

March 22, 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 MARCH 15, 2001, MEETING WITH NUCLEAR ENERGY  
INSTITUTE TO DISCUSS CONCERNS FOR IMPLEMENTATION OF  
NFPA 805

On March 15, 2001, Nuclear Regulatory Commission (NRC) staff met with representatives of the Nuclear Energy Institute (NEI) and industry to discuss 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 was attended by senior management of the NRC, NEI and nine utilities. Those attending the meeting are listed in Attachment 1. The slides presented by NEI are in Attachment 2.

The meeting began with introductions and a brief summary of recent actions on the standard. Tim Collins, NRC, stated that the meeting was in response to a letter from Ralph E. Beedle, NEI, to NRC Chairman, Richard A. Meserve. In that letter, Mr. Beedle expressed concerns that the standard prescribed elements beyond current regulatory requirements and that it did not allow flexibility in meeting those requirements. Because of these provisions of the standard, NEI and industry believed that the standard failed to meet the original Commission objective of providing a more integrated risk-informed and performance-based standard. Also, because of certain deterministic provisions in Chapter 3 of the standard, licensees may not adopt the standard.

John Hannon, NRC, said that a success path for the meeting would include NRC gaining an understanding of the specific concerns of NEI, industry, and other stakeholders. NEI stated that industry would also like to understand the NRC's concerns for the standard. Mr. Hannon responded that the primary focus of the meeting was the concerns that industry had for the standard. However, the staff's preliminary view of the standard was that it appeared to be acceptable for endorsement with exceptions.

Fred Emerson, NEI, distributed the NEI slides and began the presentation of industry's concerns for NFPA 805. He stated that only the important items were planned for discussion at this meeting and that additional concerns would be provided to the staff in a followup document. Details of industry's concerns are contained in Attachment 2 of this summary. However, highlights of the concerns were:

- Industry supports adoption of risk-informed and performance-based rulemaking in the fire protection area.

- NRC has proposed endorsing NFPA 805 as an optional alternative licensing basis, however, in its current form NFPA 805 does not provide a useful alternative licensing basis.
- NEI and industry have identified exceptions to NFPA 805 that should be addressed explicitly in the rule.
- NEI and industry have identified significant barriers that should be addressed in the language of the rule.
- NEI and industry have identified clarifications that should be provided in the implementing guidance for NFPA 805.

Of particular concern to NEI and industry are the prescriptive fire protection elements in Chapter 3 of the standard. Chapter 3 does not allow use of performance-based methods in meeting these fundamental elements. Therefore, NEI proposed specific wording to be included as an exception in the rule to allow the use of performance-based approaches to meet these elements. The wording also emphasizes that existing licensing bases are acceptable alternatives to the fundamental elements in Chapter 3.

NRC staff discussed industry's concerns with the group. The staff felt that the concerns were not insurmountable obstacles to the adoption of NFPA 805. The staff indicated that it was willing to work with industry to resolve the concerns for NFPA 805 and that the resolutions proposed by industry may be acceptable to the staff after discussion and clarification. NEI and industry agreed to pursue resolution of the concerns with the staff.

The staff proposed scheduling a meeting to discuss the concerns in detail after the staff reviewed the concerns in the followup list from NEI. NEI and industry agreed to this proposal. No date was specified for the followup meeting.

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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DATE	03/21/01	03/21/01	03/21/01

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**Attendees for September 21, 2000, Meeting**  
**Draft Regulatory Guide DG-1097 and NFPA Draft Standard NFPA 805**

<b>NAME</b>	<b>ORGANIZATION</b>
F. Emerson	NEI
R. Beedle	NEI
A. Marion	NEI
S. Trubatch	Foley & Lardner
J. Ertman	NMC/Duane Arnold
F. Garrett	APS/ Palo Verde
P. Campbell	Winston & Strawn
G. Wilks	Nuclear Electric Insurance Ltd.
C. Sinopoli	Exelon-Peach Bottom
D. Shumaker	PSEG Nuclear
M. Callahan	GSI
D. Brandes	Duke Power
L. Haye	SERCH Licensing/Bechtel
J. Weil	McGraw Hill
C. Wilbanks	Sciencetech LIS
R. Kalantari	EPM
R. Huston	Licensing Support Services
T. O'Neill	NFPA International
P. Barnes	Fla Power & Light
L. Bailey	Southern Nuclear
S. Collins	NRC/NRR
B. Sheron	NRC/NRR/ADPT
T. Collins	NRC/NRR/DSSA
J. Hannon	NRC/NRR/DSSA/SPLB
E. Weiss	NRC/NRR/DSSA/SPLB
E. Connell	NRC/NRR/DSSA/SPLB
D. Oudinot	NRC/NRR/DSSA/SPLB
J. Birmingham	NRC/NRR/DRIP/RGEB
S. Morris	NRC/EDO
A. Singh	NRC/ACRS
J. Sieber	NRC/ACRS
N. Siu	NRC/RES/DRAA/PRAB