

December 22, 2000

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield

FROM: William D. Travers */RA by John W. Craig Acting For/*
Executive Director for Operations

SUBJECT: RESPONSE TO STAFF REQUIREMENTS MEMORANDUM OF
FEBRUARY 24, 2000, REGARDING SECY-00-0009, RULEMAKING
PLAN, REACTOR FIRE PROTECTION RISK-INFORMED,
PERFORMANCE-BASED RULEMAKING (WITS 199900032)

In the staff requirements memorandum (SRM) dated February 24, 2000, the Commission directed the staff to provide an update on the status of National Fire Protection Association (NFPA) activities related to the development of NFPA Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants."

In August 2000 the Technical Committee on Fire Protection for Nuclear Facilities, which developed the standard, voted to recommend to the NFPA membership the adoption of NFPA 805. On November 15, 2000, the NFPA membership voted to accept the standard and recommended that the NFPA Standards Council adopt NFPA 805 as reported by technical committee. The NFPA Standards Council will decide by January 13, 2001, whether or not to issue the standard for use. If the Standards Council votes to issue the standard, it will be published by April 2001.

During the open discussion at the NFPA technical meeting, before the membership vote, representatives of the Nuclear Energy Institute (NEI), the Edison Electric Institute (EEI), and some utilities supported a motion to return the draft standard to the technical committee for revision. The industry representatives objected to certain technical requirements related to the fundamental fire protection program requirements specified in the standard, and the guidance in the standard related to circuit analysis. The industry representatives also recommended that the issuance of NFPA 805 be delayed until the limited scope pilot of the draft standard, which

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has been under way at Salem since January 2000, is completed, so that any lessons learned can be incorporated into the final version of the standard. The NFPA membership defeated the motion.

The NRC staff at the November 15, 2000, meeting spoke in opposition to the industry motion; as in the staff's view, returning the standard to the technical committee would delay the issuance of the standard by at least one year, and would delay the subsequent rulemaking. The staff stated that the preliminary results of the Salem pilot, presented to the technical committee in June 2000, did not result in any substantial changes to the draft standard and that the Salem pilot did not address all aspects of implementation of the standard. The staff also stated that returning the draft to the committee for revision would not assure resolution of the technical issues and that some of these issues could be addressed during the rulemaking process, or through interim amendments to the standard, or during the NFPA's normal revision cycle.

From the discussions at the November 15, 2000, meeting, the staff concludes that the industry may oppose the NRC's endorsement of the standard. In addition, there may be exceptions to the standard taken through the rulemaking process to address staff and industry concerns. The staff is currently planning to issue a notice of Proposed Rulemaking, which will endorse the NFPA 805 standard, following the publication of NFPA 805 in April of 2001. The staff will advise the Commission of any changes to the technical status of the activity or to the rulemaking schedule through its regular updates to the Commission Tasking Memorandum.

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