

December 18, 2003

STAKEHOLDERS: Nuclear Energy Institute, Industry Representatives
and Members of the Public

SUBJECT: SUMMARY OF OCTOBER 17, 2003, MEETING WITH NUCLEAR
ENERGY INSTITUTE TO DISCUSS USE/IMPLEMENTATION OF
DRAFT NUCLEAR ENERGY INSTITUTE 00-01, "GUIDANCE FOR
POST FIRE SAFE SHUTDOWN" AND COMMENTS ON FIRE
PROTECTION MANUAL ACTIONS

On October 17, 2003, the U.S. Nuclear Regulatory Commission (NRC) staff met with representatives of Nuclear Energy Institute (NEI) at the NRC Headquarters in Rockville, Maryland. This meeting was intended to provide NRC staff comments on draft Nuclear Energy Institute (NEI) 00-01, "Guidance For Post-Fire Safe Shutdown." Additionally, the NRC staff wanted the meeting to serve as a vehicle for members of the public to express concerns and provide advice on fire protection (FP) feasibility criteria developed for proposed rulemaking (related to manual actions) concerning Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Appendix R, as well as the implementation guidance proposed by NEI.

This meeting was classified as a Category 2 meeting which provided an opportunity for members of the public to discuss regulatory issues with the NRC at designated points identified on the agenda. The comments by members of the public are reflected in this summary. Attachment 1 is a list of attendees and the meeting handouts have been placed in ADAMS [ADAMS Accession No. ML032930180].

During the meeting, the NRC staff provided high-level comments concerning the draft NEI implementation guidance [ADAMS Accession No. ML032930063] and stated an intent to provide technical comments concerning the draft NEI guide for addressing circuit failure issues. The NRC staff indicated that other high-level FP issues would be addressed in a separate meeting. The intent of the NEI guidance document was discussed. NEI indicated that the intent of the guidance included providing an aid in the resolution of licensing basis concerns and a means to provide stable guidance on what constitutes an acceptable method for compliance concerning associated circuit issues.

The use of the implementation guide was discussed and NEI expressed a concern with regards to how the guide would be endorsed. The NRC staff took an action to review how the guide will be treated should the NRC decide to endorse its use. NRC staff observed that there was a mismatch of the principles of NEI 00-01 with regulatory policy, stating that the NEI 00-01 provision for exemption requests was inconsistent with the NRC goal of reducing unnecessary regulatory burden. NEI stated that industry intended NEI 00-01 to accord with regulatory policy, and requested that NRC specify the areas where NEI 00-01 conflicts with regulatory policy.

A discussion was held concerning an industry matrix presented at the NEI Fire Protection Information Forum, based on information in NEI 00-01, that summarizes the application of risk methods to fire-induced circuit failure issues, both within and outside the plant licensing basis. The participants discussed the intent of the matrix, which was to develop a consistent approach to issues, thus, reducing unnecessary regulatory burden. NRC staff expressed agreement with

the concept of licensees taking corrective action for risk-significant circuit failure issues whether they were inside or outside the licensing basis. Section 4.3.5 of the guide addresses deterministic screening of circuit failure scenarios and indicates that model and parameter uncertainties are more appropriately treated with a sensitivity analysis. The NRC staff took an action item to review the treatment of model and parameter uncertainty with regards to sensitivity.

The NRC staff questioned comments throughout the document inferring limitations of NRC staff regulatory authority. In some places the guide provides definitions which are inconsistent with existing definitions provided in regulatory documents. The NRC staff agreed to provide NEI with comments to enable the NEI guidance to better reflect NRC requirements and policy. As an example, NRC indicated revisions to remove the inferences to limitations on regulatory authority and use previously published definitions of terms.

There was significant discussion between the NEI and the NRC staff on NEI 00-01, Chapter 4, which addresses the performance of a risk significance analysis. The NRC staff provided alternate screening criteria with regards to the probability of spurious actuation of component combinations. The NRC staff suggestion differed from NEI's proposed screening criteria for the medium fire frequency and probability of spurious actuations. The NRC staff proposed that this category screen out only if both automatic suppression and hot shutdown capability could be fully credited.

NRC technical comments on NEI 00-01 included numerous references to the forthcoming NUREG-1778. NEI asked about the regulatory standing of this document as an indication of NRC policy relative to circuit failures. NRC staff stated an intent to publish NUREG-1778 for comment in the next few months.

After discussion of the comments on NEI 00-01, the NRC staff presented draft criteria for determining the acceptability of manual actions for 10 CFR Part 50, Appendix R III.G.2 fire areas [ADAMS Accession No. ML032930064]. These interim criteria were developed to support associated rulemaking on the subject and was intended to be used in the interim until the rule is issued to determine the adequacy of these actions should III.G.2 manual actions be identified during inspections. For the complexity and number criterion, the participants discussed how to quantify the number of manual actions that constituted too many, as well as what constituted an appropriate threshold for training on manual actions. The NRC staff indicated a reasonableness threshold regarding an excessive number of manual actions, and that this determination may be assisted by another criterion that discusses demonstration of a licensee's ability to perform those actions in a timely manner. The NRC staff indicated that the training threshold for these actions should be consistent with existing training programs.

The participants discussed whether the NRC staff was considering enforcement discretion, including retroactive enforcement discretion for current Green findings for feasible manual actions and whether the public would be able to have another opportunity to comment on the interim criteria before being submitted to the Commission for approval. The NRC staff indicated the intention to have an additional meeting in November to solicit public feedback. The NRC staff took an action to provide a schedule for interim criteria comments.

As additional time was available, the NRC staff took the opportunity to discuss an October 3, 2003, letter [ADAMS Accession No. ML033070406] from NEI to the NRC requesting self-assessment pilots to precede a return to inspection of FP associated circuits. NEI

described the advantages of this proposal for both NRC and the industry. A comment was made by a member of the public that the conduct of pilot audits for associated circuits seemed like a good idea and would enhance the process by coming to a common understanding of the requirements. The NRC staff indicated that the proposal would be taken under consideration.

The NRC staff found the meeting highly beneficial in providing feedback to NEI on the implementation guide and self-assessment pilot suggestion, as well as providing an opportunity to get some initial feedback on the interim manual action criteria.

/RA/

Eva A. Brown, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachments: 1. Attendance List
2. Action Items

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Distribution: See next page

ADAMS Accession Nos.

Summary: ML033520287

Package: ML033520294

Notice: ML032810550

*See Previous Concurrence

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ATTENDANCE LIST

NUCLEAR REGULATORY COMMISSION STAFF MEETING

WITH THE NUCLEAR ENERGY INSTITUTE

AT NRC HEADQUARTERS

OCTOBER 17, 2003

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Sunil Weerakkody
Raymond Gallucci
Paul Lain
Daniel Frumkin
Peter Koltay
June Cai
Robert Schin
Eileen McKenna
Erasmia Lois
James Bongarra
Eva Brown

EXTERNAL STAKEHOLDERS

Fred Emerson, Nuclear Energy Institute
Mike Bauser, Nuclear Energy Institute
Douglas Brandes, Duke Power
Dennis Henneke, Duke Power
Jeff Ertman, Progress Energy
David Parker, Southern Nuclear
Deann Raleigh, Scientech
Sheldon L. Trubatch, Law Offices of Sheldon Trubatch
Nancy Chapman, SERCH/Bechtel
Chris Pragman, Exelon Corp.
Bijan Najafi, Science Applications International Corp.
Tom Gorman, Pennsylvania Power and Light
Jeanne Lang, Nuclear Management Company
Denis Shumaker, Public Service Enterprise Group

**NRC/NEI Meeting
Action Items**

Number	Description	Assigned
10/17-01	Review the treatment of model and parameter uncertainty with regards to sensitivity.	NRC
10/17-02	Provide NEI with some comments to return the tone of NEI 00-01 to guidance versus a policy document and provide comments regarding changes needed in NEI 00-01 to conform with regulatory policy.	NRC
10/17-03	Review how the implementation guide will be treated should the NRC decide to endorse its use.	NRC
10/17-04	Provide a schedule for interim criteria comments	NRC
10/17-05	Provide feed to industry on the regulatory standing and issue date for NUREG-1778	NRC