

May 15, 2001

MEMORANDUM TO: William D. Beckner, Acting Chief
Generic Issues, Environmental, Financial
and Rulemaking Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

FROM: Peter C. Wen, Project Manager/**RA**
Generic Issues, Environmental, Financial
and Rulemaking Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF MAY 9, 2001, MEETING WITH THE NUCLEAR ENERGY
INSTITUTE REGARDING NATIONAL FIRE PROTECTION
ASSOCIATION STANDARD 805

On May 9, 2001, members of the Nuclear Regulatory Commission (NRC) staff, representatives from the Nuclear Energy Institute (NEI), various licensees, and members of the public participated in a public meeting held at the NRC offices in Rockville, Maryland. The purpose of the meeting was to continue discussion of industry concerns on the proposed NRC rulemaking to implement National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants," as a voluntary alternative to a plant's current fire protection licensing basis. Attachment 1 lists attendees at the meeting and Attachment 2 contains a copy of the slides used by NEI.

The staff previously held a public meeting with NEI at NRC headquarters to discuss industry's concerns with NFPA 805 on March 15, 2001. (The meeting summary is available under ADAMS Accession Number ML010870281). Since the March 15 meeting, two letters (March 23, 2001, letter from Alex Marion (NEI) to John Hannon (NRC) and an April 6, 2001, letter from John Hannon to Alex Marion) were exchanged between the NEI and NRC, further explaining NEI and NRC concerns with NFPA 805. These letters are available under ADAMS Accession Numbers ML010870179 and ML010990346, respectively.

There were two major areas discussed during the meeting - policy issues and implementation issues. The major points and conclusion of the discussions are as follows:

Policy Issues

- In response to NEI's question of whether the Commission is supporting risk-informed fire protection rulemaking, a senior NRR manager replied affirmatively and indicated that NRR is committed to providing the necessary resources to support the associated rulemaking activities.

- The staff stated clearly that the adoption of NFPA 805, via the new rule, will be voluntary, not mandatory. There will be no impact on licensees who choose to keep their current licensing basis.
- The staff believes that the adoption of NFPA 805 through the proposed rulemaking is a viable option to achieve the risk-informed, performance-based fire protection objectives of the Commission. The staff also believes that the industry identified barriers to the implementation of NFPA 805 can be resolved through the rulemaking process with appropriate implementation guidance developed by NEI.
- A senior NEI executive stated that NEI is prepared to devote resources necessary to develop the implementing guidance and will support the rulemaking activities.

Implementation Issues

- Both NRC and NEI have identified technical implementation issues concerning NFPA 805. These issues are documented in the March 23 and April 6 letters. The staff indicated that other than the three technical issues documented in the Enclosure 1 to the April 6 letter, the staff has no further concerns with the implementation NFPA 805. The NEI representatives stated that the technical issues contained in their March 23 letter is a complete listing of the industry concerns that have been identified to date with NFPA 805. These issues were discussed during the meeting.
- In response to a question from a senior NEI manager, the NRC staff indicated that the adoption of NFPA 805 by a licensee would not meet the requirements currently specified in Appendix R to 10 CFR 50, therefore a license amendment would be required for those licensees that elect to adopt NFPA 805 as an alternative to their current fire protection license condition.
- The subject of NEI's proposed "exception" to Section 3-1 was thoroughly discussed. NEI has proposed to revise Section 3-1 to allow the application of performance-based approaches to the fundamental fire protection program elements and minimum design requirements. The staff indicated that it understood industry's underlying desire to have the flexibility in the rule but disagreed with NEI proposed language. This subject will be discussed in a future meeting.
- Industry representatives expressed their concerns about the technical requirements, primarily contained in Chapter 3 of NFPA 805, where deviations from those requirements had not been previously reviewed and approved by the NRC, although the information may have been docketed. There was considerable discussion on how deviations from NFPA 805 could be addressed if a licensee chose to adopt the standard in the future. This subject will be discussed in a future meeting.

Both NEI and NRC agreed that further discussion were needed and a date in the first week of June has been tentatively agreed upon for the next meeting.

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D Oudinot

H Nieh, OCM/RAM

A Singh, ACRS

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OPA

**NRC-NEI Meeting on Fire Protection NFPA 805 Issues
LIST OF ATTENDEES
May 9, 2001**

<u>NAME</u>	<u>ORGANIZATION</u>
* Sam Collins	NRC/NRR
* Bran Sheron	NRC/NRR
Suzanne Black	NRR/DSSA
* John Hannon	NRR/DSSA/SPLB
Eric Weiss	NRR/DSSA/SPLB
Ed Connell	NRR/DSSA/SPLB
Daniele Oudinot	NRR/DSSA/SPLB
Peter Wen	NRR/DRIP/RGEB
Ho Nieh	NRC/OCM/RAM
Amarjit Singh	NRC/ACRS
* Ralph Beedle	NEI
Alex Marion	NEI
Fred Emerson	NEI
Jenny Weil	McGraw Hill
Cliff Sinopoli	Exelon - Peach Bottom
Les Bailey	Southern Nuclear
Donald Ferraro	Winston & Strauss
Lane Hay	Serch/Bechtel
Millan Straka	Sciencetech
Craig Sellers	ITS Corp
Doug Brandes	Duke Power Co.

* Part Time