

March 21, 2001

MEMORANDUM TO: William D. Travers  
Executive Director for Operations

FROM: Joseph Murphy, Chairman **/RA/**  
Committee To Review Generic Requirements

SUBJECT: MINUTES OF THE COMMITTEE TO REVIEW GENERIC  
REQUIREMENTS MEETING NUMBER 362

The Committee To Review Generic Requirements (CRGR) held the Committee's 362<sup>nd</sup> meeting on Monday, March 12, 2001, from 3:30 p.m. to 4:45 p.m. Attachment 1 is the attendance list. The purpose of this meeting was to discuss Committee member comments, and the resolution of public and industry comments incorporated into the latest draft Regulatory Guide DG-1097, "Fire Protection for Operating Nuclear Power Plants." (ADAMS Accession No. ML010750046). The Committee found no backfits in this document, once it is revised per the Committee's comments. The members complemented Mr. Edward Connell, the author, on the quality and magnitude of work he had done in preparing this regulatory guide.

Mr. Connell, Office of Nuclear Reactor Regulation (NRR), explained the history of this regulatory guide, starting with the staff proposing its development in SECY-98-058 to assemble the NRC's regulatory framework of regulations, positions, and guidance on operating nuclear power plant fire protection into a single comprehensive document. Attachment 2 contains his presentation slides, which may also be found under ADAMS Accession No. ML010730152. He explained that specific fire protection guidance in the regulatory guide was only applicable to operating nuclear power plants, based on their operating license date and commitments.

Mr. Connell briefed the Committee on the types of public and industry comments the NRC received on the regulatory guide, including the 67 comments on backfit and implementation. He noted the changes he had made in the regulatory guide in response to these concerns to ensure that licensees were aware that there was no backfitting intended and that compliance with regulatory guides is not required. The Industry Comments on DG-1097 may be found in Attachment 3, and under ADAMS Accession No. ML003748883.

Mr. Connell addressed the Nuclear Energy Institute's concerns expressed in their letter of October 12, 2000, (ADAMS Accession No. ML010740006). This asked that the staff clearly differentiate between existing and new guidance, and raised the concern that NRC inspectors could view the regulatory guide as the standard by which current plants are judged, especially regarding new fire protection program elements that are not currently in plant licensing documents. Mr. Connell explained that the proposed wording in the letter was inconsistent with that normally used in regulatory guides. The letter's language would have granted defacto exemptions to fire protection regulations, and precluded using the regulatory guide in reviewing new licensing submittals and identifying potential risk-significant deficiencies.

The Committee discussed the concern licensees had expressed that inspectors could potentially inspect their plants against this regulatory guide, and that NRC inspectors are trained to inspect operating nuclear power plants only against what the licensees had committed to in their own plant-specific licensing basis. Similarly, licensees self-assessments should be against their own plant-specific design basis rather than this regulatory guide.

The Committee discussed their editorial comments about terms in the regulatory guide that might be misconstrued as requirements. Mr. Connell explained on a case-by-case basis where specific sentences in the regulatory guide were taken directly from the regulations, which are not normally cited in regulatory guides. It was generally agreed that where regulations were quoted, language should be included denoting that the requirement was "in accordance with" a specific regulation. It was also agreed that phrases inappropriately implying a regulation rather than new guidance would be replaced with more appropriate language, such as "should" or be deleted. The CRGR staff will review the revised regulatory guide, to ensure the Committee's concerns have been resolved, before its issuance. Subject to incorporation of the text changes discussed, CRGR believes the proposed regulatory guide does not impose a backfit and should be approved.

Questions about these meeting minutes should be referred to Bob Spence at 301-415-6346.

Attachments: As stated

cc w/atts.:

Chairman Meserve

Commissioner Dicus

Commissioner Diaz

Commissioner McGaffigan

Commissioner Merrifield

SECY

WKane, DEDR

CPaperiello, DEDMRS

RBorchardt, OE

HBell, OIG

KCyr, OGC

JLarkins, ACRS

HMiller, R-I

LReyes, R-II

JDyer, R-III

EMerschhoff, R-IV

MVirgilio, NMSS

AThadani, RES

SCollins, NRR

CRGR members

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- cc w/atts.:
- Chairman Meserve
- Commissioner Dicus
- Commissioner Diaz
- Commissioner McGaffigan
- Commissioner Merrifield
- SECY
- WKane, DEDR
- CPaperiello, DEDMRS
- RBorchardt, OE
- HBell, OIG
- KCyr, OGC
- JLarkins, ACRS
- HMiller, R-I
- LReyes, R-II
- JDyer, R-III
- EMerschhoff, R-IV
- MVirgilio, NMSS
- AThadani, RES
- SCollins, NRR
- CRGR members

Distribution w/atts.:

- CRGR R/F
- T. Collins, NRR
- J. Hannon, NRR
- E. Weiss, NRR
- E. Connell, NRR

**Attachment 2: ML010730152**  
**Attachment 3: ML003748883**

DOCUMENT NAME: C:\Mts-362.wpd

OAR in ADAMS (Y or N) Y ADAMS ACCESSION NO.: ML010810039

TEMPLATE NO. NRC-001

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DATE	03/20/01*		03/21/01*	



**CRGR MEETING No. 362**  
**LIST OF ATTENDEES**  
**(March 12, 2001)**

**CRGR Members**

J. Murphy, Chairman  
M. Federline, RES  
B. Mallett, R-II  
R. Pierson, NMSS (Alternate)  
B. Sheron, NRR

**NRC Staff**

E. Connell, NRR  
J. Hannon, NRR  
E. Weiss, NRR  
T Collins, NRR

**CRGR Staff**

R. Spence, RES  
M. Bennett, RES