NUCLEAR ENERGY INSTITUTE

Alexander Marion
DIRECTOR, ENGINEERING
NUCLEAR GENERATION DIVISION

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Mr. John Hannon
Chief, Plant Systems Branch
Office of Nuclear Reactor Regulation
Mail Stop O11-A11
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

PROJECT NUMBER: 689

Dear Mr. Hannon:

NEI is developing the industry implementing guidance for the risk-informed, performance-based fire protection rulemaking in parallel with the NRC preparation of the rulemaking language. It is important that these two activities be well coordinated. Accordingly, we are enclosing an industry paper on the transition process which covers several industry and regulatory actions associated with the licensee's transition to a risk-informed, performance-based fire protection licensing basis, including:

- Letter of intent
- Engineering analysis
- License amendment request
- Enforcement discretion during transition

We are not requesting NRC approval of this paper at this time. We intend to incorporate this paper into the next revision of the implementing guidance and submit it for your review.

We believe the elements of this position are consistent with the NRC staff views with the rulemaking to date.

1776 I STREET, NW SUITE 400 WASHINGTON, DC 20006-3708 PHONE 202.739.8080 FAX 202.533.0164 am@nei.org

Please contact me 202.739.8080 or Fred Emerson 202.739.8086 with any questions about this information.

Sincerely,

Alex Marion

Enclosure

c: Sunil Weerakkody, NRC
Paul Lain, NRC

Enclosure

Industry Paper on
Transition Process and Enforcement Process
Risk-Informed, Performance-Based Fire Protection Rulemaking

NEI envisions the transition process to a risk-informed fire protection licensing basis and application of enforcement discretion to be as follows:

The licensee begins by conducting a cost-benefit analysis for making the transition to a risk-informed, performance-based licensing basis in concert with the revised rule. This analysis may lead to the conclusion that this transition would be beneficial.

When the licensee decides to go forward with the transition, a letter of intent will be submitted. It will include a schedule for submitting a license amendment request and a description of the tasks involved in preparing for the transition. The principal tasks are:

- Fire protection fundamentals review
- Nuclear safety review
- Engineering analyses to address potential program changes
- Establish/confirm monitoring program
- Establish/confirm configuration management program

This will provide the NRC staff an understanding of the circumstances if a protracted schedule is requested. The time interval between submittal of the letter of intent and the license amendment request is expected to be six months to two years depending on the extent of analysis required and any site-specific circumstances.

It is possible that while conducting the engineering analyses necessary to prepare the risk informed licensing basis, the licensee may identify issues that do not comply with the current licensing basis. In the event that a non-compliance issue is identified, the licensee would enter it into the Corrective Action Program, implement compensatory actions, and notify NRC as appropriate. The issue would be evaluated and resolved under the new risk-informed licensing basis. During the interim period between identification of the non-compliance issue and resolution under the risk-informed licensing basis, enforcement discretion would be in effect.

An allowance for enforcement discretion would start when the letter of intent is submitted and continue until the risk-informed licensing basis is in effect.

A schedule extension may be requested with adequate justification. Enforcement discretion would be extended accordingly.

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The license amendment request would include a schedule for transition to the risk informed licensing basis, a schedule for any plant modifications that would be necessary to achieve final compliance, and a summary of the risk-informed licensing basis. Any performance-based analysis conducted to demonstrate compliance with NFPA 805, Chapter 3 fundamental elements would be submitted as part of the license amendment request. Enforcement discretion would end when the risk-informed licensing basis is implemented and any associated modifications are complete. Schedular extensions would be possible if site-specific extenuating circumstances arise, but must be requested and granted by NRC.

While conducting engineering analysis in the time frame between submitting the letter of intent and the license amendment request, the licensee may conclude that a transition to the risk-informed licensing basis is not beneficial. If the licensee reaches that conclusion, a letter of intent to retain the existing licensing basis would be required. Any non-compliance issue identified during the engineering analysis would be resolved under the existing licensing basis and enforcement discretion would end at this time.