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June 22, 2000
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Carolina Power & Light Company
PO Box 1551
411 Fayetteville Street Mall
Raleigh NC 27602

Serial: PE&RAS 00-078
August 10, 2000

Chief, Rules and Directives Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington D.C. 20555

Subject: **Comments on Draft Regulatory Guide DG-1097, "Fire Protection for Operating Nuclear Power Plants" (65 FR 38866-June 22, 2000)**

In the Federal Register (June 22, 2000), the NRC issued Draft Regulatory Guide DG-1097 for public comment. Carolina Power & Light Company (CP&L), has participated in an industry effort with NEI to collect and transmit comments. CP&L endorses NEI comments transmitted by NEI letter dated August 10, 2000, "Industry comments on Draft Regulatory Guide DG-1097, "Fire Protection for Operating Nuclear Power Plants". In addition, we have the following concern.

The NRC states in the subject Draft Regulatory Guide: "Regulatory guides are issued to describe ***to the public*** methods acceptable to the NRC staff for implementing specific parts of NRC's regulations, to explain techniques used by the staff in evaluating specific problems or postulated accidents, and to provide guidance to applicants." As acknowledged by NRC staff and the industry, the subject document in its current form, represents a compilation of best practices implemented to various degrees across the industry. In fact, no individual licensee would be in full compliance with the proposed guidance. Publication in this form could mislead the public regarding the existing fire protection program at operating nuclear power plants. Therefore, we recommend that NRC separates new guidance from the compilation of existing guidance (the original intent) and publish it in a separate staff guideline. This would alleviate many industry concerns about the application of new guidance to current plant fire protection and safe shutdown programs.

Please contact me at (919) 546-4579 if you have questions.

Sincerely,

/ Original Signed By J. R. Caves /

John R. Caves
Regulatory Affairs

CMI

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Add: E Connell (CEAC)

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Comment on Draft Regulatory Guide DG-1097

Section 2.4.d:

The guidance presented for fire penetration seal inspection frequency does not seem to consider the conclusions reached by the NRC staff documented via Supplement 1 to NUREG-1552. Specifically, DG-1097 states, "Inspection frequency should ensure all seals will be inspected every 3 refueling cycles at a minimum." However, NUREG-1552, Supplement 1 states the following: 1) "Structural fire barriers, being necessary for the structural integrity of a building or fire area, are generally considered to be more important than fire barrier penetration seals;" 2) "The safety significance and risk significance of reported [penetration seal] deficiencies were low;" 3) "In general, every echelon of fire protection defense in depth would have to either fail or be significantly compromised for a fire to breach a fire barrier penetration seal and adversely affect the safe-shutdown capability or cause other operational problems;" and 4) "Therefore, it is unlikely that a fire significant enough to challenge a fire barrier penetration seal will occur."

Moreover, many licensees currently base their fire penetration seal inspection frequency on a 10% sample basis per refueling cycle. This approach, which is based on the original Westinghouse Standard Technical Specifications (STS), therefore results in all seals being inspected every 10 refueling cycles. Please provide a technical basis for invoking a more restrictive penetration seal inspection frequency, in light of the NRC staff conclusions provided via Supplement 1 to NUREG-1552.

Richard Dible
Duke Engineering & Services
6100 Southwest Boulevard, STE 400
Fort Worth, TX 76109

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Add: E. Connell (CEAC)