

April 29, 2003

MEMORANDUM TO: Christopher I. Grimes, 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 APRIL 18, 2003, MEETING WITH NUCLEAR ENERGY  
INSTITUTE ON FIRE PROTECTION ISSUE MANAGEMENT

On April 18, 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 NEI headquarters as a convenience to licensees and NRC staff attending the Regulatory Information Conference. Those attending the meeting are listed in Attachment 1. Material handed out at the meeting is contained in Attachment 2.

After introductions by Suzanne Black and John Hannon, of the NRC, the group began to address items on the agenda.

Discussion began on follow-up items from previous meeting on incentives to promote adoption of NFPA 805 such as credit for licensee self-assessments and also the need for amendment requests. The NRC staff indicated that it had met with the Office of the General Counsel (OGC) and discussed the need for license amendment requests for methods to meet NFPA 805 requirements and for the use of alternate methods. Based on OGC feedback, a license amendment may not be needed for methods to meet NFPA 805 requirements. This conclusion is based, in part, on NFPA 805 being a part of the rule and specifying that such methods be used. OGC is reviewing the proposed rule for possible rule language. The staff stated that a draft resolution of comments on the proposed rule-making is currently in the concurrence chain and the rulemaking is on schedule. The staff is still considering credit for licensee self-assessment with NRC oversight. The results of an upcoming pilot will clarify staff acceptance of self-assessment.

The staff also presented a draft talking paper on inspection and enforcement policy during the specified transition period to NFPA 805. Discussion followed on the draft talking paper. John Hannon mentioned the April pilot at Farley for the change process on NFPA 805 and said that staff personnel would attend the tabletop discussion. The staff also discussed that NFPA 805 transition inspection findings would be addressed through the Risk Oversight Process (ROP). To avoid creating a disincentive for use of NFPA 805, the staff would expect old plant issues to be placed in the corrective action process for resolution. This process would support risk-informed resolution of such issues. This process would also support implementation of NFPA 805.

Discussion then focused on resolution of circuit failure issues from an NEI letter dated April 9, 2003 (ADAMS Accession # ML031000093). Industry indicated that it wants a stable set of NRC

expectations but feels that NRC expectations are not currently clear. The group discussed the status of NEI 00-01, "Guidance for Post-Fire Safe Shutdown Analysis." NEI said it would provide the next version the last week of May. The staff reiterated that compliance with the plant licensing basis is the acceptance criteria for this area.

The group discussed using a risk-informed approach to establish licensing basis issue priorities, provide a threshold for identifying emerging issues that warrant resource expenditure, and to govern the processing of licensing basis issues for adoption of NFPA 805.

Attachment 4 of the Fire Protection Improvement Plan was discussed which identifies the status of recent emerging fire protection issues.

The meeting attendees discussed the results of a risk-informed evaluation of fire suppression requirements. Some points of this discussion were that staff work would be used in evaluating potential issues and the staff may consider issuing a regulatory issue summary (RIS) to support inspection guidance. The staff may review NRC inspection guidance and discuss emerging issues on the monthly fire protection call with the regions. The staff noted that other fire suppression issues are documented via the Task Interface Agreement process.

NEI presented information on fire watches being used for nonsafety compliance issues. NEI discussed incentives for using NFPA 805 to reduce fire watches based on risk insights and other analytical tools that would allow licensees more latitude on making decisions.

The group discussed the fire protection scoping position paper interim staff guidance (ISG). The staff and NEI agreed that the fire protection ISG should be part of the license renewal scoping meeting agenda and the Plant Systems Branch would provide technical support. The mid-May license renewal steering committee meeting was considered a possibility.

Mr. Vincent Klco, of the NRC, discussed the staff assessment of the fire protection triennial inspections. A discussion of the review process from April 2000 through February 2003 and data analysis methods was presented. Conclusions and recommendations include:

- Annual/quarterly/triennial inspections take 8/70/102 hour/year respectively.
- Reactor Oversight Process (ROP) violations and findings resulted in licensee corrective actions that are categorized in the areas of fire-rated barriers (one white violation, four green noncited violations (NCVs) and one finding), inadequate alternative shutdown procedures (five green NCVs), smoke and fire detectors (three green NCVs), and emergency lighting (two NCVs).
- The largest occurrence of ROP identified issues (about 20%) can be attributed to inadequate alternative shutdown procedures outside the control room.
- Only one of the 34 unresolved items (URIs) identified in the initial ROP process was considered significant enough for a plant issue matrix (PIM) designation. The URI process should be examined to determine the appropriateness of only one URI making the ROP PIM designation.

- Recognizing the effectiveness of the triennial inspections, the Program Office should consider ways to minimize the staff hours to implement the triennial inspections by incorporating some of their features into the annual/quarterly inspections

On a request from NEI, the staff is considering an information notice to publish the, "Lessons Learned from the Fire Protection Triennial Inspections," analysis report.

Mr. Roy Caniano, of the NRC, discussed Region III experience on inspection areas of post-fire safe shutdown and the regulatory process for fire protection. Based on Region III feedback, the second round of triennial inspections will focus on the higher risk areas. Mr. Caniano said that he considers the fire protection meetings a useful information exchange and hoped to continue as a Regional representative.

Discussions began on the potential for resolving emerging fire protection issues. A protocol for resolution of emerging fire protection issues between the industry and NRC staff was discussed (Attachment 2).

Having discussed all of the agenda items, the attendees agreed to adjourn. The next fire protection meeting is planned for early June in coordination with the next NEI fire protection working group meeting. Potential topics and actions for the next meeting include:

- Schedule for pilot of self assessment. Coordinate the schedule and consider a fast track on fire protection.
- Work with Office of Enforcement on enforcement discretion language for the NFPA 805 transition period.
- Staff to decide the licensing basis issues and how to document licensing basis resolved items not brought up by OGC.
- Staff to determine the need for a RIS on NEI 00-01 and to respond to the NEI letter of April 9, 2003.
- Staff to determine the need for a RIS on fire suppression generic issues.
- Fire protection section to support the license renewal ISG at the next license renewal steering committee meeting.
- Staff will consider an information notice on insights from the triennial study.
- The staff will invite NRC regional representatives to future fire protection meetings.
- NEI will develop a list of emerging issues from industry.

C. Grimes

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- Winston and Strawn legal personnel will provide input on the license renewal scoping ISG for fire-protection.

Project No. 689

Attachments: As stated

Cc w/atts: See list

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\*See previous concurrence

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Nuclear Energy Institute

Project No. 689

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**FIRE PROTECTION ISSUE MANAGEMENT MEETING AT NEI**  
**LIST OF ATTENDEES**  
**April 18, 2003**

<b><u>NAME</u></b>	<b><u>ORGANIZATION</u></b>
Suzanne Black	NRR/DSSA
John Hannon	NRR/DSSA/SPLB
Eric Weiss	NRR/DSSA/SPLB
Vince Klco	NRR/DSSA/SPLB
Doug Coe	NRR/DIPM/IIPB
Peter Koltay	NRR/DIPM/IIPB
Roy Caniano	NRC/RIII
See-Meng Wong	NRC/DSSA/SPSB
Daniele Oudinot	NRR/DSSA/SPLB
Fred Emerson	NEI
Alex Marion	NEI
Doug Brandes	Duke Power
Gary Gates	OPPD
David Parker	Southern Nuclear
Frank Garrett	APS/STARS
Ken Erdman	Fort Calhoun
Patricia Campbell	Winston & Strawn
Nancy Chapman	Serch/Bechtel

## **DRAFT TALKING PAPER ON INSPECTION AND ENFORCEMENT POLICY DURING SPECIFIED TRANSITION PERIOD TO NFPA 805**

Licensee announces intent to submit license amendment change request to change from existing fire protection commitment to NFPA 805.

NRC issued SER with license amendment, signed by the AHJ approving requested license amendment signifies the start of the transition period.

Licensee develops transition period schedule and milestones.

**OBJECTIVE:** Enter the transition process with a safe plant and maintain that level of protection throughout the transition period.

- A. At the start of the transition period the licensee will have met the following criteria:

The subject plant has received a triennial inspection within the last 3 years.

Post-fire safe-shutdown capability, a shutdown success path maintained free of fire damage has been identified by the licensee and verified by the triennial inspection.

Systems required to achieve and maintain post-fire safe shutdown have been identified by the licensee and verified by the triennial inspection.

Manual actions associated with shutdown activities have been identified by the licensee and verified by the NRC inspection process as meeting existing guidelines.

Procedures, training and staffing identified and maintained.

Previously identified findings,

Findings in the corrective action program, must be assessed for timely completion or delay based on the outcome of the 805 transition using 805 methodology.

Findings under initial evaluation or previously issued but disputed by licensee, must be resolved.

- B. Inspection program to be continued during the transition period:

Conduct periodic inspections and audits of the prerequisites identified in Part A.

Inspect fire barrier and fire area/zone /room penetration seals.

Inspect fire protection systems and components.



Evaluate applicable compensatory measures as needed.

Audit the progress of the program implementation.

C. Issues identified during transition period

Compensatory measures (verified by inspector)

Corrective actions

Deterministic approach

Performance-based approach

Attachment 4 of the FPIP

<b>FIRE PROTECTION EMERGING ISSUES ATTACHMENT 4</b>	
<b>EMERGING ISSUE</b>	<b>STATUS</b>
Incentives for adopting NFPA 805 (ADAMS ML030370027)	Staff/NEI March 2003 agenda item
Interim inspection guidance for manual actions. (ADAMS ML030370027)	Staff/NEI March 2003 agenda item
Scoping for license renewal is a current licensing basis issue under Part 50. Reference item 7, attachment 2. (ADAMS ML030370027)	Staff/NEI April 2003 agenda item
Seek Region feedback on NEI concerns with inspectors in the areas of safe- shutdowns and the regulatory process. (ADAMS ML030370027)	Staff/NEI March 2003 agenda item
Clarify the process and documentation necessary to provide fire-protection issue closure. (ADAMS ML030370027)	Staff/NEI April 2003 agenda item
Heat collector sprinkler heads. (ADAMS ML023030065)	SPLB representatives attended a public meeting at the Brunswick site in February 2003.
Evaluate results of first round of triennial inspections. (ADAMS ML030370027)	Staff/NEI April 2003 agenda item

Attachment 2

# Protocol for Resolution of Emerging Fire Protection Issues Between the Industry and NRC

## 1.0 Purpose

The purpose of this protocol is to define a process for identifying, tracking, and resolving issues that may arise during NRC or industry review of guideline documents, plant-specific events, generic trends, and NRC research findings.

## 2.0 Scope

This process is intended to capture all emerging fire protection related issues that require resolution because of different NRC and industry positions. This process applies to all fire protection-related issues, whether technical or regulatory. Both industry and NRC actions will be tracked.

## 3.0 Interface

### 3.1 Principal Parties

The two principal parties involved in this process will be the NEI Fire Protection Working Group for the industry and the Fire Protection Engineering and Special Project Section for the NRC. Other organizations will be called to support the effort as necessary.

Each principal party has identified a lead individual ("Lead") and a point of contact ("Contact") for communications as follows:

Industry Lead and Contact: Fred Emerson

NRC Lead and Contact: Eric Weiss

### 3.2 Leads responsibilities

The Lead for each party will have overall responsibility for coordinating the resolution of the fire protection issues. The Contact will be the focal point for written documents intended to either offer positions on the issues or provide comments on a position.

## 4.0 Issue tracking

Each issue and the status of industry and NRC positions will be tracked. Management of the tracking system will meet the intent of the following guidance.

### 4.1 Authority for Identifying Issues and Actions

The NRC and the industry Leads will jointly decide which issues to add to the Tracking List and will coordinate their resolution.

### 4.2 Prioritization of Issues

Each issue will be assigned a priority based on its safety significance and schedule importance. Priority will be assigned as follows:

- high safety or regulatory significance – needs immediate attention
- moderate safety or regulatory significance – target resolution within 12 months
- low safety or regulatory significance – resolve as time permits

# **Protocol for Resolution of Emerging Fire Protection Issues Between the Industry and NRC**

## **4.3 Action Status**

The next action for each item will be identified: Each item's action status will be annotated as follows:

- I – Industry has the next action
- N – NRC has the next action
- P – “Pending” – Issue has been resolved but is awaiting publication of a document for final closeout.
- C – “Closed”

## **4.4 Assigning Action Responsibilities**

The Leads are responsible for ensuring that each item in the Tracking List has been assigned to a group for resolution.

## **4.5 Due Dates**

The Leads are responsible for the identification of any required due dates that may exist for items and ensuring that this information is entered in the Tracking List.

## **4.6 Tracking List**

A Tracking List will be developed to aid the tracking of identified issues. The List will include:

- A statement of each issue being resolved
- A summary of each party's position on the issue
- The priority of each issue
- The next action identified for each issue
- Responsibilities for action completion
- Action due dates and status
- Applicable references for each item

NEI will be responsible for upkeep of the Tracking List. The Contacts will be responsible for informing NEI of changes to the information contained within the List. An updated Tracking List will be submitted by the industry to the NRC approximately quarterly.

## **5. Issue resolution**

All communications will be handled in accordance with NRC's internal processes for public interaction.

### **5.1 Verbal Communication**

Verbal communication is encouraged to facilitate progress on each issue. However, at some point written positions will be required to ensure understanding of the positions.

NRC and industry representatives will meet frequently to resolve the emerging fire protection issues. Insofar as possible, written positions and comments will be brought to these meetings to facilitate understanding of each party's position.

# **Protocol for Resolution of Emerging Fire Protection Issues Between the Industry and NRC**

## **5.2 Written Communication**

Written draft industry or NRC positions will be created for each issue and for actions as appropriate. The draft positions will be communicated through the Contacts to the other party for review. Written comments on positions will be communicated through the Contacts back to the group responsible for the work.

## **6. Issue Closeout**

### **6.1 Issue Closure**

For the purpose of this process, an issue will be considered closed when the NRC and the industry agree on the resolution or agree to disagree on the solution. If further action is required to complete the resolution, the item will be identified as “pending” and will be maintained on the list until its ultimate completion.

### **6.2 Documentation Requirements**

Once the industry has reached a final position on each issue, NEI will communicate the final industry response to the NRC by formal correspondence.

The NRC will formally respond to each final position in writing, either acknowledging agreement or documenting its final comments on the industry position and providing an alternate approach.

Final positions and a reference to the closeout document will be captured in the Tracking List.

## **7.0 Documentation**

The Tracking List will document all issues and the actions taken to resolve them.

Ultimately the closeout of every issue will be documented by a formal industry position submitted via NEI letter to the NRC and by a formal written NRC response that either expresses agreement with the industry position or provides NRC comments and an alternate position.