

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555-0001

August 20, 2007

**NRC REGULATORY ISSUE SUMMARY 2007-19:
PROCESS FOR COMMUNICATING CLARIFICATIONS OF STAFF POSITIONS
PROVIDED IN REGULATORY GUIDE 1.205 CONCERNING ISSUES
IDENTIFIED DURING THE PILOT APPLICATION OF
NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 805**

ADDRESSEES

All holders of operating licenses for nuclear power reactors that are transitioning to the risk-informed, performance-based fire protection licensing basis under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Section 48(c), National Fire Protection Association Standard (NFPA) 805 Rule.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory information summary (RIS) to describe the process for communicating additional clarifications of existing NRC staff positions identified during the pilot application of the NFPA 805 Rule. This RIS requires no action or written response by addressees.

BACKGROUND

Regulatory Guide (RG) 1.205, "Risk-Informed, Performance-Based Fire Protection for Existing Light-Water Nuclear Power Plants," provides one acceptable method for complying with 10 CFR 50.48(c). It endorses Revision 1 of Nuclear Energy Institute (NEI) 04-02, "Guidance for Implementing a Risk-Informed, Performance-Based Fire Protection Program under 10 CFR 50.48(c)," with several exceptions.

Since transitioning from a licensing basis that is founded on the current deterministic requirements to a licensing basis that is founded on performance-based, risk-informed requirements constitutes a significant change, the NRC staff is working with two pilot plants (Shearon Harris and Oconee) to refine the infrastructure that will facilitate the transition to the new licensing basis. This involves developing a draft Standard Review Plan, developing draft Inspection Guidance, and revising RG 1.205 using lessons learned from the pilot plants. Both the NRC staff and the industry recognized the need for additional clarifications and guidance beyond that provided in RG 1.205 and NEI 04-02, Rev. 1 (NEI 04-02).

In a letter to the NRC, the NEI requested that the NRC staff establish a process that provides timely clarifications of additional staff positions usually communicated via RG 1.205 and NEI 04-02. The NRC staff accepted the NEI proposed process, with several modifications.

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The details of the NRC staff's modified process are described in a July 12, 2006, letter to NEI (Agencywide Documents Access and Management System (ADAMS) Accession Number ML061660105). This new process has been named the NFPA 805 Frequently Asked Question (FAQ) Process. Both NEI and the NRC staff envision the FAQ Process as a structured avenue to seek NRC staff interpretations and clarifications of NEI 04-02 guidance and NFPA 805 requirements, in accordance with 10 CFR 50.48(c), in a timely manner.

SUMMARY OF THE FAQ PROCESS

Under the FAQ Process, transition issues (referred to as FAQs) requiring additional clarifications are submitted, in accordance with the above proscribed process, to the NEI NFPA 805 Task Force for an initial review. Subsequently, they are presented to the NRC during one of the monthly public FAQ meetings. These FAQs may be submitted by any stakeholder, including the public, the NRC, and pilot or non-pilot licensees.

The monthly public FAQ meetings between NRC staff, NEI, and other stakeholders are a vital part of the process. The FAQ public meetings are noticed under the normal NRC process, and are Category 2 public meetings. At these FAQ meetings, unresolved FAQs are discussed and new FAQs are introduced with a detailed explanation for the basis of the additional guidance. Detailed discussion of the new FAQ is deferred to the next meeting to enable all stakeholders an opportunity to consider and research the issues involved. The NRC staff and the licensees continue to discuss issues pertaining to the FAQ at subsequent meetings. Detailed discussion will continue until of the issues have been resolved.

When the NRC staff has substantive comments on a FAQ, these comments are presented in writing at the monthly public meeting. The FAQ owner then revises the FAQ and presents it at a subsequent meeting. When all of the comments are resolved, the person submitting the FAQ creates a final version of the FAQ, including the necessary revised sections of NEI 04-02. Once an acceptable FAQ is submitted to the NRC, the Fire Protection Branch Chief issues a publicly available memorandum to file which indicates that the revised FAQ is acceptable guidance for transitioning to NFPA 805, and should be incorporated into NEI 04-02. If a resolution is not reached in a reasonable time frame, the Fire Protection Branch Chief may issue a closure memo describing the staff's resolution to the FAQ, recognizing that consensus may not have been achieved by all stakeholders.

These closure memos are preliminary extensions of the implementation guidance in NEI 04-02. Final official closure of the FAQs occurs when an updated RG 1.205, endorsing the revised NEI 04-02, is approved by the NRC.

REFERENCES

- NFPA 805, 2001 Edition (available through the Public Document Room or NFPA)
- NEI 04-02, Revision 1 (ADAMS Accession Number ML052590476)
- RG 1.205 (ADAMS Accession Number ML061100174)
- NFPA 805 FAQ Process Document, Revision 1 (ADAMS Accession Number ML061660105)

BACKFIT DISCUSSION

This RIS requires no action or written response and is, therefore, not a backfit under 10 CFR 50.109. Consequently, the staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the Federal Register because this RIS is informational.

CONGRESSIONAL REVIEW ACT

This RIS is not a rule as designated by the Congressional Review Act (5 U.S.C. §§ 801-886) and, therefore, is not subject to the Act.

PAPERWORK REDUCTION ACT STATEMENT

The information collections contained in this regulatory issue summary are covered by the requirements of 10 CFR Part 50, which was approved by the Office of Management and Budget (OMB), approval numbers 3150-0011.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

CONTACT

Please direct any questions about this matter to the technical contacts listed below.

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Note: NRC generic communications may be found on the NRC public Web site, <http://www.nrc.gov>, under Electronic Reading Room / Document Collections.

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