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70 FR 25622

D. R. Woodlan, Chairman
Integrated Regulatory Affairs Group
P.O. Box 1002, Glen Rose, Texas 76043

(H)

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STARS-05007

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Office of Administration
U. S. Nuclear Regulatory Commission
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**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)
Comments on Proposed Generic Communication;
Clarification of Post-Fire Safe-Shutdown Circuit Regulatory Requirements
(70 FR 25622)**

Gentlemen:

The Strategic Teaming and Resource Sharing (STARS)¹ nuclear power plants have reviewed the proposed generic communication, "Clarification of Post-Fire Safe-Shutdown Circuit Regulatory Requirements," as published in the Federal Register, Volume 70, pages 25622 through 25628, dated May 13, 2005. The STARS plants endorse the industry comments provided by the Nuclear Energy Institute (NEI) regarding this matter. In addition, specific STARS comments are provided below.

The proposed generic communication provides a well-written basis for the presented regulatory position. However, the generic communication appears to be limited in scope to those plants that were licensed prior to January 01, 1979 (Pre-1979), to which 10 CFR 50, Appendix R directly applies. Plants licensed after January 01, 1979 (Post-1979), generally adopted the generic fire protection license condition and committed to meet the requirements of certain sections of 10 CFR 50, Appendix R (e.g., Sections III.G, J, and O). These plants, under the provisions of the standard license condition, may make changes to the Fire Protection Program provided that

¹ STARS is an alliance of six plants (eleven nuclear units) operated by TXU Power, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company and Arizona Public Service Company.

SESP Review Complete

E-RIDS = AJM-03

- Callaway • Comanche Peak • Diablo Canyon • Palo Verde • South Texas Project • Wolf Creek

Template = AJM-013

Call = A. Markley (AJM)

the ability to achieve and maintain safe shutdown is not adversely affected. This point is significant in at least one area of compliance in that Post-1979 licensees may credit certain operator manual actions to mitigate fire effects, provided that the provisions of the standard license condition are met.

For example, certain fire events outside the control room are typically analyzed without taking credit for alternative or dedicated shutdown capability. A typical Post-1979 plant licensing basis may assume that all circuits are lost during a fire event in the fire area of concern. This fire area may contain a cable or circuit that, when damaged, could result in a spurious actuation of a component that results in flow diversion from the reactor coolant system (e.g., spurious actuation of a pressurizer power operated relief valve (PORV)). For this situation, a licensee may have credited an operator manual action to mitigate the spurious actuation of the PORV such that the flow diversion is prevented or terminated. The licensee would validate this operator manual action by evaluating the feasibility and appropriateness of the operator manual action using established industry and regulatory guidance, and industry licensing actions that received NRC review and approval. In addition, the post-fire safe shutdown performance goals of 10 CFR 50, Appendix R, Section III.L would be confirmed by thermal-hydraulic analysis if required by the current licensing basis. Therefore, the licensee would have appropriately determined that the proposed operator manual action did not adversely affect the ability to achieve and maintain safe shutdown, and that crediting the operator manual action did not require prior Commission approval. Obviously, for Pre-1979 plants, crediting operator manual actions to meet certain requirements of 10 CFR 50, Appendix R would require prior NRC approval if the specific regulation being applied to the fire area of concern did not have provisions for crediting such actions.

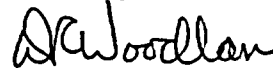
The distinction between Pre- and Post-1979 plants is particularly important with respect to crediting operator manual actions. The proposed generic communication, as it is currently written, would imply that crediting any operator manual action to meet the requirements of, or commitments to, 10 CFR 50, Appendix R is an adverse change to the Fire Protection Program that requires prior NRC approval. This position is contrary to established industry practice for Post-1979 plants, in that licensees of these plants may have credited operator manual actions under the provisions of the standard license condition, without obtaining prior NRC approval. If the staff is now defining crediting of operator manual actions as being an adverse change that affects the ability to achieve and maintain safe shutdown, then the proposed generic communication should state that this position will not be retroactive, and will be applied going forward.

STARS recommends revising the proposed generic communication such that the distinction between Pre- and Post-1979 plants is clearly identified and defined. Footnote 3 to Federal Register Notice, Volume 70, Number 43, page 10903, Proposed Rule – Post-Fire Operator Manual Actions, could serve as a starting point for making such a distinction. Regulatory compliance depends on the specific licensing commitments (usually specified in license conditions for these licensees), the change control process, and how the change was justified and analyzed to demonstrate that the proposed change to the Fire Protection Program did not adversely affect the ability to achieve or maintain safe shutdown.

The STARS plants encourage continued open dialog between the NRC and key stakeholders regarding this issue. STARS is confident that this dialog will result in establishing clear and concise guidance that will serve as an acceptable regulatory basis going forward.

The STARS plants appreciate the opportunity to comment on this proposed generic communication. As stated previously, the STARS plants endorse the comments provided by NEI on behalf of the industry. If there are any questions regarding these comments, please contact me at 254-897-6887 or dwoodl1@txu.com, or Rodney Wilferd at 623-393-5744 or rwilferd@apsc.com.

Sincerely,



D. R. Woodlan, Chairman
Integrated Regulatory Affairs Group
STARS