

4(b)

From: Pat Gwynn <sup>PLV</sup>  
 To: <sup>RES</sup> Cupidon, Les; Weerakkody, Sunil <sup>-NPL</sup>  
 Date: Tue, May 9, 2006 9:26 AM  
 Subject: Re: Staff Revised CRGR #408 (April 25) Package

Sunil - As we discussed via telephone this morning, the change proposed by your staff to the generic letter language is an acceptable approach to the resolution of my concern.

>>> Sunil Weerakkody 5/8/2006 12:11:08 PM >>> <sup>NPL</sup>  
 Pat:

<sup>RES</sup>

We met with individual members (Rich Barrett, Bruce Boger) to fully understand further explain our intentions. We would like to do the same with you via a conference call. What is your availability tomorrow for a 15 minute call? I would like to fully address your comment, before asking for CRGR endorsement.  
 Thank you.

Sunil

>>> Pat Gwynn 05/08/06 12:39 PM >>> <sup>PLV</sup>  
 Les:

**"However, for Byron Station, Units 1 and 2 and Braidwood Station, Units 1 and 2, the staff positions with respect to one spurious actuation per fire represents a change in staff position, and if applied to the licensees of these plants, would constitute backfits under 10 CFR 50.109(a)(4)(i). As discussed in this GL, the imposition of the position with respect to multiple spurious actuations is necessary to comply with the (unchanged) staff interpretation of 10 CFR 50.48 and 10 CFR Part 50, Appendix A, GDC 3. Staff approval of the "single spurious actuation per fire event" for Byron Station, Units 1 and 2 and Braidwood Station, Units 1 and 2 constituted staff inconsistencies with respect to the necessary prerequisites for demonstrating compliance with 10 CFR 50.48 and 10 CFR Part 50, Appendix A, GDC 3, and the inconsistencies would be rectified by any backfitting imposed by the NRC in accordance with this GL."**

MD 8.4, Management of Facility-specific Backfitting and Information Collection, Handbook Part I. B. "Information Collection Requests", says "The provisions of 10 CFR 50.54(f) require the nuclear power reactor licensees to respond to both generic and facility-specific information requests from the staff. This rule stipulates that except for information sought to verify licensee compliance with the current licensing basis, NRC must prepare the reasons for the information request to ensure that the burden imposed on licensees is justified in view of the potential safety (or security) significance of the issue to be addressed."

✓>>> Les Cupidon 5/4/2006 6:59:30 AM >>> <sup>RES</sup>  
 CRGR,

Information in this record was deleted  
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 FOIA- 2002-0018

<sup>B-1</sup>

Attached is the redline strikeout revised version of the April 25th, CRGR #408 package (GL, comment resolution and Appendix C of CRGR Q&A). Please verify if your concerns and recommendations have been address so that staff may proceed.

Thank you  
Les

**CC:** Bahadur, Sher; Barrett, Richard; Boger, Bruce; Borchardt, Richard; Federline, Margaret; Giitter, Joseph; Markley, Anthony; Quay, Theodore; Wiggins, James; Winsberg, Kathryn; Wolfgang, Robert

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**Creation Date** Tue, May 9, 2006 8:26 AM  
**From:** Pat Gwynn  
**Created By:** TPG@nrc.gov

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