

**From:** Harold Christensen  
**To:** DRS Branch Chiefs  
**Date:** 4/8/04 7:14AM  
**Subject:** Fwd: March 2004 NRR/OD &ET Significant Topics - Current and Emergent Issues

For your info.

Chris

Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions outside scope  
FOIA- 2004-0277

22-12

**From:** Stacey Rosenberg *NRR*  
**To:** Brian Sheron; Jim Dyer; John Craig; Michael Case; Richard Borchardt  
**Date:** 4/7/04 4:33PM  
**Subject:** March 2004 NRR/OD & ET Significant Topics - Current and Emergent Issues

The Divisions have each provided input for the March 2004 NRR OD & ET Significant Topics Report. The report is attached (63 pages total).

Thanks to all who provided input to the report.

Stacey Rosenberg  
Acting ADPT Technical Assistant  
301-415-3868

**CC:** Angela Lavretta; Anthony McMurtray; Bruce Boger; Christopher Grimes; Cynthia Carpenter; Darrell Roberts; David Desaulniers; David Diec; David Matthews; Doug Coe; Eileen McKenna; Eric Benner; Eric Weiss; Eva Brown; F. Paul Bonnett; Frank Gillespie; Jack Davis; Jack Foster; James Clifford; James Lazevnick; Jennifer Albright; Jerry Dozier; Joe Birmingham; John Lamb; Joseph Donoghue; Joseph Williams; Karen Olive; Lauren Quinones; Maitri Banerjee; Margie Kotzalas; Mark Salley; Mary Lynne Sapp; Matthew Mitchell; Michael Johnson; Michael Marshall; Michael Scott; Pao-Tsin Kuo; Paul Lain; Peter Wen; Ralph Architzel; Rani Franovich; Richard Barrett; Richard Correia; Richard Guzman; Samuel Lee; Samuel Miranda; Stephen Hoffman; Steve Jones; Sunil Weerakkody; Suzanne Black; Tad Marsh; Tanya Mensah; Terrence Reis; Theodore Tjader; Thomas Boyce; Thomas Scarbrough; Tim McGinty; Timothy Reed

**From:** Harold Christensen  
**To:** DRS Branch Chiefs  
**Date:** 4/8/04 7:14AM  
**Subject:** Fwd: March 2004 NRR/OD &ET Significant Topics - Current and Emergent Issues

For your info.

Chris

**Mail Envelope Properties (407533F9.A91 : 18 : 51631)**

**Subject:** Fwd: March 2004 NRR/OD &ET Significant Topics - Current and Emergent Issues  
**Creation Date:** 4/8/04 7:14AM  
**From:** Harold Christensen *HC*  
**Created By:** HOC@nrc.gov

**Recipients**

nrc.gov

ATL\_PO.ATL\_DO

- ATB (Anne Boland)
- CAC1 CC (Charles Casto)
- CAJ CC (Caudle Julian)
- CRO (Charles R. Ogle)
- GTH1 CC (George Hopper)
- JHM2 CC (James Moorman)
- KFO CC (Kathleen O'Donohue)
- MEE (Michael Ernestes)
- MSL1 (Mark Lesser)
- WTL CC (Wade Loo)

**Post Office**

ATL\_PO.ATL\_DO

**Route**

nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
Mail		
MESSAGE	582	04/08/04 07:14AM

**Options**

**Expiration Date:** 5/23/04  
**Priority:** Standard  
**Reply Requested:** No  
**Return Notification:** None

**Concealed Subject:** No  
**Security:** Standard

# **NRR/OD & ET SIGNIFICANT TOPICS - CURRENT AND EMERGENT**

**(March 2004)**

**The contents of this document are intended to be an internal, informal collection of significant topics, current and emergent, identified by ET members for their use as a source document to provide recent data on the topics covered within. It may not contain the most up-to-date data, but should provide status information current within the last month. The date at the beginning of each subject provides the date the subject was last updated.**

### 3. Fire Protection

NFPA 805 Rulemaking (Updated 04/01/04) (Contact: Joe Birmingham)

#### **Background:**

The staff is proceeding with rulemaking to provide licensees with the option of voluntarily adopting National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition" in place of the existing deterministic fire protection requirements of 10 CFR 50.48 and 10 CFR 50, Appendix R.

#### **Current Status:**

The staff briefed the ACRS Full Committee on December 4, 2003 and received positive recommendations to issue the rule. In March 2004, the staff received a CRGR review waiver based on the rule being voluntary. SECY-04-0050, dated March 29, 2004, was sent to the Commission requesting approval to issue the final rule.

The staff is working with NEI on implementation guidance development. NEI sent draft Revision D of the implementation guidance document to the NRC staff in May 2003. The staff met with NEI on October 15, 2003 to discuss staff comments on the guidance. The staff issued comments on Revision D of the implementing guidance to NEI January 7, 2004. The staff will develop inspection guidance to be available after the implementing guidance is issued.

The staff developed a draft enforcement policy allowing licensees to delay implementation of corrective actions for certain existing noncompliance and allowing enforcement discretion for noncompliances discovered during the plant assessment performed in adopting NFPA 805.

Manual Actions Rulemaking (Updated 4/2/04 - Contact: David Diec)

#### **Background**

During triennial fire protection inspections, regional inspectors identified that licensees are using unapproved manual actions to satisfy the fire protection criteria in Section III.G.2 of Appendix R to 10 CFR 50. The inspectors identified these issues as Unresolved Items for review by NRR staff.

The staff determined that a change to 10 CFR Part 50, Appendix R, was required for a licensee to use manual actions instead of meeting the requirements stated in Section III.G.2. The staff developed a rulemaking plan to revise 10 CFR Part 50, Appendix R, Section III.G.2 to allow the use of acceptable manual actions.

On July 2, 2003, the Commission approved the rulemaking plan in its SRM dated September 12, 2003 (ADAMS ML032550222; WITS #200300194).

#### **Current Status:**

On November 26, 2003, the staff published the notice of opportunity for public comment on its draft criteria for determining the effectiveness of manual actions to achieve post-fire safe shutdown (68FRN-66501), with a 30-day comment period. Subsequently, the staff granted an

0/5

Review

additional 30 days extension of opportunity for public comment based on a large number of requests from stakeholders. The notice granting the extension was published in the Federal Register Notice on December 15, 2003 (68 FR 69730), with the comment period ending on January 26, 2004.

*Release*

In addition, the Office of Enforcement is working to issue an Interim Enforcement Policy to address noncompliance by licensees in the interim period until the operator manual actions rule becomes effective. However, as of the close of the comment period, the staff has received a number of substantive public comments, which will require modifications to its draft acceptance criteria. The staff also plans to modify the draft criteria to address the human reliability issue raised by both the public and the ACRS.

Finally, the staff briefed the Chairman on fire protection issues, including post-fire operator manual actions activities, on February 9, 2004. The staff will brief the Chairman again on April 12, 2004 to discuss plans for "closure" of fire protection issues.

Associated Circuits (Updated 03/31/04 - Contact: Eva Brown & Mark Salley)

**Background:**

The NRR staff and NRC regional inspectors have found a number of plant-specific problems related to potential fire-induced electrical circuit (associated circuit) failures that could prevent operation or cause malfunctioning of equipment needed to achieve and maintain post-fire safe shutdown. The licensees have also raised questions about the adequacy of the existing NRC staff guidance concerning fire-induced circuit failures and the consistency of staff interpretations of both the guidance and the underlying regulatory requirements. During several of the Fire Protection Functional Inspections, compliance issues were found involving the analyses that the licensees had performed to identify the circuits that require fire protection to support post-fire safe-shutdown. These findings confirmed that plant-specific circuit analysis issues may exist because of differing staff and licensee interpretations of the existing guidance and regulatory requirements. The NRC staff and the industry are currently working to resolve these questions.

As a result of the situation, the staff issued Enforcement Guidance Memorandum (EGM), 98-002, Revision 1, "Disposition of Violations of Sections III.G and III.I of Appendix R to 10 CFR Part 50 Involving Circuit Failures," July 21, 1999. In addition to changing the enforcement guidance, the NRC suspended fire-induced circuit failures of associated circuits inspections starting in March 2001. Since then, the staff has included guidance in Enforcement Manual Section 8.1.7.1, outlining how the inspection staff should deal with associated circuits issues until the moratorium on associated circuit inspections is lifted. In summary, this guidance prevents punitive enforcement action if the licensees agree to take appropriate compensatory actions.

*O/S*

**Industry Activities:**

Industry agreed to make a proposal to the NRC on how the issues of associated circuits could be solved. This industry effort involved performing fire testing, identifying potential circuit failure modes for specific conditions and arrangements, developing risk-informed methods for assessing the likelihood of spurious operation and their potential failures. NEI conducted 18 cable fire tests to further investigate the effects of fire conditions on circuit integrity and the