

August 31, 2000

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Joseph A. Murphy, Chairman **/RA/**
Committee to Review Generic Requirements

SUBJECT: MINUTES OF THE CRGR MEETING NUMBER 353

The Committee to Review Generic Requirements (CRGR) met on Tuesday, March 28, 2000, from 9:00 a.m. to 10:00 a.m. to hold the Committee's 353rd meeting. Attachment 1 includes the attendance list.

Eric Weiss, NRR, briefed CRGR on the final rule, "Elimination of the Requirement for Noncombustible Fire Barrier Penetration Seal Materials and Other Minor Changes." Attachment 2 contains the presentation material. Attachment 3 contains the draft final rule. The rule change removes the requirement from Section III. M, Appendix R, 10 CFR 50, that fire barrier penetration material be noncombustible. In addition, the rule change deletes references that no longer accurately reflect the guidance documents published by the NRC and deletes scheduler requirements that had been implemented in 10 CFR 50.48. This rule change is not considered a backfit.

The Committee asked about some of the public comments from the Federal Register Notice (FRN). While the staff responses to the comments were technically correct, the Committee expressed the view that the staff's responses to comments 4, 7, and 8 could have been clearer. These issues dealt with improper seal penetration installations, combustible silicon-based sealant, and visual inspections of seal penetrations. The explanations given by the staff during the meeting were a better response to the public's comments. The Committee believes the technical basis could enhance the response. For instance, it should be written that the standards have no criteria for material combustibility. The Committee wanted to know what happens to exemptions of 10 CFR 50.48 when the rule is eliminated. Staff was not sure of the

response so the Committee suggested that staff ask the Office of General Counsel.

Questions concerning these meeting minutes should be referred to Jose Ibarra (415-6345).

Attachments: As stated

cc: Commission (5)
SECY
F. Miraglia, OEDO
C. Paperiello, OEDO
R. Borchardt, OE
H. Bell, OIG
K. Cyr, OGC
J. Larkins, ACRS
H. Miller, R-I
L. Reyes, R-II
J. Dyer, R-III
E. Merschoff, R-IV
W. Kane, NMSS
A. Thadani, RES
S. Collins, NRR
CRGR Members

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Distribution

CRGR r/f T. Collins E. Weiss D. Oudinot M. Salley

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OFFICE	CRGR		C:CRGR	
NAME	Jlbarra:adl		JMurphy	
DATE	08/21/00		08/21/00	

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CRGR MEETING No. 353
LIST OF ATTENDEES
(March 28, 2000)

CRGR Members

J. Murphy (Chairman)
B. Mallett
M. Virgilio
C. E. Rossi for M. Federline

NRC Staff

T. Collins
E. Weiss
D. Oudinot
M. Salley

CRGR Staff

J. Ibarra

FINAL RULE

**Elimination of Requirements for Noncombustible
Fire Barrier Penetration Seal Materials and Other
Minor Changes**

**CRGR Briefing
March 28, 2000**

**Basis for Elimination of Noncombustibility
Requirement**

- **Nationally Recognized Fire Testing Qualifies Fire Barrier Penetration Seals**
- **Regulations Require 1- 2- or 3-hr Fire-Rated Barriers**
- **Combustible Penetration Seals Achieve Fire Rating Qualifications**
- **NUREG-1552 and Sup.1 Document Reassessment of Penetration Seal Programs**
- **Reassessment Confirm that Licensee's Seal Program is Satisfactory**
- **No Basis Found for Noncombustibility Requirement in Appendix R, Section III. M**

- **NRC has Granted Exemptions for Combustible Seals to Licensees Required to Meet Appendix R, Section III.M**
- **Elimination of Requirement Reduces Unnecessary Regulatory Burden Without Reducing Safety**
- **Other Minor Changes include:**
 - Deletion of References no Longer Needed in § 50.48**
 - Deletion of Scheduling Requirements in § 50.48**
 - Correction of a Grammatical Error**
- **Paragraphs Deleted from § 50.48 Appear as Footnotes in *Federal Register Notice***

Public Comments

- **Eight Comment Letters Received**
- **Two Commenters Object to the Elimination of the Noncombustibility Requirement - Others Approve**
- **One Commenter Did Not Identify Any New Technical or Safety Information - No Change to the Rule**
- **Other Commenter Provided Multiple Comments Staff Responses Provided - No Change to the Rule**
- **One Small Change to Improve Consistency Made as a Result of Comment in Support of the Rule**

Chronology

- **SECY-99-183 Recommends Elimination of Noncombustibility Requirement**
- **SRM of July 29, 1999, Approves Recommendation**
- **Proposed Rule Published on August 18, 1999**
- **Final Rule Currently Awaiting EDO's Concurrence**
- **Commission Approval Scheduled to be Completed by End of April 2000**
- **Final Rule to be Issued by End of May 2000**