

December 11, 2002

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

FROM: Peter C. Wen, Project Manager */RA/*
Policy and Rulemaking Program
Division of Regulatory Improvement Programs, NRR

SUBJECT: SUMMARY OF NOVEMBER 21, 2002, MEETING WITH NUCLEAR
ENERGY INSTITUTE ON IMPLEMENTING GUIDANCE FOR NFPA 805

On November 21, 2002, Nuclear Regulatory Commission (NRC) staff met with representatives of the Nuclear Energy Institute (NEI) and industry to continue discussion of NEI's proposed outline of guidance for implementation of National Fire Protection Association (NFPA) standard NFPA 805, "Standard on Performance-Based Fire Protection for Light Water Reactor Electric Generation Plants." Those attending the meeting are listed in Attachment 1.

On July 29, 2002, NEI submitted Revision C of the implementing guidance document for the NFPA 805 risk-informed, performance-based rulemaking, dated July 2002, for staff review (ADAMS Accession Nos. ML022120342 and ML022110009). The staff provided its comments via a letter to NEI on November 6, 2002 (ADAMS Accession No. ML023100156). These documents were used for discussion basis during the meeting.

The meeting opened up with NRR management stating that the NFPA 805 implementation guidance document should address how to handle inspection results during the NFPA 805 transition process (e.g. whether they would be handled under the existing or the new licensing basis). An industry representative indicated that licensees would place them in their corrective action systems under the older licensing basis.

Another related question discussed was what would happen if a licensee self-identified a non-compliance/violation during the transition process that required an exemption to resolve (under the existing licensing basis) but would clearly not need an exemption under the near-term NFPA 805 regulatory requirements (due to the inherent safety/risk analysis structure of NFPA 805). NEI will address this scenario in their next version of the implementation guidance document.

NEI and industry representatives then responded to the staff's comments (November 6th Letter). In most instances, NEI agreed with the staff's comments in expectation for implementation and clarification of the terminology, except items as described below:

- Relative to references to NEI 00-01, on circuit analysis within the NFPA 805 implementation guidance document, NEI stated that they would continue to use NEI 00-01 as a placeholder until its NRC endorsement was clarified.

- There was significant discussion of the definition of "previously approved," which appears in Section 3.1 of NFPA 805. The staff reiterated that the NRC position is "what was previously approved stays approved," and "previously approved will be determined on a case-by-case basis." NEI committed to develop wording in the next version of the implementation guidance document that the staff could comment on.

An industry representative stated that it is his utility's plan to conduct pilot trials of various parts of the implementation guidance document in CY 2003, after Revision D is commented on by the NRC in Spring 2003, before the final rule is issued (currently projected in early 2004.)

Representatives of the NRC and the industry agreed that this meeting had been useful for the exchange of information on the discussion topics. Having completed discussion of the agenda items, the meeting was adjourned.

Project No. 689

Attachment: As stated

cc w/atts: See list

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Project No. 689

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**MEETING on NFPA 805 IMPLEMENTING GUIDANCE
LIST OF ATTENDEES
November 21, 2002**

<u>NAME</u>	<u>ORGANIZATION</u>
Suzanne Black	NRR/DSSA
John Hannon	NRR/DSSA/SRLB
Eric Weiss	NRR/DSSA/SRLB
Leon Whitney	NRR/DSSA/SPLB
Paul Lain	NRR/DSSA/SRLB
Kendra Hill	RES/DRAA/PRAB
Peter Wen	NRR/DRIP/RPRP
Fred Emerson	NEI
Nancy Chapman	Serch/Bechtel
Deana Raleigh	Scientech LIS
Doug Brandes	Duke Energy
Sheldon Trubatch	Law Office of S. Trubatch
Kiang Zoe	DRIN
Elizabeth Kleinsorg	The Kleinsorg Group
Bijan Najafi	SAIC/EPRI
Tom Furlong	NEIL/NSO
Cliff Sinopoli	Exelon/Peach Bottom
Brin Melly	TRIAD