August 10, 2010

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: James E. Lyons, Chairman ***/RA/ J.E. Lyons***
Committee to Review Generic Requirements

SUBJECT: COMMITTEE TO REVIEW GENERIC REQUIREMENTS: MINUTES OF MEETING NUMBER 426

In Staff Requirements Memorandum (SRM) M100415 Briefing on Resolution of Generic Safety Issue (GSI-191), "Assessment of Debris Accumulation on Pressurized Water Reactor (PWR) Sump Performance" dated May 17, 2010 (ADAMS Accession No. ML101370261), the Commission directed the staff to submit a Notation Vote Policy (SECY) paper by August 27, 2010, on GSI-191, "Assessment of Debris Accumulation on PWR Sump Performance," and to consult with the Committee to Review Generic Requirements (CRGR) on backfit issues, as appropriate.

As a result of the above Commission direction to consult with the CRGR, the staff requested a CRGR review in the July 20, 2010, memo (ADAMS Accession No. ML101720380). The purpose of this meeting was to obtain CRGR feedback on the staff's interpretation of backfit requirements as they apply to options being considered for inclusion in the GSI-191 SECY paper requested by the Commission. Specifically, the staff sought the views of the CRGR on the applicability of both the compliance exception and adequate protection exception to the backfit rule for potential future licensee actions needed to show adequate Emergency Core Cooling System (ECCS) strainer performance.

On July 27, 2010, the CRGR Meeting Number 426 was held from 2:00 p.m.– 4:00 p.m. (the list of attendees is enclosed). The staff provided the CRGR with a comprehensive background and history regarding the ECCS performance issue concerns in PWRs. The staff provided a very informative and succinct CRGR package that assisted in a meaningful and productive deliberation.

As a result of Generic Letter (GL) 2004-02, "Potential Impact of Debris Blockage on Emergency Recirculation during Design Basis Accidents of Pressurized-Water Reactors," the staff indicated that all licensees either enlarged or installed new strainers and some licensees also removed fibrous insulation. However, the staff stated that 25 of the 69 PWR plants used inadequate test and evaluation methods to show compliance with Title 10 of the *Code of Federal Regulations* (CFR) 50.46(b)(5), the regulation governing long-term post loss-of-coolant accident (LOCA) cooling by the ECCS.

The staff is identifying and evaluating potential approaches and options along with a recommended path forward in response to the Commission's May 17, 2010, SRM. In their discussions, the staff and the CRGR reviewed the technical and safety concerns but focused mainly on the issues regarding backfit as it applies to PWRs that have yet to resolve all GSI-191 issues in order to comply with the subject regulation. Accordingly, the staff believes that the

potential to request information from those licensees who have not yet demonstrated compliance with 10 CFR 50.46(b)(5) still exists. The CRGR supports the conclusion by the staff that, as documented in GL 2004-02, the information requested of licensees regarding the operability of their ECCS system post-accident falls under the provisions of 10 CFR 50.109(a)(4)(i), the compliance exception to the backfit requirements. This is based on the fact that 10 CFR 50.46 establishes the requirement for adequate cooling by the ECCS.

In addition, the CRGR concluded that the compliance exception to the backfit rule was sufficient for the staff to proceed without a cost-benefit analysis, and therefore did not approve the use of the adequate protection exception, 10 CFR 50.109(a)(4)(ii). Previous staff actions on this safety issue were taken pursuant to the compliance exception to the backfit rule; the CRGR believes that this continues to be the correct approach.

In summary, the CRGR supports the staff's proposal to identify and evaluate potential approaches and options along with a recommended path forward in response to the Commission's May 17, 2010, SRM. The CRGR believes that additional information requested of licensees regarding the operability of their ECCS system post-accident falls under the provisions of 10 CFR 50.109(a)(4)(i), the compliance exception to the backfit requirements.

Enclosure:
As stated

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CRGR r/f

CRGR MEETING No. 426
LIST OF ATTENDEES
(July 27, 2010)

CRGR Members
James E. Lyons, Chairman
William M. Dean, NSIR
Jack A. Grobe, NRR
Patricia K. Holahan, NMSS
Glenn M. Tracy NRO/DCIP for Gary M. Holahan, NRO
James G. Luehman, FSME/DMSSA for Cynthia A. Carpenter, FSME
Edward L. Williamson, OGC
Victor M. McCree, RII

Les R. Cupidon, CRGR Staff

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Christopher Hott, NRR/DSS/SSIB
William H. Ruland, NRR/DSS
Mark A. Cunningham, NRR/DRA
Sher Bahadur, NRR/DSS
Cynthia D. Pederson, NRR/DDRPS
Michael L. Scott, NRR/DSS/SSIB
Nageswara R. Karipineni, NRR/DSS/SSIB
Robert M. Taylor, NRR/DCI/CSGB

RES

Nicholas B. Melly, RES/DRA/FRB
John P. Burke, RES/DE/MEEB

OE

Pete J. Hernandaz, OE/CRB

OGC

Adam S. Gendelman, OGC/GCLR/RMR

Enclosure