

August 12, 2004

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

SUBJECT: SUMMARY OF JUNE 22, 2004, MEETING WITH NUCLEAR ENERGY
INSTITUTE TO DISCUSS FIRE PROTECTION ISSUES

In 2003, the U. S. Nuclear Regulatory Commission (NRC) staff, Nuclear Energy Institute (NEI), and industry representatives developed fire protection issue management protocol (IMP) [ADAMS Accession No. ML031210232] to define a process for identifying, tracking, and resolving issues that may arise during NRC or industry review of guideline documents, plant-specific events, generic trends, and NRC research or inspection findings. The IMP does not displace any regulatory processes, but the IMP may supplement the regulatory process for issues that arise that do not yet meet the threshold of requiring regulatory action. On January 28, 2004, a suggestion was made to hold monthly calls between members of the NRC and NEI to determine the status of the items, provide any additions or updates, and review/revise priorities. NEI took the action to take the lead to maintain the list of issues and add priority and status information. Public meetings would be held at regular intervals to discuss the specifics or resolve any concerns.

On June 22, 2004, the NRC staff met with representatives of NEI and other external stakeholders at the NRC Headquarters in Rockville, Maryland. This meeting was intended to discuss the path to resolution for several ongoing fire protection issues identified during the Issues Management monthly calls. 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. Attachments 2 and 3 contain the meeting handouts.

During the meeting, the NRC staff provided high-level comments concerning the draft NEI 04-06 "Guidance for Self-Assessment of Circuit Failure Issues" [ADAMS Accession No. ML041530299]. A member of the NRC staff observed the implementation of this guidance at a facility in Region III. The NRC staff member indicated that NEI 04-06 appeared to evaluate all circuits as "necessary" without differentiating between required and associated. Since circuit analysis techniques do not satisfy Section III.G.2 of Title 10 to the *Code of Federal Regulations* (10 CFR) Part 50, Appendix R, there is the possibility to allow the early screening out of circuits for components in the train maintained free of fire damage per the regulations. The intent of the NEI guidance document was discussed. It was indicated that industry saw a disconnect between how industry and the NRC viewed circuits. It was stated that the industry analyses looked at all circuits and then an appropriate recommendation was made based on the significance. Those "necessary" circuits deemed risk significant would be protected and addressed within the plant corrective action program. Industry representatives stated that required and associated circuits are not differentiated when performing safe shutdown analyses and therefore should not be differentiated during the inspection process by using different inspection criteria. The representative also stated that the physics of all circuit failures is the same and the consequences are similar. The NRC staff indicated that the approach suggested

was consistent with the requirements of 10 CFR 50.48(c), which adopts a risk-informed approach as provided in National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition." 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 indicated that the decision to endorse the guide had not been made.

A representative of the Westinghouse Owners Group (WOG) made a brief presentation regarding NRC inspection findings related to reactor coolant pump (RCP) seal performance. The representative indicated that the primary issues centered around the behavior of RCP seal following restoration of seal cooling and the timing of Appendix R coping strategies relative to increased seal leakage when seal cooling is not restored. It was requested that the NRC consider this issue for resolution generically, as there appears to be no clear-cut answer. The proposal also included a delay/hold on current inspection findings at five facilities. The representative also indicated that tests on this issue have been performed in France. The WOG intends to obtain the results from the French study, perform an analysis to determine the conservatism in the Appendix R pressurizer level acceptance criterion that could be used to support an exemption request, and develop a risk model to quantify the conservatism. NEI indicated a concern that the performance requirements in III.L of Appendix R regarding pressurizer level were not consistent with the recovery requirements in other regulations, such as station blackout and that resolution of this issue be coordinated with the sections responsible for station blackout.

Suzanne Black, the Director of the Division of Systems Safety and Analysis indicated that the NRC staff's first priority was determining the safety significance of the issue and questioned whether the WOG was intending to develop adequate interim compensatory measures to address the extent of the existing issue. It was indicated that no interim compensatory measures had been developed by the WOG, but a resolution strategy should be available by the end of 2004. The NRC staff indicated that information would be needed to address this concern generically:

- proposed interim compensatory measures;
- information to support a generic communication to the industry;
- a date set for resolution of this issue which was commensurate with the safety significance; and
- a product for the staff review such as a topical report.

The WOG representative committed to work with the NRC staff to address the information requested.

A discussion was held regarding the processing of licensing basis issues during the transition to NFPA-805 in accordance with the new rulemaking in 10 CFR 50.48(c). The NRC staff indicated that guidance for issues identified during the transition period to 10 CFR 50.48(c) were addressed in the *Federal Register* Notice regarding enforcement discretion. Concerns were raised regarding the baseline risk and how the NRC staff would handle situations where the resultant risk is determined to be high. The NRC staff asked NEI to provide some examples of transition issues, and indicated an intention to demonstrate how issues would be handled

during the NEI Fire Protection Information Forum in the fall. Another concern was put forward that currently the enforcement discretion was proposed for 6 months, but 6 months would not allow sufficient time to permit licensees to budget transition costs for the incoming fiscal year, as budgets for fiscal year 2005 have already been established. An industry representative suggested a proposal for extending the enforcement discretion to the end of 2005. NEI indicated that comments would be provided to the NRC staff for consideration.

The NRC staff discussed the status of draft NUREG-1778, "Knowledge Base for Post-Fire Safe-Shutdown Analysis" [ADAMS Accession No. ML040210151]. There were questions regarding the regulatory standing of the NUREG. The NRC staff indicated that the NUREG was a knowledge-based document and provided no additional requirements. A discussion was also held regarding the status of NEI 00-01. The NRC staff indicated that a review would be held to address the context of use for the NUREG and a meeting was proposed to address some of the more significant concerns regarding the NEI implementation guides for self-assessment of associated circuits (NEI 04-06) and operator post-fire safety-shutdown circuits analysis (NEI 00-01).

There were comments made regarding industry confusion when an amendment was needed in situations like the carbon dioxide (CO²) issue. The industry provided an opinion that several guidance documents and/or regulatory requirements exist (Perry Decision, 10 CFR 50.59, and Generic Letter 86-10, etc.) and the Perry Decision was perceived to contradict 10 CFR 50.59 and GL 86-10. NEI indicated their intent to submit a white paper by the end of July discussing the issue of modification of CO² systems. This guidance may be used to support the NRC staff in the development of generic guidance on the topic. The NRC staff indicated that NRR Office Instruction LIC-100, Revision 1, "Control of Licensing Bases for Operating Reactors," dated January 7, 2004 [ADAMS Accession No. ML033530249], contained existing guidance regarding all the regulatory change processes, including the fire protection change license condition as stated in GL 86-10.

NEI detailed the results of an industry survey regarding the epoxy coatings and indicated that a letter would be provided to the NRC staff with the specifics regarding the survey and recommendations for resolution of the issue. The NRC staff indicated that the NEI information would be used to determine whether the issue was a generic problem that may require generic communication.

The NRC staff found the meeting highly beneficial in providing feedback to the NRC staff regarding ongoing industry concerns and plans for resolution. During the meeting, the NRC staff did not make any decisions regarding any proposals presented.

/RA/

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

Attachments: 1. Attendance List
2. NEI Slides
3. WOG Slides

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Distribution: See next page

Attachment 2: ML042260028

Attachment 3: ML042260029

ADAMS Accession No. ML042250235

Package: ML042250314 NRR-106

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ATTENDANCE LIST

NUCLEAR REGULATORY COMMISSION STAFF MEETING

WITH THE NUCLEAR ENERGY INSTITUTE

AT NRC HEADQUARTERS

JUNE 22, 2004

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Suzanne Black
Sunil Weerakkody
Alex Klein
Daniel Frumkin
Paul Lain
Naeem Igbal
Phil Qualls
Kathleen O'Donohue
Peter Koltay
Eva Brown

EXTERNAL STAKEHOLDERS

Fred Emerson, Nuclear Energy Institute
Alex Marion, Nuclear Energy Institute
Ken Thomas, Duke Power
John Maracek, First Energy Nuclear Operation Co.
Bijan Najafi, Science Applications International Corp.
H.V. Le, Dominion Power
Deann, Raleigh, Scientech
Nancy Chapman, SERCH/Bechtel
Chris Pragman, Exelon Corp.
Denis Shumaker, Public Service Enterprise Group
Jeff Ertman, Progress Energy
Brad Dolan, Progress Energy
Greg Pizzuti, Progress Energy
Frank Modilan, Progress Energy
Scott Jackson, Progress Energy
Patricia Campbell, Winston & Strom
Mickey Heatherly, Tennessee Valley Authority
J.C. Vance, Southern Nuclear
Chris Pragman, Exelon
Ron Clary, South Carolina Electric & Gas
Tyndall Estes, South Carolina Electric & Gas
Kevin Elliott, Entergy
Barry Collyer, Entergy
Doug Gaynor, Entergy
Pat Conory, Entergy
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Jim Andrachek, Westinghouse
Jenny Weil, McGraw Hill
Ching Guey, Florida Power and Light
Ken Erdman, Omaha Public Power District
David Buell, Omaha Public Power District
Dennis Buschbaum, Texas Power
Tom Hook, Dominion
George Dahl