

December 6, 2004

MEMORANDUM TO: Sunil D. Weerakkody, Chief
Fire Protection Engineering and Special Projects Section
Division of Safety Systems and Analysis
Office of Nuclear Reactor Regulation

FROM: Raymond Gallucci, Senior Fire PSA Engineer //RAI//
Fire Protection Engineering and Special Projects Section
Division of Safety Systems and Analysis
Office of Nuclear Reactor Regulation

SUBJECT: Summary of November 22, 2004 Public Meeting with Nuclear Energy
Institute Regarding Comments on NEI 00-01

PARTICIPANTS: Sunil Weerakkody, SPLB
John Hannon, SPLB
Ray Gallucci, SPLB
Dan Frumkin, SPLB
Bob Radlinski, SPLB
Fred Emerson, NEI
Nancy Chapman, SERCH/Bechtel
Deann Raleigh, LIS/Scientech

Fred Emerson (NEI) requested a working meeting to discuss the most recent NRC comments on NEI 00-01 that were FAXed on 11/15/04 (ADAMS ML043200748). A public meeting was set up to accomplish this. Sunil Weerakkody opened with some background on the most recent sets of NRC comments that were provided to NEI on NEI 00-01. He indicated that the comments FAXed on 11/15/04 comprised three groups, relative to those sent earlier: (1) mainly editorial comments; (2) resolution of paragraphs labeled "Under Staff Review;" and (3) substantive comments on which NEI and NRC need to reach a common clarification. The meeting focused on this third group.

Fred Emerson observed that the Staff seemed to reverse some of the previous comments that he had received, mainly on the following subjects: (1) inclusion of risk information in deterministic Chapter 3; (2) changes to Appendices B-1 and B-2 that had previously been marked for no changes. After discussion, NEI and NRC agreed that the recent comments did not constitute reversal of previous comments, only needs for additional clarification that had been identified in the interim period. The major items agreed upon were as follows: (1) licensees could use risk information during deterministic evaluation so long as they do not use it to justify skipping analysis of a circuit configuration just because it may be of low risk; (2) NEI would add clarification to Appendices B-1 and B-2 that these Appendices, by themselves, do not constitute compliance but may be used as the basis for compliance via regulatory pathways (exemptions, etc.). One suggestion that NEI will consider is introducing a general caveat at

either (or both) the beginning of NEI 00-01 or Chapter 3 exclusively stating that risk information can be considered throughout the process of circuit analysis, but not for justifying failure to comply with regulations.

Another major item of discussion involved NEI clarifying that, as updated, NEI 00-01 is not intended to address licensing basis issues, only issues related to safety concerns. Remnants from earlier versions that discuss licensing basis considerations will either be modified or removed in the next NEI 00-01 update. Also discussed were several specific comments on a page by page basis. Agreements as to resolutions were reached by both NRC and NEI on all these comments as well. In one area of particular concern, NEI will add a statement that the Staff position on operator manual actions (regardless of whether or not "associated" circuits are being addressed) is that these are not allowed under Appendix R, Paragraph III.G.2 without prior regulatory approval (e.g., an exemption). Final disposition will be the purview of the Operator Manual Actions rulemaking, beyond the scope of NEI 00-01.

The meeting concluded with the understanding that NEI would provide the final version of the updated report by the previously agreed upon date of 12/15/04.

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