused on analytical techniques and their supporting empirical database. Analytical models are being employed to scale results from in-reactor RIA test programs conducted at non-prototypical conditions. It is important that any scaling of empirical results be based upon sound engineering principles.

<u>Draft Regulatory Guide (DG-1218) "Risk-Informed, Performance Based Fire Protection for Existing Light-Water Nuclear Power Plants"</u>

On March 25, 2009, the staff issued DG-1218 "Risk-Informed, Performance Based Fire Protection for Existing Light-Water Nuclear Power Plants" for public comments. This regulatory guide provides guidance for complying with the requirements that the NRC has promulgated for risk-informed, performance-based fire protection programs in Title 10, "*Energy*" Section 50.48(c), of the *Code of Federal Regulations* (10 CFR 50.48(c)) and the referenced 2001 Edition of the National Fire Protection Association (NFPA) standard, NFPA 805, "Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generating Plants."

Product Substitution Training Meeting

On March 25-26, 2009, the staff attended the Product Substitution portion of the annual Office of Investigation counterpart conference in Cambridge, Maryland. A Federal Law Enforcement Training Center representative provided training on handling product substitution. Previous examples and the NRC's process for addressing product substitution were discussed. The staff contributed to discussions, detailing applicable regulations and the role of the allegations and technical staff.

Nuclear Energy Institute (NEI) NFPA Task Force Public Meeting

On March 26, 2009, the staff held a monthly public meeting with representatives from the NEI NFPA Task Force, other stakeholders, and the public, to discuss Frequently Asked Questions related to the adoption of NFPA 805. The staff began holding these monthly public meetings in July 2006, and expects to continue holding them throughout the transition period to the new licensing basis.

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North Anna Units 1 and 2 Measurement Uncertainty Recapture Power Uprate Application

By application dated March 26, 2009, the licensee requested a 1.6% measurement uncertainty recapture (MUR) power uprate for North Anna Units 1 and 2, using the Cameron (formerly Caldon) Leading Edge Flow Meter CheckPlus System. The application requests NRC approval by January 14, 2010. The licensee indicated that they followed the guidance in NRC Regulatory Information Summary (RIS) 2002-03, "Guidance on the Content of Measurement Uncertainty Recapture Power Uprate Applications" in developing its application. The NRC staff will be conducting an acceptance review of the application.

Nuclear Performance and Code Review Branch Meets with Dr. Nobuo Nakea

On March 27, 2009, the staff participated in a meeting with Dr. Nobuo Nakea, representing the Reactor Core and Fuel Reliability Evaluation Group Safety Standard Division of the Japan Nuclear Energy Safety Organization (JNES). The purpose of the meeting was to solicit NRC assistance in assessing the fuel safety technical documents associated with the possible restart of the Monju Fast Breeder Reactor. JNES would requested any comments by November of this year.

NEI Public Meeting Regarding Staff's Comments on Revision 2c of NEI 00-01, "Guidance for Post Fire Safe Shutdown Circuit Analysis"

On March 30, 2009, the staff held a Category 2 public meeting with NEI representatives and industry stakeholders to discuss the staff's comments on Revision 2c of NEI 00-01, "Guidance for Post Fire Safe Shutdown Circuit Analysis."

Entergy Operations, Inc.- Pre-licensing Meeting

On March 31, 2009, the staff and Entergy Operations, Inc. (Entergy) held a public meeting to discuss Entergy's plans to submit applications for extended power uprates at Grand Gulf Nuclear Station, Unit 1, and James A. FitzPatrick Nuclear Power Plant, and a stretch power uprate at Palisades Nuclear Plant. The first of the applications is projected to be submitted for Grand Gulf in July 2010.

Wolf Creek Generating Station (WCGS) - Replacement of the Main Steam and Feedwater Isolation System

On March 31, 2009, the Office of Nuclear Reactor Regulation issued the license amendment for WCGS to replace the main steam and feedwater isolation system (MSFIS) controls with a first-of-a-kind digital control system. The licensee is replacing the existing MSFIS controls with a control system based on advance logic system (ALS) field programmable gate array technology at WCGS.

Crystal River Unit 3 Extended Power Uprate (EPU) Pre-Application Meeting

On April 1, 2009, the staff held a public meeting with Progress Energy and its contractor, AREVA, to discuss the submittal of an EPU application for Crystal River Unit 3 that is currently planned for the third quarter of 2009. During the meeting, Progress Energy / AREVA and the

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staff discussed EPU amendment format, environmental report, technical details, linked / related amendments, and schedule. Progress Energy is planning to implement EPU during the Crystal River Unit 3, 2011 refueling outage, which would raise its rated thermal power from 2609 MWt to 3014 MWt (~15.5%).

Phone Call with NEI Gas Accumulation Team (GAT)

On April 1, 2009, a phone call was conducted with the NEI GAT to understand proposed changes to the industry Void Acceptance Criteria. The GAT is planning to issue the industry guidance by mid April 2009.

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Office of New Reactors (NRO) Items of Interest Week Ending April 3, 2009

Public Meeting on Proposed AP1000 Subsequent Combined Operating License at Turkey Point

On March 26, 2009, the staff held a public meeting with Florida Power and Light to discuss their planned combined license application (COLA) for the Turkey Point site, scheduled for submittal in June 2009. Participants discussed the details of a proposal to inject routine radioactive liquid releases into a geologic formation about 3000 feet below the plant surface (deep well disposal). Deep well disposal is an accepted practice for the State of Florida for other types of industries. The State has already issued over 100 permits for this type of waste disposal. However, none of the State permits involve radioactive material. Current NRC regulations and guidance may not adequately cover this type of effluent disposal for power reactors. A routine NRO public outreach meeting is scheduled to be held near the site on April 23, 2009.

<u>Staff Holds Public Meeting to Discuss Environmental Issues Pertaining to the COLA for Virgil C. Summer Nuclear Station, Units 2 and 3</u>

On March 28, 2009, the staff held a public meeting in Blair, South Carolina, to discuss the agency's process for conducting the environmental review associated with the combined license application for the proposed Units 2 and 3 at Virgil C. Summer Nuclear Station. The meeting's informal, open house format allowed members of the local community to engage the NRC staff and ask questions regarding the issues to be considered in NRC's environmental review process. NRC extended the environmental scoping period for the VCSNS Units 2 and 3 application until April 6 to allow area residents additional time to submit comments. At the conclusion of the comment period, the staff will evaluate the comments received and develop the scope of the draft environmental impact statement (EIS). The draft EIS is currently scheduled to be published March 2010.

<u>Public Meeting on Tennessee Valley Authority's (TVA) Probable Maximum Flood (PMF) and Dam Breach Reanalysis for the Bellefonte Units 3 and 4 COLA</u>

On March 30, 2009, the staff held a public meeting with the TVA to discuss the status of TVA's PMF and dam breach reanalysis for the Bellefonte Units 3 and 4 COLA. The reanalysis is being performed to address issues raised during the staff's review of the Bellefonte COLA and in an NRC inspection that resulted in three violations. In an October 29, 2008, letter, the staff informed TVA that it was placing a hold on the hydrology review of the Bellefonte COLA and would not restart the review until TVA completed its reanalysis work and the work passed an NRC inspection. In the March 30, 2009, meeting TVA indicated that it expects to complete the reanalysis work by December 2009. The staff indicated that it was tentatively targeting an inspection in January 2010, and if the inspection is satisfactory, restarting the hydrology review in February 2010.

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Environmental Protection Agency (EPA) Notification Regarding Environmental Concerns (EC) Rating for the Draft Environmental Impact Statement for North Anna COLA

On April 2, 2009, the staff received notification from the EPA that the NRC's draft supplemental environmental impact statement for the North Anna combined license application has been rated EC-1. EC indicates that there are environment impacts which should be avoided in order to fully protect the environment and the "1" indicates the draft adequately sets forth the environmental impacts of the project and alternatives, and that no further analysis or data collection is necessary.

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Office of Nuclear Material Safety and Safeguards (NMSS) ltems of Interest Week Ending April 3, 2009

Presidential Open Government Directive

On March 30-31, 2009, in Washington, DC, NMSS staff represented NRC at a "Champions of Participation" working session that developed recommendations for President Obama's Open Government Directive. This session was sponsored by America Speaks and Harvard University's Kennedy School of Government. Beth Noveck, Director of the President's Open Government Initiative, participated in the session, along with representatives of more than 25 Federal agencies.

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Office of Federal and State Materials and Environmental Management Programs (FSME) Items of Interest Week Ending April 3, 2009

Meeting With Bureau of Land Management (BLM)

On March 30, 2009, FSME and the Office of the General Counsel staff met with representatives from the BLM's Headquarters to discuss the draft Memorandum of Understanding (MOU) prepared by NRC for the development of the National Environmental Policy Act (NEPA) documents for uranium recovery facilities on BLM land. BLM and NRC clarified the timing and scope of each agency's NEPA actions and discussed: (1) status of the draft MOU; (2) processes undertaken by each Agency; (3) roles and responsibilities of each Agency; and (4) coordination/data sharing between Agencies.

Nuclear Security Technology Conference

During the week of March 30, 2009, the Deputy Director, FSME, chaired a panel and made a presentation as part of the first Nuclear Security Technology conference held at New Mexico State University (NMSU) in Las Cruces, New Mexico. The conference had attendees from Federal and State agencies, national laboratories, universities and the private sector who discussed current and emergent national security technologies as part of NMSU's programs in facilitation for small businesses.

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Office of Nuclear Regulatory Research (RES) Items of Interest Week Ending April 3, 2009

10th Annual Meeting of the Nuclear Energy Agency (NEA) Committee on the Safety of Nuclear Installations (CSNI) Working Group on Risk Assessment (WGRISK)

On March 25-27, 2009, RES staff members participated in the 10th annual meeting of the NEA CSNI WGRISK. The NRC presented the results of recently completed tasks on low power and shutdown and digital instrumentation and control risk assessment. New WGRISK tasks associated with probabilistic safety assessment knowledge management, risk-informed nuclear facility decommissioning, and advanced reactor risk were also discussed during the meeting. Prior to the WGRISK meeting, staff met with representatives from the Organization for Economic Cooperation and Development Halden Reactor Project, the European Commission Joint Research Centre at Petten, and the French Institut de Radioprotection et de Sûreté Nucléaire. These international meetings provide an excellent forum for information sharing with international counterparts and allows the NRC to more efficiently utilize resources by leveraging a broader range of risk assessment experience and knowledge.

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Office of Administration (ADM) Items of Interest Week Ending April 3, 2009

Power Reactor Security Requirements – Parts 50, 52, 72, and 73 (RIN-3150-AG63)

On March 27, 2009, the NRC published a final rule (74 FR 13926) in the *Federal Register* that amends its security regulations and adds new security requirements pertaining to nuclear power reactors. This final rule establishes and updates generically applicable security requirements similar to those imposed by Commission order following the September 11, 2001, terrorist attacks. The final rule also adds new security requirements developed from insights gained through the implementation of security order requirements, review of site security plans, implementation of the enhanced baseline, inspection program, and evaluation of force-on-force exercises. The final rule also updates the NRC's security regulatory framework for the licensing of new nuclear power plants. The final rule becomes effective May 26, 2009.

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Office of Information Services (OIS) Items of Interest Week Ending April 3, 2009

Technical Library Contributes Serial Holdings Information to Cooperative Library Publication

During the week of March 30, the Information and Records Services Division (IRSD) staff have contributed to the editing of the Interlibrary Users' Association (IUA) biennial publication, <u>IUA Journal Holdings</u>. During the past two years, IRSD staff have worked intensively to update the publication's information on the NRC's Technical Library serials collection. Changes such as: new titles, ceased titles, or titles no longer in scope for the collection, have been reflected in the <u>IUA Journal Holdings</u> update. The Technical Library is one of 40 government, corporate, and legal libraries in the Washington, DC area that have formed the IUA to share journal holdings information and use interlibrary loan as a substitute for purchasing articles. <u>IUA Journal</u> Holdings is also used by other U.S. libraries as a resource for interlibrary loan operations.

Publication of Two 60-Day Federal Register Notices

On March 23, 2009, two 60-Day *Federal Register* Notices for comments were published on the Information and Records Services Divisions request for renewal on NRC Form 590, Application / Permit for Use of the Two White Flint North Auditorium and the "National Source Tracking System."

Attendance at the Controlled Unclassified Information (CUI) Council Working Group

On March 24, 2009, staff from the IRSD participated in a meeting of the CUI Council working group, hosted by the National Archives and Records Administration - the Executive Agent for the Federal CUI program - to formulate the specified dissemination requirement for procurement sensitive/source selection information and business/proprietary information. This was the second meeting of the working group to discuss these two topics. Agencies discussed their procurement and source selection processes, and how they receive, mark, and handle business/proprietary information so that commonalities were identified that could help identify how to control dissemination of those types of information. The objective is to write a specified dissemination instruction for each of the two types of information that can be generic and can be used by all agencies. With the variance in processes at different agencies, this is a difficult task, but progress was made. The CUI Council staff expects to publish a first draft of these instructions by the end of April. There will be another meeting on April 7, 2009, where business/proprietary information will again be discussed, and the initial discussion of the specified dissemination instruction for law enforcement information will begin.

<u>Technical Library Holds Drop-in Clinic on Information Handling Services Standards Expert via Webinar and in Library</u>

On March 24, 2009, staff from the IRSD demonstrated the new *IHS Standards Expert* interface used to search and find industry codes and standards. The IHS Standards expert is available through the Library's IHS subscription. IRSD staff demonstrated how to create a personal account on the IHS system, find codes and standards, add and manage favorites, set up lists of

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standards to monitor (watch lists), and set up email alerts to receive notice when standards change. Attendees included NRC staff, in person and through GoToMeeting, an online meeting space.

Attendance at Industry Session on Information Management

On March 25, 2009, staff from IRSD made a presentation at the inaugural session of the "Document Management for Nuclear Plant Operations." The session was sponsored by SAIC and included representatives from SAIC, EMC, and several power plant licensees. It was focused on bringing together industry leaders for discussions on managing information in the nuclear power industry. The IRSD presentation was on activities related to the maintenance of the Agency-wide Documents Access and Management System to a supported, modern operating system, and the overall staff efforts in Enterprise Content Management (ECM). The content of the staff's presentation reflected many of the same issues and approaches being undertaken by the other participating organizations. Overall, staff found that its ECM efforts for information management are in harmony with what industry is doing.

<u>Department of Justice (DOJ) Training Conference on President Obama's and Attorney General Holder's Memoranda on the Freedom of Information Act (FOIA)</u>

On March 26, 2009, staff from the Information and Records Services Division attended a government-wide training conference sponsored by the DOJ. The purpose of the meeting was to discuss recently issued memoranda which outline how the new administration wants FOIA requirements handled. Agencies must apply a "foreseeable harm" standard when reviewing FOIA requests. The Attorney General "strongly encourage(s) agencies to make discretionary disclosures of information." These discretionary releases would apply primarily to Exemptions 2, 5 and 7, and they will be most applicable to Exemption 5 of FOIA which is implemented for NRC in 10 CFR Part 2.390. Additionally, DOJ will be issuing guidance later this year regarding new reporting requirements on the steps agencies have taken to improve FOIA operations and facilitate information disclosure. This report will be separate from the annual FOIA report agencies submit to DOJ.

Meeting Held on Personally Identifiable Information and Computer Security Awareness

On March 27, 2009, staff from IRSD, OIS led a meeting with staff from the Computer Security Office (CSO), OGC, and the Office of Human Resources (HR) to discuss the agency actions for the development of employee certifications, acknowledgements, and rules of behavior addressing personally identifiable information and computer security awareness. The discussion identified the requirements driving these actions, the types of documents being developed, and whether or not any of these documents can be combined. OIS, CSO, and HR agreed to work together to reduce the impact on agency staff where possible. OIS will explore the possibilities of using the iLearn Learning Management System to implement an annual agencywide employee certification effort, including ability to track participation and completion. CSO staff agreed to forward the rules of behavior for computer security use they have already developed, for OIS review and comment. OGC will provide a legal opinion on certification by electronic submission and content language.

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<u>Freedom of Information Act (FOIA) and Privacy Act (PA) Requests Received During the Period of March 27, 2009 through April 2, 2009</u>:

FOIA/PA-2009-0120
CON-2009-0002
FOIA/PA-2009-0121
FOIA/PA-2009-0122
FOIA/PA-2009-0123
FOIA/PA-2009-0124
FOIA/PA-2009-0125
FOIA/PA-2009-0126
FOIA/PA-2009-0127

CON = Consultation requests from other agencies: a new DOJ requirement to track consultations separately from FOIA/PA requests.

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Office of Human Resources (HR) Items of Interest Week Ending April 3, 2009

Arrivals				
Sheldon, Jeffrey	heldon, Jeffrey Sr. Budget Operations Systems Analyst OCFO			
Retirements				
Stevenson, Thalia	Accountant	OCFO		
Wermiel, Jared Sr. Tech Advisor for Digital I&C		NRR		
Departures				
Lontchar, Rachel Protocol Specialist		OCA		
Merchant, Sally	Sr. Enforcement Specialist	OE		

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Office of Public Affairs (OPA) Items of Interest Week Ending April 3, 2009

OPA Received Significant Media Inquiries on the Following

The NRC's decision authorizing Oyster Creek nuclear power plant (New Jersey) operating license renewal

Three Mile Island Unit 1 (Pennsylvania) license renewal application and annual assessment meeting

Manual trip of Indian Point Unit 2, located near New York City, New York

Other Public Affairs Items

OPA facilitated TV filming and local reporter coverage of oral arguments on the Department of Energy's application to build a high-level radioactive waste facility at Yucca Mountain in Nevada.

OPA arranged for the crew from the Sean Hannity Show (Fox News) to tour the Indian Point nuclear power plant and interview the site's public relations director, for use in the show's energy series, "Six Ways to Save America."

OPA coordinated an interview of staff by the St. Petersburg Times on the review of Progress Energy's Levy County (Florida) Combined License (COL) application.

Press Releases			
Headquarters:			
09-060	Yucca Mountain High-Level Nuclear Waste Hearings in Las Vegas March 31 – April 2 to be Web-streamed on Internet (03/30)		
09-061	NRC Accepts for Technical Review Phase 1 of the Department of Energy's Decommissioning Plan for West Valley (04/01)		
09-062	NRC's Fourth Annual Fuel Cycle Information Exchange June 23 - 25 In Rockville, Maryland (04/01)		
Regions:			
I-09-017	NRC to Hold Meeting on April 2 in Middletown, Pennsylvania, to Discuss Annual Assessment of Three Mile Island 1 Nuclear Plant (03/30)		
I-09-018	NRC to Conduct Open House on April 7 Regarding Annual Assessment of Performance for Calvert Cliffs Plant (03/31)		

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I-09-019	NRC Bans Former Senior Reactor Operator from NRC-Licensed Activities for Three Years (04/02)
II-09-017	NRC Schedules Open House to Answer Questions on 2008 Performance of Summer Nuclear Power Plant (04/03)
II-09-018	NRC Schedules Open House on Performance of Watts Bar Unit 1 Followed by Meeting to Discuss Unit 2 Construction (04/03)
II-09-019	NRC Schedules Open House To Answer Questions on 2008 Performance of Sequoyah Nuclear Power Plant (04/03)
III-09-008	NRC to Discuss 2008 Performance Assessment for Quad Cities Nuclear Power Plant Unit 1 and 2 (03/31)
IV-09-010	NRC to Discuss 2008 Performance Assessment for Wolf Creek Nuclear Plant (03/30)

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Office of the Secretary (SECY) Items of Interest Week Ending April 3, 2009

Document Released to Public		Date	Subject
	Decision Documents		
1.	SECY-09-0041	03/03/09	Recommendation for Future Replenishment of Potassium Iodide
2.	SRM-SECY-08-0197	04/02/09	Options to Revise Radiation Protection Regulations and Guidance with Respect to the 2007 Recommendations of the International Commission on Radiological Protection
	Commission Voting Record on SECY-08- 0197	04/02/09	(same)
1.	SECY-09-0042	03/13/09	Final Rule: Decommissioning Planning (10 CFR Parts 20, 30, 40, 50, 70, and 72; RIN-3150-Al55)
	Information Papers		
1.	SECY-09-0049	03/30/09	Weekly Information Report – Week Ending March 20, 2009
	Memoranda		
1.	M090317	03/31/09	Staff Requirements – Briefing on State of Nuclear Reactor Safety Programs
2.	M090320	03/31/09	Staff Requirements – Briefing on the Nuclear Education Program
3.	M090401	04/01/09	Staff Requirements – Affirmation Session: I. SECY-08-0192 – AmerGen Energy Company, LLC (License Renewal for Oyster Creek Nuclear Generating Station), Docket No. 50-219-LR, Citizens' Petition for Review of LBP-07-17 and other Interlocutory Decisions in the Oyster Creek Proceeding

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Commission Correspondence

- 1. Letter to Congress, dated March 26, 2009, submits the No FEAR Act report to Congress.
- 2. Letter to Congress, dated March 24, 2009, submits the NRC FY 2008 "Buy American" report.
- 3. Letter to Jim Gibbons, Governor of Nevada, dated March 23, 2009, request appointment of a State Liaison Officer to act as the State of North Carolina's primary liaison to the NRC.

Federal Register Notices Issued

- 1. Establishment of Atomic Safety and Licensing Board, South Texas Project Nuclear Operating Company (South Texas Project Units 3 and 4).
- 2. Advisory Committee on the Medical Uses of Isotopes, notice of meeting (5/7-8/2009).

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Region II (RII) Items of Interest Week Ending April 3, 2009

Nuclear Fuel Services Site Visit

On April 1, 2009, the Regional Administrator accompanied staff from the Office of Nuclear Material Safety and Safeguards to the Nuclear Fuel Services fuel facility in Tennessee for a site visit. They toured the plant and met with licensee management.

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Region IV (RIV) Items of Interest Week Ending April 3, 2009

Cooper Nuclear Station Public End-of-Cycle Assessment Meeting

On April 2, 2009, Region IV staff conducted a Category 1 public meeting in Brownville, Nebraska, to discuss Cooper Nuclear Station's safety performance for 2008. Approximately 25 people attended the presentation, including representatives from the States of Nebraska and Missouri.

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Office of Congressional Affairs (OCA) Items of Interest Week Ending April 3, 2009

CONGRESS	CONGRESSIONAL HEARINGS SCHEDULE, NO. 5				
OCA Contact	Date & Place	Time	Committee	Subject	Witnesses
Kratchman	03/31/09 366 DSOB	10:00	Energy and Natural Resources Senators Bingaman / Murkowski	Mark up Pending Legislation and Vote on a Pending Nomination of Thomas L. Strickland, to be Assistant Secretary for Interior for Fish and Wildlife and Parks	• N/A

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