

January 7, 2002

Mr. Alex Marion, Director
Engineering Department
Nuclear Generating Division
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, D.C. 2006-3708

SUBJECT: NRC COMMENTS ON NFPA 805 FIRE PROTECTION RULEMAKING
IMPLEMENTATION GUIDANCE PRELIMINARY OUTLINE

Dear Mr. Marion:

On December 13, 2001, you forwarded to us a preliminary outline for an implementation guidance document for our NFPA 805 risk-informed, performance-based rulemaking initiative (outline date December 11, 2001). The NFPA 805 rule is intended to be a means by which licensees may adopt the NFPA 805 national consensus standard as a new set of fire protection requirements in lieu of the current requirements of 10 CFR 50.48 (b) and (f). It is envisioned that upon successful development of that guidance document, the NRC would endorse it in a Regulatory Guide.

On December 18, 2001, in a publicly observed meeting, we met with you, Fred Emerson of your staff, and a number of licensee representatives to discuss the implementation guidance outline. At our December 18, 2001, meeting we also discussed early draft NFPA 805 rule language which was posted on the NRC Rulemaking Forum website (<http://ruleforum.llnl.gov/>) on December 20, 2001. We will be interested in receiving NEI's comments on that rule language.

During our December 18, 2001, meeting we agreed that we would attempt to provide comments on your outline by January 3, 2002. Our comments on the implementation guidance document outline are enclosed. We also agreed that we would propose topics for up to three meetings in January and February, 2002. The intent of the three meetings would be to facilitate your upcoming implementation guidance development efforts through resolution of significant and/or complex issues raised during our December 18th meeting or during our review of your outline.

On January 16, 2002, we propose that we meet to discuss language for guidance on quality assurance, configuration management, change control processes, and records retention, and the status of NEI 00-01 within the implementation guidance document.

Contact: L. Whitney, NRR/DSSA/SPLB
301-415-3081

On February 5, 2002, we propose that we meet to discuss (1) our position that guidance for licensees not adopting NFPA 805 should not be in the implementation guidance document, (2) the apparent need for licensees to receive NRC approval for the use of information contained in the standard's appendices, (3) which plant features constitute Section 3.1 "fundamental fire protection program and design elements," and/or what criteria can be applied to identify them as such, (4) the need for Section 3.1 elements to be documented by licensees to meet the performance goals, objectives and performance criteria requirements of Chapter 1 of the standard, and (5) the validity of the concept or principle of "tacit" NRC approval of docketed information, and the extent to which that concept or principle may serve to establish "approved licensing basis information" even though the NRC has not conducted a focused review of that information.

On February 26, 2002, we propose to meet to discuss the licensee fire protection configuration baselining process, and the documentation needed for a clear and complete transition request license amendment (see Section (4)(i) of the draft rule language).

As appropriate, topics may be added or deleted as agreed on at subsequent meetings.

I look forward to future interaction as the NFPA 805 rulemaking and guidance development efforts proceed. Please contact Mr. Leon Whitney of my staff at 301-415-3081 with any feedback you may have on the above agenda item proposals, and any questions you may have regarding the enclosed comments.

Sincerely,

/RA/

John N. Hannon, Chief
Plant Systems Branch
Division of Systems Safety and Analysis
Office of Nuclear Reactor Regulation

Project No. 689
Enclosure: As stated

cc: See list

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cc: See list

DISTRIBUTION: See next page

DOCUMENT NAME: 805 NEI Ltr Imp Guide.WPD

OFFICE	SPLB:DSSA:NRR	RGEB	SC:SPLB:DSSA	GMizuno	BC:SPLB
NAME	LWhitney:bw	JBirmingham	EWeiss	OGC	JHannon
DATE	01/03/02	01/03/02	01/03/02	01/07/02	01/07/02

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JHannon, NRR
SWest, NRR
JBirmingham, NRR
ACRS
OGC
WHolmes, NFPA
ADAMS
SPLB r/f
FEmerson, NEI (fae@nei.org)

cc: Mr. Wayne D. Holmes, Chairman
NFPA 805 Cte.
National Fire Protection Assoc.
1 Batterymarch Park
PO Box 9101,
Quincy, MA 02269-9101

Mr. Anthony Pietrangelo, Director
Risk and Performance-Based Regulation
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. Jim Davis, Director
Operations
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Ms. Lynnette Hendricks, Director
Licensing
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. Fred Emerson, Sr. Proj. Mgr
Engineering
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

NRC COMMENTS ON NEI NFPA 805 RULE IMPLEMENTATION GUIDANCE OUTLINE

1. Overall, the implementation guidance outline appears to be a good start, especially given the fact that, at the time of its development, neither NEI nor members of industry had access to early drafts of the draft rule language recently posted for public comment.
2. We suggest that the Section 4 of the outline (definitions) incorporate the definitions in Section 1.6 of the Standard (explicitly or by reference) and supplement them.
3. Section 7 of the outline may need to directly address the process for analysis of licensee commitments. A subsection on updating of the FSAR may be needed.
4. Section 7.7 of the outline should identify whether different types of information need to be developed for Appendix R or NUREG 0800 (Standard Review Plan) "post-1979" reactor plants.
5. Section 7.8 of the outline may need to provide a discussion of the basis for plants making changes after adoption of NFPA 805 (e.g., some plants may be under a GL 86-10 change process, while other plants may be under a 10 CFR 50.59 change process). In a related vein, we question what is meant by the phrase "new change process" in section 5.1.1 of the outline.
6. Because our purpose is to develop implementation guidance for the NFPA 805 rulemaking, we believe that the guidance document should not contain information intended for licensees which do not choose to adopt NFPA 805 plant-wide as a new set of fire protection requirements in lieu of 10 CFR 50.48 (b) and (f). This would mean that Section 5.1 of the preliminary outline should be deleted.
7. The latest version of NEI 00-01 is currently being reviewed by the NRC staff and is mentioned in the outline as an "NFPA 805 tool." Only to the extent that NEI 00-01 is ultimately endorsed by the NRC staff as a valid performance-based and risk-informed circuit analysis methodology would it be appropriate to reference that industry guidance document in the NFPA 805 rule implementation guidance. Therefore, timing of the completion of development efforts for NEI 00-01 and the NFPA 805 implementation guidance will play a large part in the ultimate disposition of NEI 00-01 within the implementation guidance document.
8. With respect to approval of alternative methods or analytical approaches under NFPA 805 (see Section's (4)(i) and (4)(ii) of the draft rule language), for the sake of NRC and licensee efficiency, the guidance document should encourage licensees to seek generic approvals of owner's group or light water reactor class topical reports when possible, rather than to seek plant specific approvals for NFPA 805 methodologies of broad applicability within the nuclear electric generating industry.

9. We believe the guidance document should strongly emphasize reactor plant change control and configuration management, since there are currently no plans for *a priori* NRC review and approval of reactor plant NFPA 805 configurations, and the NRC will initially review these configurations as part of normal inspection lines of inquiry. Expectations for records retention (e.g., records location, level of detail, and auditability) should be addressed in some detail. The implementation guidance could list the attributes of a good change control process (e.g., specify important features, such as Plant Operations Review Committee or equivalent senior management review mechanisms), or otherwise direct the licensee to the location of applicable change control requirements and guidance.
10. We believe that the guidance document will need strong emphasis on the quality assurance efforts for the establishment and maintenance of an NFPA 805 configuration at each reactor plant. For example, the qualifications of the personnel who are to conduct fire modeling or risk analyses activities should be addressed. Further, the numbers and types of analyses and their quality checks could be specified. Also, fire models and other analytical methods could be bench-marked to ensure their results are valid and reproducible.
11. The implementation guidance document could state that the change control process should account for the cumulative effects of multiple plant changes over time (wherein each change may be individually justified, but the cumulative effect can not be justified, for example, due to the assumption of mutually exclusive plant conditions). [Note: future versions of the rule language may address the topic of change control in more detail.]
12. The guidance document could note that since the standard's appendices are stated within NFPA 805 to not be requirements, and for information only, a licensee choosing to use their contents will need to seek "alternative method or analytical approach" approval from the NRC (see Section (4)(i) and (4)(ii) of the draft rule language).
13. We recommend that the guidance document contain clarification of the terms "approved licensing basis," "existing licensing basis," and "current licensing basis," if the document addresses the incorporation of "approved," "existing" or "current" licensing basis supported plant features into the new NFPA 805 configuration. We also recommend providing a definition of the term "fundamental fire protection program and design element," so that it may be clear when an existing plant feature can (or can not) be "brought forward" under Section 3.1 of the standard.
14. Section 3.1 of the standard states that "these fire protection program elements and minimum design requirements shall not be subject to the performance-based methods permitted elsewhere in this standard." We believe that the guidance document could contain a clarification that existing plant elements and design requirements brought forward into the new NFPA 805 configuration under Section 3.1 of the standard must meet the performance goals, objectives, and criteria of Chapter 1 of NFPA 805. We believe that the existence of such Chapter 1 review results in the licensee's retained records would readily resolve potential future questions regarding the acceptability of Section 3.1 elements and design requirements.

15. Section 7 of the outline addresses adoption of a new licensing basis (termed “transition” in the draft rule language). Section 7.3 of the outline could clarify that the phrase “analysis/documentation of current licensing basis (address compensatory measures)” refers to the process of baselining (inventorying) the reactor plant’s fire protection configuration for transition to NFPA 805, not a blanket process for validating pre-existing 10 CFR 50.48 (b) or (f) configurations or practices as meeting NFPA 805.
16. The implementation guidance document could describe what documentation a licensee can and/or should submit in its transition request license amendment (see draft rule language Section (4)(i)) to ensure that the initial NFPA 805 licensing basis is well understood by the NRC, the licensee and the public.
17. Section 7.6 of the outline on “Exceptions/alternate approaches to provisions of NFPA 805” could state that the intent of identifying these approaches is to obtain NRC approval under Section (4)(i) or Section (4)(ii) of the draft rule.
18. The NRC can not comment on Appendices A-F until the texts of the listed industry assumptions, positions and guidance paragraphs are available.

END