

March 3, 2005

STAKEHOLDER: Nuclear Energy Institute

SUBJECT: SUMMARY OF JANUARY 26, 2005, MEETING WITH THE NUCLEAR ENERGY INSTITUTE TO DISCUSS FIRE PROTECTION ISSUES

On January 26, 2005, the Nuclear Regulatory Commission (NRC) staff met with representatives of the Nuclear Energy Institute (NEI), industry representatives, and other stakeholders at the NRC Headquarters in Rockville, Maryland. This meeting was intended to discuss public comments on the new draft Regulatory Guide (RG) DG-1139, "Risk-Informed, Performance-Based Fire Protection for Existing Light-Water Nuclear Power Plants," (Agencywide Document Access and Management System (ADAMS) Accession Number ML042740308) and revisions to NEI 04-02, Rev. F, "Guidance for Implementing a Risk-Informed, Performance-Based Fire Protection program under 10 CFR 50.48(c)" (ML043360065). It is the NRC staff's intention to endorse NEI 04-02 in the final RG, and the purpose of the meeting was to maximize acceptable guidance in NEI 04-02 and minimize exceptions in the final RG.

This meeting was classified as a Category 2 meeting, which provided an opportunity for members of the public to discuss regulatory issues with the NRC at designated points identified on the agenda.

The meeting started with a request for stakeholders to review the draft transition pilot guidance recently put into ADAMS (ML050110415). It is envisioned that the NRC staff will make quarterly visits to the pilot plant sites to observe the transition. Lessons learned will help further define the implementation guidance. Only two pilots are planned, and a plant site will need to volunteer to become a pilot site. Fee waiver for the pilot plants was discussed, and it was suggested that the pilot sites may have to request the fee waiver.

Next, enforcement discretion implications for multi-site transitions were discussed. The deadline for obtaining enforcement discretion for existing noncompliances was recently extended by the Commission to December 31, 2005. Utilities doing a series of transitions at different sites may miss this date for the later plants. It was noted that the current policy has a 2-year time limit for transition that could be extended on a case-by-case basis. A request for an extension with justification would need to be sent to the NRC for approval.

The NRC staff made presentations on three topics pertaining to implementation guidance issues that required more clarification. These topics were: acceptance criteria for multiple spurious actuations, acceptance criteria for recovery actions, and graded risk analysis for deterministic approach changes. The NRC staff provided these draft positions to enable an effective informational exchange. These positions should not be considered official NRC guidance at this time.

Finally, the NRC staff walked through the public comments on DG-1139 and the NRC preliminary responses. Agreement was reached on many of the responses and assignments for further clarification were taken by the NRC staff and NEI. Some questions were submitted by the Strategic Teaming and Resource Sharing (STARS) group, and a representative from STARS participated by conference call. The responses to the STARS' comments were reviewed, and items requiring further clarification were assigned to the NRC staff or NEI to resolve.

The list of meeting attendees is attached. The meeting handouts have been placed in ADAMS (ML050490476, ML050490479, ML050490480, ML050490481, and ML050490482). Persons who do not have access to ADAMS should contact the NRC Public Document Room staff at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr@nrc.gov.

/RA/

Chandu P. Patel, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: List of Attendees

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/RA/

Chandu P. Patel, Project Manager, Section 2
 Project Directorate II
 Division of Licensing Project Management
 Office of Nuclear Reactor Regulation

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ATTENDANCE LIST

NUCLEAR REGULATORY COMMISSION STAFF MEETING

WITH THE NUCLEAR ENERGY INSTITUTE (NEI)

AT NRC HEADQUARTERS

JANUARY 26, 2005

NRC

John Hannon
Sunil Weerakkody
Alex Klein
Paul Lain
Chandu Patel
Bob Radlinski
Ray Gallucci
Dan Frumkin
Bob Wolfgang
J. S. Hyslop
Charles Payne

EXTERNAL STAKEHOLDERS

Fred Emerson, Nuclear Energy Institute
Elizabeth Kleinsorg, Kleinsorg Group Risk Services
Bijan Najafi, Science Applications International Corp.
Harold Barrett, Duke Power
Thomas Jutras, EPM
Nancy Chapman, SERCH/Bechtel
Cliff Sinopoli, Exelon, Peach Bottom
Robert Smoter, Pacific Northwest National Lab
Karl Bohlander, Pacific Northwest National Lab
Ronald Rispoli, Entergy
Steve Nowlen, Sandia National Lab (by phone)
Rich Rogalski, Arizona Public Service (by phone)
Robert Kalantari, EPM (by phone)
Deann Raleigh, Scientech (by phone)