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September 21, 2005

Chief, Rules and Directives Branch  
Division of Administrative Services, Office of Administration  
U. S. Nuclear Regulatory Commission  
Mail Stop T6-D59  
Washington, DC 20555-0001

Subject: Comments on Proposed Generic Communications;  
Impact of Potentially Degraded Hemyc and MT Fire Barriers on  
Compliance with Approved Fire Protection Programs  
70 FR 42596 dated July 25, 2005

Duke Energy Corporation (Duke) offers the attached comments relative to the solicitation for public comments regarding the proposed Generic Letter on the "Impact of Potentially Degraded Hemyc and MT Fire Barriers on Compliance with Approved Fire Protection Programs," as published in the Federal Register (70 FR 42596) on July 25, 2005. Duke also fully endorses the industry comments provided by NEI regarding this draft Generic Letter.

Duke appreciates the opportunity to provide these comments.

Very truly yours,

James R. Morris

Attachment

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RULES AND DIRECTIVES  
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E-REDS = ADM-03

Call = A. Lavretta (AKL3)

ESP Review Complete

**Duke Energy Corporation**  
**Comments on Proposed General Letter (GL); Impact of Potentially Degraded Hemyc**  
**and MT Fire Barriers on Compliance with Approved Fire Protection Programs**  
**Federal Register Notice of July 25, 2005 (70 FR 42596)**

1. *The Backfit Discussion section states, "Recent test results indicated that Hemyc and MT fire barriers did not pass the GL 86-10, Supplement 1 . . . ."*

GL 86-10 Supplement 1, Purpose states, in part, "This guidance will be used by the staff to review and evaluate the adequacy of fire endurance tests and fire barrier systems proposed by licensees or applicants in the future (emphasis added) to satisfy existing NRC fire protection rules and regulations. This guidance refines and clarifies the fire barrier testing acceptance criteria specified by GL 86-10, for application in that specific (future review) (emphasis added) context."

Hemyc and MT cable protective systems were tested and accepted by the NRC in the early 1980's. At that time, they were tested in accordance with industry standard practices at the time. The NRC has accepted installation of Hemyc and MT systems based on the original test protocol and acceptance criteria (refer to Catawba SER).

Thus, the criteria of GL 86-10 Supplement 1 are not applicable to Hemyc installations that were previously accepted. Application of these criteria to Hemyc and MT systems qualification should be evaluated under the Backfit Rule. Evaluation of the impact of the previously approved Hemyc installations by the licensees should be based on risk significance.

2. The proposed GL does not accurately convey the McGuire Nuclear Station Hemyc qualification.

*The Background section states in part, "... during an inspection at McGuire 1 and 2 (IR 50-369/00-09 and 50-370/00-09; ADAMS Accession No. ML003778709), the inspection team noted that the licensee was unable to provide documentation demonstrating protection by Hemyc fire barrier material used to separate safe shutdown functions for two trains within a single fire area."*

Excerpts from the above referenced inspection report state, "The team reviewed the technical adequacy of the HEMYC fire wrap material used to separate safe shutdown functions within the same fire area. This review included evaluation of the material's application as a fire barrier system for the protection of safe shutdown functions. It also included a review of the fire endurance testing which substantiated the construction and installation attributes of the fire barrier and its ability to perform as 1-hour and 3-hour rated fire barrier."(emphasis added)

The inspection report further states in part, "The NRC issued the following guidance on acceptable methods of satisfying the regulatory requirements of GDC 3: . . .

- Supplement 1 to GL 86-10, "Fire Endurance Test Acceptance Criteria for Fire Barrier Systems Used To Separate Redundant Safe Shutdown Trains Within the Same Fire Area," March 25, 1994"

As stated in the inspection report, the fire endurance testing report that qualified the Hemyc material was provided during the inspection. However, the inspection report evaluated the Hemyc material qualification to GL 86-10 Supplement 1 that was not issued until 1994. As stated in Item 1 above, GL 86-10 Supplement 1 is not applicable to fire resistance qualification of the Hemyc material.

3. The *Discussion* section states that *"Plants licensed to operate after January 1, 1979, . . . must meet the fire protection requirements of the operating license condition. The standard licensing condition allows a licensee to make changes to the approved fire protection program without prior staff approval, "if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire." GL 86-10, "Implementation of Fire Protection Requirements", provides guidance on performing and documenting these changes."*

The *Discussion* section further states that *"Plants . . . that adopt a risk informed approach, must submit a license amendment."* This is based on *"licensees' risk assessment tools have not been reviewed or inspected against quality standards found acceptable to the NRC Staff."*

Duke asks that the NRC provide clarification on the acceptance of "86-10 evaluations" that meet the same qualitative standards used in the past.

NEI 04-02 Appendix J contains risk-informed tools that the NRC has reviewed for quality. The NRC is preparing a Regulatory Guide endorsing the risk assessment tools of NEI 04-02. This pertains to the risk-informed change process under the NFPA 805 licensing basis.

If the NRC is in the process of accepting this risk assessment method, then it should be an acceptable approach for making changes to the program without need for a license amendment. We also would like the NRC to confirm if a risk-informed approach can be applied to this as a separate issue vs. full NFPA 805 transition.

4. *Requested Information* section: 3.c. requests *"a description of the existing programmatic controls that will insure that other fire barrier types will be assessed for potential degradation and resultant adverse affects."*

Duke considers this statement too broad. The Generic Letter should specifically state that the licensee should describe the evaluation of other electrical raceway fire barrier systems (ERFBS) that may be subject to similar deficiencies. Duke also requests the NRC more clearly define what is meant by "programmatic controls".

5. The proposed GL describes the Hemyc construction as it was used in the NRC test. The industry noted that the Hemyc as used primarily throughout nuclear plants has an outer covering made of either Siltemp or a two-part blanket with Siltemp and Klevers. This construction matches the original Hemyc design. The GL should therefore note the original construction in this description section and note the material as used in the NRC test to be a modified construction.