

NFPA 805 RULEMAKING

BRINGING STABILITY

- Provides a voluntary means for licensees to re-define poorly defined fire protection licensing bases with well defined criteria
- Enables licensees to manage their fire protection programs, including changes, with minimal regulatory intervention

CLOSURE ACTIVITIES

- Revise 10 CFR 50.48 to allow adoption of NFPA 805 performance-based approach to fire protection system design and licensing
- Work with NEI to produce industry implementation guide (NEI 04-01)
- Issue regulatory guide to provide licensees with additional guidance
- Update inspection procedures and provide training to inspectors on the implementation of the new rule

PATH TO CLOSURE

Completed Activities

- Proposed rule published for public comment (November 2002)
- ACRS endorsed final rule (December 2003)
- Staff provided comments on draft NEI 04-01 (January 2004)

To-Go Activities

- Establish enforcement policy during transition period (February 2004)
- Complete NEI implementation guide (next draft due March 2004)
- Submit SECY for final rule to EDO (March 2004)
- Issue final rule (forecasted for June 2004)
- Issue draft Regulatory Guide (4th quarter FY04)
- Prepare inspection procedures and training materials; conduct workshops to train inspectors to perform inspections and audits (TBD)
- Provide staff with license amendment review guidance

CHALLENGES → RESPONSES

- Licensees may not adopt revised rule because of the cost and resources required to make transitions → Multi-office effort to develop incentives (e.g., enforcement discretion within the ROP during transition to revised rule)
- Inspection of a performance-based risk-informed rule needs development; inspectors unfamiliar with application → Provide inspection procedures and training of inspectors to the extent needed to ensure proper inspections and audits
- Unapproved fire models and fire PSA methodologies → RES is verifying and validating fire models and developing PSA methodologies

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OPERATOR MANUAL ACTIONS RULEMAKING

BRINGING STABILITY

- Will allow licensees currently relying on unapproved operator manual actions to achieve compliance under the acceptance criteria of the revised rule without prior NRC approval
- Will provide reasonable assurance that post-fire manual actions will be uniformly evaluated by licensee and inspectors

CLOSURE ACTIVITIES

- Revise 10 CFR 50, Appendix R, Section III.G to allow operator manual actions as an alternative to the fire barrier and separation requirements of Section III.G.2
- Provide manual actions criteria for inspection and enforcement discretion pending completion of rulemaking

PATH TO CLOSURE

Completed Activities

- Commission approved rulemaking plan (September 2003)
- Published interim criteria for enforcement discretion for public comment (November 2003)

To-Go Activities

- Submit interim criteria for enforcement discretion to Commission (forecasted for May 2004)
- Issue final interim criteria for enforcement discretion (forecasted for July 2004)
- Submit Proposed Rule to Commission (forecasted for September 2004)

CHALLENGES → RESPONSES

- Heightened stakeholder concerns for safety → Develop and communicate key messages
- Regulatory uncertainty due to Backfit Rule implications associated with previously approved manual actions that use less stringent acceptance criteria → Develop common understanding among program office/inspectors/licensee about backfit rule implications by providing training and public workshops. (Note that even approved manual actions are subject to ROP for risk-significant safety related findings.)
- Potential regulatory uncertainty among inspectors and licensees due to limiting rule to III.G.2 → Consider expanding rule to all of III.G

ASSOCIATED CIRCUITS INSPECTION

BRINGING STABILITY

- Will provide specific guidance and criteria for licensees and inspectors to resolve long-standing disagreements on the interpretation of regulatory requirements for preventing post-fire spurious actuations that could impact safe shutdown

CLOSURE ACTIVITIES

- Issue a Regulatory Issues Summary (RIS) that provides specific guidance for risk-informing inspections of associated circuit failure issues
- Issue a NUREG to establish the current knowledge base on post-fire safe shutdown analysis to enhance the risk-informing process
- Continue training of inspectors in the application of the new guidelines
- Develop means to ensure appropriate enforcement of guidance

PATH TO CLOSURE

Completed Activities

- Issued draft RIS (August 2003)
- Issued draft NUREG (January 2004)

To-Go Activities

- Issue final RIS (forecasted for February 2004)
- Conduct review of proposed approach by NRC Regions (February 2004)
- Conduct Category 3 meeting (March 2004)
- Issue SECY to Commission requesting direction on enforcement options (April 2004)
- Revise inspection procedures (TBD)
- Conduct inspector training sessions (TBD)
- Issue additional regulations and guidance, as required for enforcement (TBD)

CHALLENGE → RESPONSE

- While risk-informed approach would ensure safety, staff/industry differences on rule interpretation and licensing basis would continue absent further regulatory action → Staff preparing option paper for Commission consideration:
 - Delineates several options for path forward, with and without rulemaking process
 - Requests Commission's concurrence on recommended path
 - Recommended path would allow near-term resumption of associated circuit inspections

COMMUNICATION TOOLS

- Meeting with the ACRS Subcommittee on Fire Protection (about 2 times/year)
- Periodic meetings with NEI (2-3 times per year)
- Annual NEI Fire Protection Information Forum
- Annual Regulatory Information Conference
- Fire protection issues management public meetings held with industry
- Fire Protection Improvement Plan (public document)
- Fire Protection Communication Plan (provided as handout)
- Participation of public interest groups in initiatives, where appropriate
- Briefings for the Office of Public Affairs for major initiatives that impact external stakeholders
- NRC press releases, when appropriate
- Updates for NRC contractors on developments that could impact their work
- Briefings and presentations to GAO, OIG and ACRS
- DSSA/SPLB Communication Team
- Fire protection public access website

OTHER INITIATIVES

IMPROVEMENT OF FIRE PROTECTION SIGNIFICANCE DETERMINATION PROCESS

- Current process is complex and time-consuming to use
- Updating to simplify the process without reducing safety
- Screens out very low risk findings that do not warrant further NRC involvement
- Facilitates discussions of the bases for significance determinations
- Will solicit feedback from inspectors, regional managers, licensees and the public on the quality of the revised process
- Plan to issue revised SDP for implementation by May 2004
- Will provide training sessions for inspectors in March to May 2004

FORMATION OF MULTI-OFFICE STEERING GROUP FOR FIRE PROTECTION

- Will provide agency-wide coordination to facilitate the resolution of fire protection issues, both technical and policy related
- Will assist in establishing a consistent approach, both internal and external, based on management buy-in from all appropriate offices
- Will provide a broader base of ideas for arriving at solutions to outstanding issues
- Leadership Team endorsed the proposal

ENCOURAGE LICENSEES TO ADOPT THE RISK-INFORMED METHODOLOGIES

- Recognize and reward licensees that take a proactive approach to closing outstanding fire protection issues using risk-informed approaches
- Progress Energy initiated a program to risk-inform circuit analyses and Duke Energy has indicated they will adopt NFPA 805 under the new rule
- Proactive approach of Progress and Duke may encourage other licensees to adopt the new and improved methodologies
- Staff has been encouraging licensees to apply Reg Guide 1.174 methodologies to license amendment applications and exemption requests
- First exemption request using NFPA 805 process and RG 1.174 is currently in review by the staff

QUANTITATIVE FIRE HAZARDS EVALUATION TOOL

- NUREG 1805 provides fire inspectors with a simplified risk-informed methodology to assess potential fire hazards
- Assists in determining if a fire scenario can cause critical damage to safe shutdown components
- Evaluations performed using Microsoft Excel spreadsheet format for ease of application and consistent results