

July 27, 2007

MEMORANDUM TO: Sunil D. Weerakkody, Chief  
Fire Protection Branch  
Division of Risk Assessment  
Office of Nuclear Reactor Regulation

FROM: Edward V. McCann, Fire Protection Engineer */RA/*  
Fire Protection Branch  
Division of Risk Assessment  
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF JUNE 29, 2007, PUBLIC MEETING TO DISCUSS FIRE-  
INDUCED MULTIPLE SPURIOUS ACTUATIONS AND ENFORCEMENT  
DISCRETION

On June 29, 2007, the U.S. Nuclear Regulatory Commission (NRC) staff held a Category 3 public meeting with stakeholders to discuss the next steps towards resolution of fire-induced multiple spurious actuations (MSAs), and share the high-level attributes of the staff's proposals on pending changes to enforcement discretion. The NRC issued a public meeting notice on June 14, 2007, and posted it on the NRC's external (public) web page (Agencywide Documents Access and Management System (ADAMS) Accession No. ML071640075). The notice included the meeting agenda.

NRC Staff's Views on Nuclear Energy Institute's (NEI's) Approach to Address Multiple Spurious Actuations

The NRC staff discussed views on NEI's approach to address fire-induced multiple spurious actuations. The staff's views are provided in NRC letter dated June 27, 2007, (ADAMS Accession No. ML071760199) and in presentation slides dated June 29, 2007, (ADAMS Accession No. ML071900042). Specifically, the letter dated June 27, 2007 acknowledged several positive attributes of the approach and restated that the staff continues to be concerned that their method would utilize risk insights without using Fire probabilistic risk assessments (PRAs) of appropriate quality.

During the meeting, the NRC staff reaffirmed that the fire-induced circuits resolution is a Title 10 *Code of Federal Regulations* Part 50, Appendix R, section III.G.3 (alternative or dedicated shutdown) issue, as well as a section III.G.2 (fire barriers) issue. Specifically, staff stated that the rule relies on passive features such as fire barriers to comply with III.G.2 requirements and circuit analysis is primarily a III.G.3 issue. However, staff recognized that for III.G.3 areas such as the Control Room simplified methods can be developed and re-emphasized our interest to work with the industry and stakeholders. Staff rejected the industry proposal to address III.G.3 issues after addressing III.G.2 issues because of the relatively high risk associated with some III.G.3 areas.

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NEI indicated that the staff is rejecting some attributes of their method such as the use of risk insights without the benefit of a Fire PRA of acceptable quality, without reviewing the details and expressed its interest to develop details of the method, in spite of staff concern.

When NRC staff informed NEI that the regulatory feasibility (i.e., ability to review and approve exemption requests with reasonable resources) as well as the technical viability should be considered in developing method, NEI indicated that they prefer to resolve the technical approach first and then address the regulatory issues.

Subsequent to the meeting, NEI informed the NRC of their decision to develop a detailed method to address multiple spurious actuations.

### Enforcement Discretion

The NRC staff described proposed revisions to enforcement discretion for operator manual actions, fire-induced multiple spurious actuations, and National Fire Protection Association (NFPA) 805 transitions. The NRC staff emphasized that some proposed revisions will require Commission approval, and therefore, will be in a policy paper that will be sent to the Commission for their review and approval later this year.

The NRC staff reminded the stakeholders that the Enforcement discretion for noncompliant operator manual action, which have been approved by the Commission, is described in the Federal Register Notice (FRN) dated March 6, 2006, that withdrew the proposed rulemaking. The staff also stated that Enforcement discretion guidance for fire-induced circuits issues is currently described in Enforcement Memorandum (EGM) 98-002 and its supplements.

For noncompliant operator manual actions, the FRN originally established September 6, 2006, as the date by which licensees must initiate corrective actions and implement compensatory measures; and the date when the NRC would sunset EGM 98-002. The FRN also established March 6, 2009, or the date consistent with the licensee's NFPA 805 transition schedule for the completion of corrective actions.

The NRC staff issued supplement 2 to EGM 98-002 that effectively extended the September 6, 2006, date because of the disapproval of GL 2006-xx on multiple spurious actuations. The NRC staff described that a new or revised EGM will establish September 6, 2007, as the new date for initiating corrective actions and implementing compensatory measures for noncompliant operator manual actions, except those that involve operator manual actions relied upon as the mitigating mechanism for fire induced multiple-spurious actuations. The NRC staff indicated that the staff intends to re-affirm that March 6, 2009, or the end date consistent with the licensee's NFPA-805 transition schedule, is the date by which licensees must complete corrective actions associated with noncompliances involving operator manual actions in order to receive enforcement discretion<sup>1</sup>.

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<sup>1</sup>Subsequently, on June 30, 2007, the NRC issued Enforcement Guidance Memorandum 07-004 "Enforcement Discretion for Post-Fire Manual Actions Used as Compensatory Measures for Fire Induced Circuit Failures." (ADAMS Accession No. ML071830345).

Related to noncompliant operator manual actions, and with respect to plants transitioning to NFPA 805, the staff informed the stakeholders that it plans to propose a revision to the interim enforcement discretion policy for NFPA 805 so that plants who have not informed us of their intent to adopt 805 and start transition by March 2008 will not receive enforcement discretion for noncompliant operator manual actions beyond the current March 6, 2009, date.

The NRC staff shared with the stakeholders that it will be proposing to address fire-induced multiple spurious actuations with separate enforcement discretion guidance to replace EGM 98-002. The NRC staff plans to propose a two phased approach. Phase 1 is a 12 month time period when licensees identify noncompliances, initiate corrective actions and implement compensatory measures. Phase 2 is an additional 24 month time period provided licensees meet certain conditions, and during which time corrective actions are completed. Staff re-affirmed that these proposal will not be final unless the Commission approves the staff proposals.

For NFPA 805 interim enforcement discretion, the NRC staff described proposed changes that would allow a discretion time period beyond the current three year time period. The NRC staff's proposal would require that licensees complete certain NFPA 805 transition tasks if they request time beyond three years.

NRC's presentation slides are located in ADAMS at Accession Number ML071900042.

A list of meeting attendees is also enclosed to this memorandum.

Enclosures:  
As stated

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Enclosure:  
As stated

DISTRIBUTION: DRA R/F                      AKlein                      SWeerakkody

ADAMS Package NO.: ML071970377

Memo & Enclosure 1 Accession NO.: ML071970115

Enclosure 2 Accession No.: ML071900042

NRC-001

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NAME	Ed McCann	Alex Klein	S. Weerakkody
DATE	07/ 27 /07	07/ 27 /07	07/ 27 /07

**OFFICIAL AGENCY RECORD**

**PUBLIC MEETING TO SOLICIT INPUT FOR DEVELOPMENT OF HIGH-LEVEL PLAN FOR  
CLOSURE OF THE MULTIPLE SPURIOUS CIRCUIT ACTUATIONS ISSUE  
LIST OF ATTENDEES  
June 29, 2007**

**NRC**

A. Klein	C. Holden
C. Moulton	E. McCann
R. Gallucci	K. Opert
H. Barrett	J. Hyslop
A. Klett	D. Frumkin*
N. Iqbal	B. McKay*
P. Lain	P. Qualls
S. Weerakkody	J. Quinones*
R. Woods	D. Charles Payne*
P. Barbadoro	D. Merzke*
R. Fanner*	N. Merriweather*
R. Rodriguez*	G. Wiseman*

**OTHER**

A. Marion (NEI)	V. Rubano* (FPL)
J. Fortman *(AmerenUE)	A. Ratchford * (MSN)
M. Dingler *(WCNOC)	J. Riley (NEI)
N. Chapman * (SERCH/Bechtel)	J. Suter *(WCNOC)
R. Abbas (TVA/BFN)	T. Gorman (BWROG/PPL)
J. Ertman (Progress Energy)	S. Dolley * (Platts Energy)
A. Robinson *(TVA)	W. Larson * (EPM)
D. McCoy * (Southern Nuclear Op Co)	M. Murtha * (First Energy Corp)
F. Emerson * (GE)	R.C. Price * (Southern Co)
C. Worrell (PWROG)	R. Kalantari * (EPM)
R. Bashall *(AREVA)	D. Raleigh * (Sciencetech, LLC)
D. Henneke (GE)	
B. Collyer * (AREVA)	

\* participated via phone