

June 26, 2001

MEMORANDUM TO: William Beckner, Acting Chief
Generic Issues, Environmental, Financial &
Rulemaking Branch
Division of Regulatory Improvement Programs, NRR

FROM: Joseph L. Birmingham, Project Manager/**RA**/
Generic Issues, Environmental, Financial &
Rulemaking Branch
Division of Regulatory Improvement Programs, NRR

SUBJECT: SUMMARY OF JUNE 6, 2001, MEETING WITH NUCLEAR ENERGY
INSTITUTE ON CONCERNS FOR IMPLEMENTATION OF NFPA 805

On June 6, 2001, Nuclear Regulatory Commission (NRC) staff met with representatives of the Nuclear Energy Institute (NEI) and industry to continue discussion of industry concerns for NRC proposed endorsement of National Fire Protection Association (NFPA) standard NFPA 805, "Standard on Performance-Based Fire Protection for Light Water Reactor Electric Generation Plants." The meeting attendees are listed in Attachment 1. The slides presented by NEI are in Attachment 2.

NRC began the meeting with introductions and a review of the previous meeting. Fred Emerson, NEI, distributed slides and began a presentation of industry's concerns for NFPA 805. He stated that the context of the meeting was a result of industry concerns expressed to the Commission and that industry was meeting with the staff to work out exceptions to the standard that would allow industry to support rulemaking. He emphasized that industry recommendations were intended to remove unnecessary licensee burdens and barriers to implementation. Issues that NEI hoped to address in the meeting were policy and process issues. The policy issues included the language to be used for exceptions to NFPA 805 Section 3-1 which is a prescriptive section in the standard. The process issues included: addressing changes or exceptions proposed to the NFPA committee; Tentative Interim Amendments; and the content of submittals to the NRC for transitioning to an NFPA 805 based fire protection plan including acceptance of performance-based methods, exceptions to NFPA 805, equivalency evaluations, documentation requirements, and NRC Safety Evaluation Reports or other means of approval. Other process issues were follow-on submittals, adoption of subsequent revisions of NFPA 805, and use of probabilistic-risk assessment (PRA) methods.

NEI presented proposed language for exception to Section 3.1 of the standard (Attachment 2). The staff commented on the proposed language. Regarding the term "docketed licensing basis" in the proposed language, Mr. Mizuno, NRC Office of General Counsel, pointed out that the NRC can only have reviewed and approved information that it has received and that there is no "undocketed" licensing basis. Mr. Mizuno responded to several questions on the alternative NRC processes for endorsement of the NFPA standard. In addition, Mr. Mizuno provided comments on the backfitting implications of various methods of endorsement. The staff also pointed out that once a rule adopting NFPA 805 is finalized, changes to the rule would require rulemaking, i.e., there is no method for "automatic" approval of changes to NFPA 805. NEI plans to work on the proposed language to provide exception to Section 3.1.

The group discussed the status of elements of existing licensee fire protection plans. NEI asked if elements of the fire protection program that have been docketed would be acceptable alternatives to the criteria in NFPA 805. Eric Weiss, NRC, indicated that previously approved approaches would be acceptable. The staff also explained that it is possible to write a rule so that it permits use of alternatives that are acceptable to the NRC. One method to do this is to write criteria in the rule allowing approval of acceptable alternatives by the Director of the Office of Nuclear Reactor Regulation (analogous to approval of alternatives under 50.55 a. Mr. Mizuno indicated that the staff would always have the ability to correct unsafe conditions through the backfit process.

Regarding changes to NFPA 805 made by the NFPA after NRC endorsement in a rule, the staff commented that, interpretations made by the NFPA committee have no legal significance and cannot alter the requirements for implementation of the standard as set forth in the NRC rule. Temporary Interim Amendments approved by the NFPA committee would not be usable unless otherwise approved by the NRC.

Also discussed were the requirements for informing the NRC on the process for transitioning to NFPA 805. The staff indicated that NRC needs to be informed of the licensee's adoption of NFPA 805 and any exceptions the licensee plans to take from the standard. However, the staff also said that, although licensees need to have a plan for transitioning to NFPA 805, NRC review of the plan should not be needed. NFPA 805 was designed to be a replacement for fire protection plans under 10 CFR 50.48 for satisfying General Design Criterion 3 and is sufficiently detailed not to require extensive staff review. The group discussed adding language to the rule to describe the requirements for a licensee to inform the NRC of their adoption of the standard and any planned exceptions. The group also discussed adding language describing how the licensee's commitment to NFPA 805 should be documented, e.g., in the fire protection plan or in the Final Safety Analysis Report. The staff agreed to consider how these processes should be documented and whether language in the rule was needed.

The group then discussed PRA issues. Regarding the use of "feed and bleed" for plant shut down, NEI stated that they had found no indication that any plant relied on "feed and bleed" as their only fire protected method to shut down. Regarding including a PRA in performance-based approaches, the staff indicated that such approaches need to meet the requirements in the NFPA standard and that they may include PRA but should not be solely risk-based. NEI asked if a licensee chose to submit a performance-based approach what would be needed in the submittal. The staff indicated the submittal should address five elements, 1) show how it meets requirements, 2) show that the change in risk is small, 3) show that defense-in-depth is maintained, 4) show that margins are maintained, and 5) describe how performance measures are to be achieved. These elements are consistent with Regulatory Guide 1.174, "An Approach for using Probabilistic Risk Assessment in Risk-Informed Decisions On Plant-Specific Changes to the Licensing Basis."

NEI then outlined actions for development of the implementation guidance. The actions included, NRC to provide a list of proposed topics to be addressed, NEI to provide an outline of the draft implementing guidance for staff comment, and NEI to develop a full draft document. NEI estimated this process would take 48 weeks. The staff would work on rulemaking concurrently. The group agreed that additional meetings were needed and that the staff should send NEI a letter addressing the following:

1. A discussion of NRC's comments provided informally during the June 6, 2001 meeting on NEI's proposed approach/modification to Section 3.1 of NFPA 805 on the process by which licensees transition to a risk-informed performance-based licensing basis without having to address features that are part of current designs but have not been previously reviewed and approved by the NRC.
2. An outline of a draft process that addresses what NRC would expect in a submittal to transition to a risk-informed performance-based licensing basis and what would be an appropriate change process once a licensee has adopted the new licensing basis.
3. Suggestions for the format of the guidance document that NEI will develop. This information will help NEI develop the guidance document more efficiently .
4. Formally ask NEI for a schedule for developing implementing guidance. This schedule would be part of the staff's proposed rulemaking plan to be provided to the Commission in September. The staff could then develop the rulemaking plan so the guidance document would be available at about the same time as the proposed rule thus making a complete package for review.

NEI asked about the use of tools from NFPA 805. The staff indicated that the tools could be used in exemption requests consistent with the requirements specified in 10 CFR 50.12.

Having completed discussion of the agenda items, the meeting was adjourned.

Project No. 689

Attachments: As stated

cc w/atts: See list

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* See previous concurrence

DOCUMENT: G:\RGE\JLB\MSUM-NEW NEI NFPA 805 06-06-01.WPD

OFFICE	DRIP/RGEB	OGC	DSSA/SPLB	DSSA/SPLB	DRIP/RGEB
NAME	JBirmingham*	GMizuno	EConnell*	EWeiss*	SWest
DATE	06/ 19 /01	06/25/01	06/ 19 /01	06/ 19 /01	06/26/01

**Attendees for June 6, 2001, Meeting
NFPA Standard NFPA 805**

NAME	ORGANIZATION
F. Emerson	NEI
D. Brandes	Duke Power
D. Ferraro	Winston & Strawn
J Weil	McGraw Hill
L. Haye	SERCH Licensing/Bechtel
D. Raleigh	Sciencetech LIS
C. Sinupoli	Exelon/Peach Bottom
D. Roberts	Exelon
R. Huston	Licensing Support Services
S. Black	NRC/NRR/DSSA
S. Morris	NRC/EDO
G. Mizuno	NRC/OGC
S. Wong	NRC/NRR/ADIP
E. Weiss	NRC/NRR/DSSA/SPLB
E. Connell	NRC/NRR/DSSA/SPLB
D. Oudinot	NRC/NRR/DSSA/SPLB
J. Birmingham	NRC/NRR/DRIP/RGEB
M. Cheok	NRC/NRR/DSSA/SPSB
J. S. Hyslop	NRC/NRR/DSSA/SPSB
N. Siu	NRC/RES/DRAA/PRAB