

EDO Principal Correspondence Control

FROM: DUE: 04/02/08

EDO CONTROL: G20080167
DOC DT: 03/07/08
FINAL REPLY:

Marvin S. Fertel
Nuclear Energy Institute (NEI)

TO:

Reyes, EDO

FOR SIGNATURE OF :

** GRN **

CRC NO:

Reyes, EDO

DESC:

ROUTING:

Successful Transition of Plants Implementing
NFFPA-805 to Meet 10 CFR 50.48(c)
(EDATS: OEDO-2008-0183)

Reyes
Virgilio
Mallett
Ash
Ordaz
Burns
Sheron, RES
Cyr, OGC

DATE: 03/11/08

ASSIGNED TO:

CONTACT:

NRR

Dyer

SPECIAL INSTRUCTIONS OR REMARKS:

Template: EDO-001

E-RIDS: EDO-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: OEDO-2008-0183

Source: OEDO

General Information

Assigned To: NRR

OEDO Due Date: 4/2/2008 5:00 PM

Other Assignees:

SECY Due Date: NONE

Subject: Successful Transition of Plants Implementing NFPA-805 to Meet 10 CFR 50.48(c)

Description:

CC Routing: RES; OGC

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20080167

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

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OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions:

Document Information

Originator Name: Marvin S. Fertel

Date of Incoming: 3/7/2008

Originating Organization: NEI

Document Received by OEDO Date: 3/11/2008

Addressee: L. Reyes, EDO

Date Response Requested by Originator: NONE

Incoming Task Received: Letter



NUCLEAR ENERGY INSTITUTE

Marvin S. Fertel
EXECUTIVE VICE PRESIDENT AND
CHIEF NUCLEAR OFFICER

March 7, 2008

Mr. Luis A. Reyes
Executive Director for Operations
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Successful Transition of Plants Implementing NFPA-805 to Meet 10 CFR 50.48(c)

Project Number: 689

Dear Mr. Reyes:

Over the last three years, 44 nuclear units have submitted to the NRC a letter of intent to transition to NFPA-805 as the licensing basis for fire protection in accordance with 10 CFR 50.48(c). This risk-informed, performance-based approach represents an opportunity to establish a more safety-focused and better-defined regulatory framework for fire protection that could result in much broader industry adoption of NFPA-805. As such, it is important that this significant effort proceed in a structured, deliberate manner that provides assurance of successful implementation.

The industry is concerned that the current effort to transition to NFPA-805 is not structured in an effective or efficient manner. Like past successful regulatory initiatives, the current NFPA-805 transition effort includes a pilot program designed to test implementation of the new requirements and guidance, from licensee development of the application through NRC review and acceptance. In fact, the two pilot plants are on track to submit their amendment requests in mid-2008. The problem is that up to 15 additional units are slated to submit their amendment requests by the end of 2008. Unlike past successful regulatory initiatives, this does not allow sufficient time to apply lessons learned from the NRC reviews of the pilot amendment requests to correct or refine submittals let alone the implementation guidance.

The current schedule assumes that the NRC will issue Safety Evaluation Reports (SERs) on the two pilot plant amendment requests in six months following submittal. This is extremely ambitious given the scope, volume and complexity of the applications. Even if the staff could complete its review in this timeframe, it leaves no time to benefit the 15 amendment requests that will be submitted over this period, nor the submittals slated for early 2009.

EDO --G20080167

Mr. Luis A. Reyes

March 7, 2008

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Obviously, there would be no time to develop a standard template for licensee submittals that incorporate lessons learned from the pilot. As a result, the NRC staff will receive up to 15 customized submittals nearly simultaneously. This would impose a significant burden on the staff, create a flood of requests for additional information to licensees and expend both licensee and NRC staff resources inefficiently.

Our other principal concern is that fire PRA methods that support this application have not been piloted. All previous risk-informed regulatory applications and PRA method improvements have relied on a proper pilot and feedback process to enable successful implementation. As you know, the preliminary results using the NUREG 6850 fire PRA methodology do not comport with over 3,000 years of reactor operating experience. A significant, focused effort is needed to recalibrate this methodology. While initial discussions have occurred, we believe a separate group, perhaps under the auspices of the Fire Protection Steering Committee, is required to drive the necessary methodology and model improvements on a schedule that can support the follow-on NFPA-805 plants.

We strongly recommend that the NRC restructure the NFPA-805 transition effort in order to address the concerns outlined above. While proceeding with the two pilot plants as scheduled, we suggest that six months be provided after issuance of the pilot plant SERs for subsequent licensees to make their submittals. This would allow the industry time to develop a template for submittal that incorporates lessons learned from the pilots, and would facilitate NRC review of these more standardized and informed amendment requests. It would also be advisable to stagger subsequent submittals over a reasonable time period to ensure qualified resource availability for adequate preparation and review. NEI suggested a similar approach in a February 2, 2007 letter to Cornelius Holden.

In summary, the industry wants the transition to NFPA-805 to be successful, and we know that the agency shares this objective. Given the history of fire protection regulation, it is critical to proceed in a structured, deliberate manner to assure a successful transition. While achieving completion of the effort is important, the quality and effectiveness of the transition should be the top priorities.

We would be happy to further discuss this matter with the agency.

Sincerely,



Marvin S. Fertel

c: The Honorable Dale E. Klein, Chairman, NRC
The Honorable Peter B. Lyons, Commissioner, NRC
The Honorable Gregory B. Jaczko, Commissioner, NRC