

October 3, 2003

MEMORANDUM TO: Cathy Haney, 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 21, 2003, MEETING WITH NUCLEAR
ENERGY INSTITUTE ON FIRE PROTECTION ISSUE MANAGEMENT

On August 21, 2003, Nuclear Regulatory Commission (NRC) staff met with representatives of the Nuclear Energy Institute (NEI) and industry to continue discussions on fire protection issue management. The meeting was held at NRC headquarters in Rockville, Maryland. Those attending the meeting are listed in Attachment 1. A list of action items from the meeting is provided in Attachment 2. Information provided at the meeting is in Attachment 3 (ADAMS Accession # ML032541038).

After introductions by Suzanne Black and John Hannon, of the NRC, the NRC summarized its responses to letters received from NEI on industry suggestions for incentives to adopt NFPA 805, resolution of the associated circuit analysis issue, and NEI 02-03, "Guidance for Performing a Regulatory Review of Proposed Changes to the Approved Fire Protection Program".

Regarding the letter on incentives for NFPA 805, the staff is reviewing its draft responses to the 11 suggestions. In general, the staff's responses were favorable to items such as considering enforcement discretion during a licensee's transition phase to NFPA 805. A response letter was expected to be sent by the end of September. NEI indicated at the meeting that a number of licensees were interested in adopting NFPA 805 as their fire protection program basis.

Regarding associated circuits, NRC stated that it planned to respond to the NEI letters soon but there were some key items to be resolved such as ensuring that the risk-significance assigned to findings meshed with the Significance Determination Process. NEI asked if the staff response would address all of the NEI letters. The staff said that the response would address all of the letters at a high level but that additional work was needed on the details. The staff suggested a meeting with industry in October. The staff also stated that it had published a draft regulatory issue summary, (RIS), on risk-informed inspection guidance in the *Federal Register* for public comment. After resolution of any public comments, the staff planned to issue the RIS formally, hold an internal workshop with regional inspectors, followed by a public workshop on the inspection guidance. The staff planned to lift the hold on inspection of associated circuits about the end of October and inspections would resume some time after that. A response letter to NEI will be issued by the staff in September.

Regarding NEI 02-03, the fire protection change control process, the staff planned to provide an acknowledgment letter but no specific comments. The staff stated that it was not specifically reviewing NEI 02-03 for approval.

The NRC discussed the status of a risk-informed evaluation of fire-suppression requirements. John Hannon noted that the staff held a regulatory conference in June 2003 and had published a safety evaluation in March of 2003. The NRC Probabilistic Safety Branch had determined that a backfit was not justified on the basis of risk. A letter was issued to St. Lucie informing them of the staff's decision August 4, 2003, (ADAMS Accession # ML032160339) stating that no further action was planned.

The group discussed the use of compensatory measures. Phil Qualls, of the NRC, noted that a white paper was available on the NRC fire protection website and that Information Notice 97-48, "Inadequate or Inappropriate Interim Fire Protection Compensatory Measures," provided information also. The staff stressed that the white paper did not provide new policy. The staff noted that it was important that compensatory measures be appropriate for the equipment or issue they were meant to compensate and that they must be consistent with the plant licensing basis. The Region IV representatives emphasized that effective criteria was important for their inspectors to evaluate the use of compensatory measures. With these clarifications, the group agreed that this was not an emerging fire protection issue.

Dwight Chamberlain and Rebecca Nease, from NRC Region IV, discussed recent concerns in Region IV. Among others, the concerns included dispositioning of findings for associated circuits and the feasibility of timing for manual actions used for alternate shutdown. John Hannon expressed concern regarding the feasibility of timing for manual actions for alternate shutdown. He said that the concern would need to be considered for implications relative to manual action rulemaking in general. The group discussed that it was important for licensees to know their current licensing basis but this was difficult in the fire protection arena because of the way licensing bases evolved over time. Industry noted that many licensees had made an effort to better identify their licensing basis in the fire protection area and that those planning to adopt NFPA 805 would be performing an analysis to document their licensing basis before adopting NFPA 805.

NEI gave an overview of the pilot held at the McGuire Nuclear Power Plant for the NFPA implementation guide. The pilot went well and the team at McGuire felt they had learned much about the implementation of the guide. The NRC staff expressed concerns for the appearance in the draft guide that fire protection elements in Chapter 3 of NFPA 805 could be subjected to performance-based and risk-based approaches. NEI said that the staff's comments were welcome and would be considered.

The group discussed briefly the protocol for issue management discussed at the last meeting and agreed that it should be adopted.

The group discussed nine items listed on the agenda for prioritization/consideration and in general agreed to add the items as emerging or existing generic issues needing attention. An exception was a concern about the Fort Calhoun licensing basis which was agreed to be plant specific and not a generic concern. An item on Hemyc fire barriers was discussed in detail by

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Roy Woods, of the NRC. He presented the background of the issue and the NRC's current plans for disposition of the issue. Details of the issue are discussed in a Program Plan for Hemyc and M. T. Fire Protective Wrap Performance Testing (ADAMS Accession # ML030080582) and in the presentation slides (Attachment 2 of this memorandum).

During the meeting, the staff asked at several points if there were any comments from the public and as there were none continued with the agenda. Having completed discussion of all the items on the agenda, the group agreed to adjourn. Action items identified during the meeting are listed in Attachment 2.

Project No. 689

Attachments: As stated

Cc w/atts: See list

Action Items from 8/21/03 Meeting on Managing Fire Protection Issues

- 1.a NRC to issue response letter to NEI's NFPA-805 incentives letter by the end of September 2003. (Completed 8/28/03, ML032450186)
- 1.b NEI will submit one additional incentive for NRC review.
2. NRC to issue response letter to NEI letters dated April 9, 2003 and May 22, 2003 regarding NEI 00-01 prior to September 2003 NEI Fire Protection Information Forum. (Completed 9/11/03, ML032541229)
3. NEI and NRC to set-up a staff/working group level discussion on NEI 00-01. (Meeting set for October 17, 2003)
4. NRC to issue response to NEI June 17, 2003 letter regarding Change Guide. (Completed 8/27/03, ML032400012)
5. NRC to determine if compensatory measure white paper will be issued as an Information Notice or Regulatory Issue Summary or remain as white paper.
6. NEI to determine what, if any, guidance Institute of Nuclear Power Operations is contemplating in the area of fire protection assessments.
7. NRC to summarize the epoxy coating issue in e-mail to NEI. NEI will then address this issue.
8. NRC to summarize the gaseous suppression system lockouts issue in e-mail to NEI. NEI will then address this issue.
9. NEI to obtain industry feedback (industry concerns/recommendations) regarding 2003 National Regional Utility Group action item on NRC regional public workshops.

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DISTRIBUTION: See attached page

*See previous concurrence

ADAMS Accession Number: ML032760609

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Region 1

CGC CC (Christopher Cahill)
JCL CC (James Linville)
JFR CC (John Rogge)
KAY CC (Keith Young)
LLS CC (Larry Scholl)
RLF1 CC (Roy Fuhrmeister)
RSB CC (Ram Bhatia)
TEW CC (Tracy Walker)

Region II

CAC1 CC (Charles Casto)
CRO CC (Charles R. Ogle)
DCP CC (Charlie Payne)
GRW CC (Gerald Wiseman)
NXM CC (Norman Merriweather)
SAW4 CC (Shakur Walker)

Region IV

CSM CC (Charles Marschall)
RLN1 CC (Rebecca Nease)
RPM CC (Ray Mullikin)

Region III

CDP1 CC (Cynthia Pederson)
DXC CC (Doris Chyu)
GMH1 CC (George Hausman)
JFL CC (Julio Lara)
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Project No. 689

**FIRE PROTECTION ISSUE MANAGEMENT MEETING
LIST OF ATTENDEES
August 21, 2003**

NAME

Suzanne Black
John Hannon
Sunil Weerakoddy
Alex Klein
Mark Salley
Richard Dipert

ORGANIZATION

NRR/DSSA
NRR/DSSA/SPLB
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Mark Reinhart
Roy Woods
Jason Dreisbach
Eileen McKenna
Ray Gallucci
Dwight Chamberlain
Rebecca Nease
Doug Coe
Joseph Birmingham
Fred Emerson
Alex Marion
Doug Brandes
Mike Krupa
Denis Shumaker
Patricia Campbell
Nancy Chapman

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