

August 8, 2002

MEMORANDUM TO: Christopher I. Grimes, Program Director
Policy and Rulemaking Program
Division of Regulatory Improvement Programs, NRR

FROM: Joseph L. Birmingham, Project Manager */RA/*
Policy and Rulemaking Program
Division of Regulatory Improvement Programs, NRR

SUBJECT: SUMMARY OF AUGUST 1, 2002, MEETING WITH NUCLEAR ENERGY
INSTITUTE ON NFPA 805 IMPLEMENTING GUIDANCE

On August 1, 2002, Nuclear Regulatory Commission (NRC) staff met with representatives of the Nuclear Energy Institute (NEI) and industry to continue discussion of NEI's draft implementing guidance for National Fire Protection Association (NFPA) standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generation Plants," (NFPA 805). Those attending the meeting are listed in Attachment 1. The NEI presentation material is contained in Attachment 2 (ADAMS Accession No. ML022190328).

After introductions and a review of the recent history of the rulemaking effort, the staff noted that it had not had time to review the draft guidance in detail but was prepared to discuss the guidance in general terms. Alex Marion, of NEI, then explained that the information NEI wished to present covered two areas. The first area would be on SECY-02-0132, and the second area would be information added to the implementation guidance since the last meeting in April. SECY-02-0132 is the package of information sent to the Commission requesting approval to publish the draft rulemaking language in the *Federal Register*. Fred Emerson, of NEI, then presented the material in the NEI handout.

Issues in the presentation related to SECY-02-0132 and the NRC comments were:

- Discussion of the meaning of the term, "previously approved," used in NFPA 805. The staff agreed on the need for a common understanding of the meaning of this term and that it should be clear in the documentation. The staff felt this issue had been discussed with NEI before but said it would explore setting up a discussion with representatives of the Office of the General Counsel (OGC) on the issue.
- The need to improve the consistency of certain terminology in the SECY and NFPA 805. The staff agreed that terms such as "fundamental program attributes," "fundamental program elements," and "design requirements" as used in Section 3 of the standard were essentially the same but the definition of these terms should be clarified in the guidance.
- NEI said there was a need to clarify the discussion on seismic standpipes and that, in accordance with the rule, previously approved nonseismic standpipes and hose installations were acceptable. The staff agreed. NEI said a branch technical position (BTP) addressed the requirement for seismic standpipes in 1976. In that BTP, the staff applied the requirement for seismic standpipes to plants licensed after 1976. The staff said it needed to review the BTP to better understand this issue.

- Use of Generic Letter 86-10 engineering evaluation acceptance criteria. NEI indicated that it agreed with the approach stated in the SECY on existing engineering equivalency evaluations and would elaborate on this issue in the guidance. The staff and NEI agreed that a licensee could develop the evaluations any time before implementing NFPA 805.
- Use of “feed and bleed” as a shutdown means. NEI agreed with the rule language that the use of a charging/injection pump and power operated relief valves as the sole fire protected shutdown path was not acceptable.
- NEI said the estimate in SECY-02-0132 of hours needed for transition analysis seemed excessive. The staff agreed with NEI. NEI said that information on the number of hours needed for the analysis would be in their comments on the rule.
- NEI said that the implementing guidance would indicate that radioactive release criteria for fuel damage and fire suppression activities are met through a combination of preventing fuel cladding damage and appropriate pre-fire plans. The staff said that, as stated in the SECY, Part 20 limits applied but agreed to look at the guidance when it was written.
- NEI said that, rather than requesting a license amendment for methods not in NFPA 805, submitting a topical report for NRC review would be more efficient. The staff said that a license amendment was required if it changed the licensing basis. NEI and the staff agreed that this was part of a larger issue and should be pursued at a higher level.

NEI then provided information on the draft implementing guidance. Descriptions of the draft guidance are in Attachment 2. The staff and NEI discussed certain topics in more detail. Details of those discussions follow.

NEI asked if the NRC review of licensee submittals would include review of voluntary licensee submittal of extensive portions of their NFPA 805 analyses. The analyses might include information such as the determination that existing plant configurations were previously approved by the NRC. The staff responded that the proposed rule language did not require licensees to submit this information and that the staff did not intend to review such information. The staff did expect licensees to perform the analyses as specified by NFPA 805 and to retain the documentation of the analyses for possible future inspection.

NEI provided an example of trial tables that mapped the process for determining that the transition to NFPA 805 from a licensee’s current licensing basis continued to meet regulatory requirements. This process requires licensees to identify the applicable regulatory requirements, the current licensing basis documentation, and identify how they meet regulatory requirements under NFPA 805. The NRC observed that the process would enable licensees to know what their plant configuration requirements are under NFPA 805 and would be useful to the NRC when inspecting the licensee’s fire protection program.

NEI noted that the implementing guidance would address the correlation between the analytical processes described in Figure 2.2 of NFPA 805 and the text of Sections 2.2.1 through 2.2.10 of NFPA 805. Leon Whitney, of the NRC, said that the figure described the process in a better and more understandable manner than the text.

Eric Weiss, of the NRC, commented that it was important that the guidance provide licensees good, clear direction on actions needed to transition to NFPA 805 and that the guidance, once endorsed, be a basis from which the staff could inspect licensees for complying with NFPA 805. NEI agreed with this statement.

NEI asked when they could expect NRC comments on the draft guidance. The staff said it should have the comments to NEI by October 1, 2002. The staff suggested having a meeting or teleconference to clarify the staff's comments before sending them to NEI. NEI agreed to either approach.

At this point, the staff offered to take questions from the public in attendance. There was a question from Paul Gunter, of the Nuclear Information and Resource Service (NIRS), regarding use of performance indicators (PIs) in the adoption of NFPA 805. Joe Birmingham, of the NRC, stated that PIs, used in the risk oversight significance determination process, were not intended to be part of this rulemaking effort. Alex Marion said that, in general, PIs were not applied to fire protection because of a lack of clear objective parameters to evaluate licensee performance. Mr. Gunter also asked whether fire watches would be used in place of engineered fire barriers after transition to NFPA 805. The staff and NEI said that fire watches were compensatory actions and would not be acceptable as a permanent substitute for required fire detection, fire barriers or fire suppression under NFPA 805.

Having completed discussion of the agenda items, the group adjourned.

Project No. 689

Attachments: As stated

Cc w/atts: See list

**Attendees for August 1, 2002
Meeting on NEI Implementing Guidance for NFPA 805**

NAME	ORGANIZATION
A. Marion	NEI
F. Emerson	NEI
S. Trubatch	Law Office of S. Trubatch
D. Brandes	Duke Energy
E. Kleinsorg	The Kleinsorg Group
F. Garrett	APS
T. Furlong	NSO-NEIL
R. Rispoli	ENTERGY
D. Raleigh	Sciencetech LIS
P. Gunter	NIRS
J. Hannon	NRC/NRR/DSSA/SPLB
E. Weiss	NRC/NRR/DSSA/SPLB
L. Whitney	NRC/NRR/DSSA/SPLB
P. Lain	NRC/NRR/DSSA/SPLB
J. Birmingham	NRC/NRR/DRIP/RGEB

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SMorris, EDO	JBirmingham	JHannon	NSiu AHsia

*See previous concurrence

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