

## **NRR-PMDAPEm Resource**

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**From:** Feintuch, Karl  
**Sent:** Friday, February 24, 2012 5:31 PM  
**To:** Feintuch, Karl  
**Cc:** Feintuch, Karl; Lain, Paul; Fields, Leslie  
**Subject:** ME7250 - Kewaunee NFPA-805 Withdrawal Acknowledgement Letter - courtesy call of 2/16/2012 - record

The meeting convened at 12:00 PM ET and concluded at 12:30 PM ET.

### **NRC staff attending were:**

**NRC Headquarters:** Paul Lain (AFPB), Daniel Frumkin (AFPB), Leslie Fields (AFPB), Shawn Williams (DORL), Allen Howe (Chairing and DORL), Karl Feintuch (DORL), Gerry Gulla (OE)

**NRC Region III:** Steven Orth (Region III Enforcement/Investigations Officer), Ronald Langstaff (Inspector, DRS), Kenneth Riemer (Branch Chief, DRP)

**SRI (at Kewaunee site):** Robert Krsek

### **NRC Legend**

AFPB = Fire Protection Branch  
DORL = Division of Reactor Licensing  
OE = Office of Enforcement  
DRS = Division of Reactor Safety  
DRP = Division of Reactor Projects  
SRI = Senior Resident Inspector

### **Dominion Energy Kewaunee (DEK):**

T. Breene	DEK
J. Gadzala	DEK
T. Huber	DEK
B. Koehler	DEK
J. Martin	DEK
T. Olson	DEK
J. Pak	DEK
R. Repshas	DEK
C. Sly	DEK
J. Stafford	DEK
S. Yuen	DEK

### **Summary of discussion:**

On February 16, 2012, the Nuclear Regulatory Commission (NRC) staff held a meeting by telephone with Dominion Energy Kewaunee, Inc. (the licensee). The purpose of the meeting was to discuss the licensee's withdrawal, by letter dated January 13, 2012, of License Amendment Request (LAR) 250, which would have adopted National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants," 2001 Edition, in accordance with Section 50.48(c) of Title 10 of the *Code of Federal Regulations* (10 CFR 50.48(c)).

NRC staff opened the meeting by summarizing the staff's February 14, 2012 letter (ADAMS Accession No. ML120240007), which advised the licensee that the above-cited application was being treated as a withdrawal from NFPA 805 transition. NRC staff members stated that enforcement discretion associated with NFPA-805 transition no longer applies. They also stated that enforcement discretion discussed in Enforcement Guidance Memorandum EGM-09-002, "Enforcement Discretion for Fire Induced Circuit Faults" (ADAMS Accession No. ML090300446) may apply to certain non-conformances.

Dominion staff acknowledged the staff comments and inquired into the timeliness criteria discussed in EGM-09-002. The NRC staff stated that the time criteria for enforcement discretion stated in EGM-09-002 were fixed based on issuance of Regulatory Guide 1.189, Rev 2, "Fire Protection for Nuclear Power Plants" (i.e., enforcement discretion will end for all unresolved noncompliances, regardless of any compensatory measures that are still in place, by November 2012).

NRC staff affirmed, as stated in its letter of February 14, 2012, that since DEK withdrew its amendment request, enforcement discretion, as described in Section 9.1 of the NRC Enforcement Policy (ADAMS Accession No. ML093480037), may continue to apply for noncompliances that DEK has corrected or intends to correct, if reasonable and timely corrective actions are in progress.

**Hearing Identifier:** NRR\_PMDA  
**Email Number:** 275

**Mail Envelope Properties** (Karl.Feintuch@nrc.gov20120224173000)

**Subject:** ME7250 - Kewaunee NFPA-805 Withdrawal Acknowledgement Letter - courtesy call of 2/16/2012 - record  
**Sent Date:** 2/24/2012 5:30:30 PM  
**Received Date:** 2/24/2012 5:30:00 PM  
**From:** Feintuch, Karl

**Created By:** Karl.Feintuch@nrc.gov

**Recipients:**

"Feintuch, Karl" <Karl.Feintuch@nrc.gov>  
Tracking Status: None  
"Lain, Paul" <Paul.Lain@nrc.gov>  
Tracking Status: None  
"Fields, Leslie" <Leslie.Fields@nrc.gov>  
Tracking Status: None  
"Feintuch, Karl" <Karl.Feintuch@nrc.gov>  
Tracking Status: None

**Post Office:**

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	3372	2/24/2012 5:30:00 PM

**Options**

**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**