

Miller, Ed

From: Chernoff, Harold *NRK*
Sent: Friday, January 14, 2011 8:57 AM
To: Hughey, John; Bamford, Peter; Miller, Ed; Whited, Jeffrey; Sanders, Carleen; Ennis, Rick
Subject: FW: Five Fire Protection Licensing Actions that are nearing the two year mark

From: Weerakkody, Sunil *NRK*
Sent: Friday, January 14, 2011 8:56 AM
To: Nelson, Robert
Cc: Giitter, Joseph; Cunningham, Mark; Lee, Samson; Howe, Allen; Chernoff, Harold; Klein, Alex
Subject: RE: Five Fire Protection Licensing Actions that are nearing the two year mark

Nelson,

Thanks for jumping into this. Alex (as he should) pointed out these licensing actions in his monthly briefing to us as potential challenges to the two year metric which prompted my email to you. Alex and Dan agreed that the new structure is better. "Reformatting" was probably not the best word to characterize this situation. .

I have asked Alex & Dan to keep me apprised of these three amendments.

I am still concerned about IP2 & IP3 because our ability to meet the 2-year requirement relies upon IP2 & IP3 responding with high quality responses by 1/18.

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From: Nelson, Robert *NRK*
Sent: Friday, January 14, 2011 8:31 AM
To: Weerakkody, Sunil
Cc: Giitter, Joseph; Cunningham, Mark; Lee, Samson; Howe, Allen; Chernoff, Harold
Subject: RE: Five Fire Protection Licensing Actions that are nearing the two year mark

I agree that the Peach Bottom and Oyster Creek actions are challenging the 2-year metric. However, I think it is important to make sure everyone has an understanding of what the Fire Protection and DORL staff have been working on in this area. In the concurrence process, DORL staff reviewed the SE provided for Peach Bottom operator manual actions (OMAs) exemption, received on 06/08/2010, and observed that the SE included a pretty decent staff analysis of the acceptability of the proposed OMAs but appeared to have about 20 pages of licensee quoted general descriptions of fire protection features in the different fire areas. DORL staff revised the SE with the intent of removing information that was quoted from the licensee submittals, since there is no regulatory requirement to include this information and including this type of quoted material has

been criticized in OIG audits (particularly for License Renewal) since it does not document the agencies basis for its decision and can infer that no staff analysis was performed.

When this draft was taken to Fire Protection staff for concurrence, Fire Protection staff stated that the information removed in the revised version of the SE needed to be restored because, the information described configurations that were the basis of staff acceptance and including these descriptions would require the licensee to maintain these configurations. In addition, the descriptions would allow future inspectors to understand what was relied on in granting the exemptions and verify those configurations. DORL staff noted that there was no discussion, in this descriptive section of the original SE, of any reliance taken or analysis performed by NRC staff, nor any conclusions regarding the licensee's quoted descriptions. We further discussed with Fire Protection staff the programmatic change control processes that the licensee is authorized to use in evaluating future changes to the facility (i.e., 10 CFR 50.59 and the Fire Protection license condition) emphasizing that language in the exemption SE does not prohibit future changes to the described configurations. We discussed the importance of capturing in our approval documentation, the full and correct basis for our decision making.

Subsequent discussions between Fire Protection and DORL staff led to what we believe is a common understanding that: 1) Fire Protection staff decisions on these OMAs do rely, in part in some areas, on the other protective/preventive features of the area; 2) that where our decisions rely on these other features the credit we place on these features needs to be described in the SE along with our analysis of these features; 3) reformatting of the SE would be appropriate and in fact from DORL staff perspective necessary to capture the NRC staff analysis of each OMA/Fire Area in a coherent manner; and 4) while not necessary, a simple recitation of the licensee's description is only acceptable for areas where our decision was not influenced in any way by these additional features.

Our staffs are diligently working to revise the SE for Peach Bottom to address these agreements. As can be seen, this goes well beyond a simple reformatting. Carefully documenting how and to what extent Fire Protection staff credited features in specific areas is extremely important and not an administrative task. These same concepts are being applied to Oyster Creek. It should be noted that the only previous recent OMA exemption was for Limerick and involved only a single OMA. Peach Bottom's SE addresses 17 OMAs and Oyster Creek's approximately 44 OMAs. The issues noted during the Peach Bottom review were not readily apparent in the single OMA review for Limerick.

Hopefully, this information clarifies the situation for PB & Oyster. We appear to be on a success path for both.

NELSON

From: Weerakkody, Sunil *NR*
Sent: Thursday, January 13, 2011 11:08 AM
To: Howe, Allen
Cc: Giitter, Joseph; Nelson, Robert; Cunningham, Mark; Lee, Samson
Subject: Five Fire Protection Licensing Actions that are nearing the two year mark

Allen,

Came to see you. Since you are out tomorrow and I will be out today PM, here is the reason.

In summary, there are five licensing actions that will go beyond the 2 years, unless we pay some attention. Here is the status of these five licensing actions based on input from DRA branch management:

1. Peach Bottom Operator Manual Action Exemption:
DRA provided the technical input about 7 months ago in a structure\format similar to what we had used for similar licensing actions. That has not been issued. DORL has been reformatting our input.

2. Oyster Creek (two licensing actions): We have developed input in a format\structure similar to what we had provided for similar actions. Your BIC wanted the technical input restructured. Our BIC agrees that the new format is better. DRA is reformatting these two. I have asked DRA\AFPB to provide the input to DORL in the new format by end of January.
3. IP3 & IP2: We are still awaiting responses from the licensees. Please do what you can to rush this. I was told that we should get them within about a week. We are preparing the SE with the available information.

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