



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 7, 1997

MEMORANDUM TO: David B. Matthews, Chief
Generic Issues and Environmental
Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

FROM: Melinda Malloy, Project Manager
Generic Issues and Environmental
Projects Branch
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF FEBRUARY 7, 1997, MEETING WITH THE NUCLEAR
ENERGY INSTITUTE (NEI) ON INFORMATION NOTICE 92-18

On February 7, 1997, representatives of the U.S. Nuclear Regulatory Commission (NRC) met with representatives of the Nuclear Energy Institute (NEI) and several nuclear utilities at the NRC's offices in Rockville, Maryland. The list of meeting attendees is provided in Attachment 1.

The purpose of the meeting was to discuss NEI's concerns related to NRC Information Notice (IN) 92-18, "Potential for Loss of Remote Shutdown Capability During a Control Room Fire." These concerns were articulated in a January 14, 1997, letter from Ralph Beedle to Frank Miraglia (NRC) (see Accession No. 9701220184 for this letter).

Fred Emerson of NEI was the primary presenter. The slides he used during his presentation are included as Attachment 2 to this meeting summary. He explained that NEI is concerned about policy and technical issues that arose with the issuance of IN 92-18 and that their concerns are intensifying as a result of IN 92-18 followup by NRC inspectors.

Mr. Emerson stated that during recent NRC followup inspections, the inspectors have interpreted the insights and suggestions in the IN as 10 CFR Part 50, Appendix R requirements that must be complied with by licensees, and that enforcement actions (EAs) citing the IN have been initiated. (Page 3 of NEI's presentation slides (Attachment 2) lists the specific technical issues raised by IN 92-18 and the NRC followup inspections that are of concern to NEI. Pages 4 and 5 of the slides state NEI's questions on hot shorts and spurious actuations, respectively.) In the case of the Salem plant, there is a related startup issue. Used in such a manner, NEI believes that IN 92-18 inappropriately promulgates changes to interpretations of Appendix R and other staff guidance on fire protection, such as Generic Letter (GL) 86-10 and GL 85-01. It is NEI's position that these changes in interpretation represent *de facto* backfits, and that an IN is not an appropriate vehicle for promulgating new or different regulatory interpretations.

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Dave Nelson of NRC's enforcement staff clarified that as a point of policy, it would be incorrect for the NRC to cite an IN as the basis for a violation. Gary Holahan of NRR's Division of Systems Safety and Analysis stated that it would not be inappropriate, however, for EAs to reference the IN. When requested by the NRC staff representatives to provide specific information on how EAs might be citing or referencing IN 92-18, none of the NEI or utility representatives in attendance at the meeting could provide any details.

Mr. Holahan and Patrick Madden of NRR's Plant Systems Branch stated that the information in IN 92-18 is consistent with NRC regulatory requirements. Because of this difference of opinion between the NRC staff and NEI, Ralph Beedle asked if NRC would reexamine the guidance provided in IN 92-18 and suspend enforcement actions related to the information in the IN until the issue of whether the guidance is specifically covered by the regulatory requirements has been thoroughly considered. Mr. Emerson emphasized that the industry wants to do the right thing if there are technical issues not previously considered, but it is opposed to NRC not using an appropriate vehicle to impose new requirements if the existing ones are not sufficiently clear.

Mr. Holahan thanked NEI for having utility representation at the meeting. He indicated that the NRC staff is preparing a formal response to Mr. Beedle's January 14, 1997, letter, but could not commit to a specific completion date.

Attachments:

1. List of Attendees
2. NEI's Briefing Slides

Project No. 689

cc w/atts: See next page

March 7, 1997

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PFrederickson, RII

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NRC-NEI MEETING ON INFORMATION NOTICE 92-18

February 7, 1997

List of Attendees

<u>Name</u>	<u>Organization</u>
Fred Barbieri	GPU Nuclear, Inc.
Thomas Barnett	Entergy
Ralph Beedle	Nuclear Energy Institute
MaryAnn Biamonte	NRC/EDO
Dave Brandes	Duke Power Company
William Burton	NRC/DRPM/PECB
Stan Chingo	ComEd
Edward Connell	NRC/NRR/DSSA/SPLB
Fred Emerson	Nuclear Energy Institute
Jeff Ertman	IES Utilities
Nicholas Fioravante	Florida Power Corp.
Bryan Ford	Entergy
Paul Frederickson	NRC/Region II
Tom Gorman	Pennsylvania Power & Light Co.
Gary Holahan	NRC/NRR/DSSA
George Hunger	PECO Energy Co.
N. Prasad Kadambi	NRC/RES/DRA
Patrick Madden	NRC/NRR/DSSA/SPLB
Melinda Malloy	NRR/DRPM/PG&E
John Maracek	Duquesne Light Co./BVPS
William M. McDevitt	Public Service Electric & Gas Co.
Dave Modeen	Nuclear Energy Institute
David Nelson	NRC/OE
Jim O'Hanlon	Virginia Power
Phil Qualls	NRC/Region IV
Ron Rispoli	Entergy
Ronald A. Rose	Public Service Electric & Gas Co.
William L. Rossfeld	Florida Power Corp.
Denis Shumaker	Public Service Electric & Gas Co.
Barry Sullivan	NUS Information Services
Theresa Sutter	Bechtel
Stephen Tingen	NRR/EMEB
Woody Walker	Entergy

<u>Name</u>	<u>Organization</u>
K. Steven West	NRC/NRR/DSSA/SPLB
Leon Whitney	NRC/NRR/DSSA/SPLB
Bill Williams	Pennsylvania Power & Light Co.

Abbreviations

BVPS	Beaver Valley Power Station
DRA	Division of Regulatory Applications
DRPM	Division of Reactor Program Management
DSSA	Division of Systems Safety and Analysis
EDO	Office of the Executive Director for Operations
EMEB	Mechanical Engineering Branch
NRC	U.S. Nuclear Regulatory Commission
NRR	Office of Nuclear Reactor Regulation
OE	Office of Enforcement
PGEB	Generic Issues and Environmental Projects Branch
RES	Office of Nuclear Regulatory Research
SPLB	Plant Systems Branch

FIRE PROTECTION ISSUES

NRC / Industry Meeting

February 7, 1997

White Flint



DISCUSSION TOPIC

- Industry concerns related to Information Notice 92-18
 - Policy issues
 - Technical issues

INDUSTRY POSITION

- Changes to interpretation of regulatory requirements should be promulgated through appropriate regulatory processes, not through the inspection / enforcement process and Information Notices

INFORMATION NOTICE 92-18

SUGGESTIONS FOR CONSIDERATION

- IN 92-18
 - Postulated hot shorts which bypass MOV protection devices can cause damage to an MOV before operators isolate the MOV controls from the fire area
 - Conceptual modification presented to place protection between the postulated hot short and the motor
- Related inspections
 - During interactions with NRC staff concerning 92-18, an additional issue has been raised concerning multiple versus single spurious actuations

NRC GUIDANCE (HOT SHORTS)

- Industry Question

- “What circuit failure modes must be considered in identifying circuits associated by spurious actuation?”

- Generic Letter 86-10 response

- “For consideration of spurious actuation, all possible functional failure states must be evaluated, that is, the component could be energized or de-energized by one or more of the above failure modes. Therefore, valves could fail open or closed; pumps could fail running or not running; electrical distribution breakers could fail open or closed.”

- Generic Letter 85-01 response

- “...if the concern is spurious actuation of equipment, actual circuit failure modes could be bypassed by assuming all possible failure states for the equipment (valves could fail either open or closed).”

NRC GUIDANCE (SPURIOUS ACTUATIONS)

- Industry question
 - “What plant transients should be considered in the design of the alternative of dedicated shutdown systems?”
- Generic Letter 86-10 response
 - “Per the criteria of Section III.L of 10CFR50 Appendix R, a loss of offsite power shall be assumed for a fire in any fire area concurrent with the following assumptions:
 - » a. The safe shutdown capability should not be adversely affected by any one spurious actuation or signal resulting from a fire in any plant area; and
 - » b. The safe shutdown capability should not be adversely affected by a fire in any plant area which results in the loss of all automatic functions (signal, logic) from the circuits located in the area in conjunction with one worst case spurious actuation or signal resulting from the fire; and ...”

INDUSTRY CONCERNS I.N. 92-18 APPLICATION

- Policy issues
 - Insights and suggestions in IN 92-18 being interpreted as Appendix R compliance requirements
 - » Implicit definition as to what is required by applicable sections of 10 CFR 50 Appendix R
 - » Mods represent de facto backfit
 - » An IN is not an appropriate vehicle for promulgating regulatory interpretations
 - Enforcement actions taken against licensees not complying with IN 92-18 interpretations
 - Regional staff suggestions to plants in refueling outages that circuit modifications appropriate before return to power
 - Concerns described in IN 92-18 and associated issues not within licensing basis for many plants

INDUSTRY CONCERNS

I.N. 92-18 APPLICATION

- Technical issues
 - Extensive analysis and NRC review already performed for plant compliance with Appendix R
 - IN 92-18 issues should be pursued only after careful consideration of all relevant design requirements
 - GL 89-10 objectives (increased torque to valve operators) and IN 92-18 objectives (possible damage from excessive torque during hot short conditions) both valid and should be balanced
 - Treatment of multiple hot shorts from a single fire not required during Appendix R implementation (except for high / low pressure interfaces)

INDUSTRY RECOMMENDATIONS

- Changes to interpretation of regulatory requirements should be promulgated through appropriate regulatory processes, not through the inspection / enforcement process and Information Notices
- NRC should suspend enforcement actions related to this issue until it has been thoroughly considered

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