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C. Lance Terry
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Ref: Draft DG-1097

65 FR 38864
June 22, 2000
(7)

CPSES-200001978
Log # TXX-00154
File # 10186

August 11, 2000

Mr. David L. Meyers
Chief, Rules and Directives Branch
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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NRC

SUBJECT: COMMENTS ON DRAFT REGULATORY GUIDE DG-1097,
"FIRE PROTECTION FOR OPERATING NUCLEAR POWER
PLANTS"

REF: NEI Letter dated August 10, 2000, addressed to Mr. John Hannon,
regarding Industry Comments on Draft Regulatory Guide DG-1097,
"Fire Protection for Operating Nuclear Power Plants"

Dear Mr. Meyers:

This letter presents comments on the subject Draft Regulatory Guide which was issued by the U. S. Nuclear Regulatory Commission in June 2000. These comments are provided from the Strategic Teaming and Resource Sharing (STARS) nuclear power plants, which are; the Callaway Plant, Comanche Peak Steam Electric Station, Diablo Canyon Power Plant, South Texas Project Electric Generating Station, and Wolf Creek Generating Station.

The STARS Plants commend the NRC Staff on this ambitious undertaking and welcomes the opportunity to submit comments. The Draft Regulatory Guide DG-1097, is essentially, a compilation of historical guidance documentation with respect to fire protection for the nuclear industry. It should not, however, be used across the board as a regulatory position in evaluating the fire protection program for all plants. There are numerous National Fire Protection Association (NFPA) Codes and Standards referenced throughout the Draft Regulatory Guide. Any attempt to

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Page 2 of 3

apply a code that is not a part of the STARS nuclear power plants' licensing basis would be a backfit for those plants. Moreover, as far as STARS nuclear power plants are concerned, the inclusion of new regulatory positions promulgated within the document may in some cases constitute impermissible backfits under 10 CFR § 50.109.

The STARS plants had commented on the previous Draft Regulatory Guide DG-1094 via the Nuclear Energy Institute (NEI) effort in January 2000. It is of a concern to the STARS plants that most of the comments provided by the nuclear industry were not incorporated or resolved prior to issuing the next revision of the Draft Regulatory Guide DG-1097. The fact that NRC did not address the majority of these comments, and offered no explanation for this action, is inconsistent with a regulatory environment where NRC is requesting an increasing number of industry initiatives¹. Additionally, we have noted that new guidance has been added to the Draft Regulatory Guide DG-1097. As stated earlier, the inclusion of new regulatory positions in some cases may constitute impermissible backfits under 10 CFR § 50.109.

It is recommended by the STARS plants that Section D, "Implementation," be revised to state as follows:

Any new material that is contained in the Regulatory Guide DG-1097 is for licensee information only and should be not considered as new requirements. No backfitting is intended in connection with this Regulatory Guide. Each individual plant's licensing basis will be used as the standard for evaluating licensee compliance with the NRC regulatory requirements, as well as proposed programmatic changes and licensee submittals. The NRC staff will not use the Regulatory Guide as the standard by which either licensee compliance or design changes and submittals by licensees are reviewed.

The Draft Regulatory Guide DG-1097 is not intended for use as the fire protection fire safe shutdown inspection guide, nor should this guide be used as the source for fire protection findings in the Significant Determination Process (SDP). Licensees may use this Regulatory Guide as a source of comparison for their fire protection programs; however, there is no requirement for performing such a comparison.

¹ Please refer to SECY-00-0116

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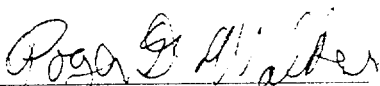
Page 3 of 3

TXU Electric in a joint effort with the STARS Plants has reviewed the Federal Register and NEI's referenced letter. We agree and support NEI comments.

Should you have questions or require additional information, please do not hesitate to contact Obaid Bhatti (254)879-5839.

Sincerely,

C. L. Terry

By: 
Roger D. Walker
Regulatory Affairs Manager

OAB oab

cc: Mr. J. N. Hannon NRR
Mr. D. H. Jaffe NRR
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