

NFPA 805 Transition

Public Meeting
2/9/2011

Meeting Purpose

To discuss questions related to the transition of non-pilot licensees to National Fire Protection Association Standard 805, pursuant to Title 10 of the *Code of Federal Regulations* Part 50.48(c), with the non-pilot licensees, the Nuclear Energy Institute, and other external stakeholders.

Discussion Topics

- ▶ Enforcement Discretion
- ▶ LAR Review Prioritization and Sequencing
- ▶ Major Licensing Actions Concurrent with the NFPA 805 LAR Review
- ▶ LAR Review Processes
- ▶ License Condition Overview
- ▶ LAR Technical Content Expectations
- ▶ PRA Topics

Enforcement Discretion (1)

- Please expand upon the various enforcement discretion scenarios.
For example, what can a licensee expect if they submit their LAR after their enforcement discretion period ends?
- If a licensee submits their LAR more than six months after the staff issues the second pilot SE, will the licensee receive enforcement discretion during the LAR review period, i.e. from the LAR submittal date through the end of the review period?
- What is the status of enforcement discretion between the time of six months after the second Pilot SE and the licensee LAR submittal, assuming the licensee LAR submittal occurs after the six month mark above?
- If a licensee cannot meet the requirement of submitting the LAR six months after the second Pilot SE is issued or their original commitment date – what does the NRC expects from the licensee?

Enforcement Discretion (2)

- If a formal notification via a commitment change letter is required, should this letter request an extension of the enforcement discretion period?
- What criteria will the NRC apply to not pursue immediate enforcement action?
- Does a licensee retain enforcement discretion if the LAR submittal does not pass the LIC-109 acceptance review?

Enforcement Discretion (3)

- Will a particular issue covered by enforcement discretion continue to be covered under enforcement discretion after the SE is issued if resolution requires that a modification be made and that modification is on the list of modifications to be completed for the 805 transition?
- The modification will be incorporated into the License Condition. Enforcement Discretion no longer applies, but the new license includes consideration that the modification will not be complete until a later date than the SE issue date.

LAR Review Prioritization and Sequencing

- How does the NRC intend to manage the concurrent review of 20+ NFPA 805 LARs?
- Form review teams.
- Populate teams with experienced technical reviewers.
- Augment with contractors (a number of whom have worked on pilot LAR reviews).

LAR Review Prioritization and Sequencing

- Will the reviews be sequenced (as for license renewal)?
If so, what will be the criteria for prioritization?
- Staff is in the process of developing criteria for prioritization
- Some criteria considered are:
 - Completeness of submittal
 - Gain in safety via transition to NFPA 805.

LAR Review Prioritization and Sequencing

- Will the prioritization be provided before the end of the enforcement discretion period such that plants that are lower in the NRC's priority be provided more time to work on their LAR submittal?
- Refer to prior discussion regarding enforcement discretion.

LAR Review Prioritization and Sequencing

- Based on the lessons learned from the Pilots, what will the NRC fees be for the non-pilots for LAR reviews? Will the prioritization affect the fee?
- Based on the lessons learned, NRC expects to expand 2–4 FTEs / LAR reviews.
- Review efforts will vary depending upon factors.

Major Licensing Actions Concurrent with the NFPA 805 LAR Review

- How do the power uprates and license renewal processes interact with the LAR review/transition process?
- The LAR and the associated PRA may reflect a future plant (crediting planned modifications is acceptable).
 - As such, for EPU, a licensee may assume power levels that it plans to operate at, when performing the PRA, OR treat the increase in power as a post-transition change.
 - 10 CFR 50.48(c) requires the licensees to ensure that the PRA reflects the as-built as-operated plant.
 - Follow RG 1.200 and ANS/ASME guidance to update the PRA and perform the necessary peer reviews.

LAR Review Processes

- Will each licensee work with their NRR PM on the 805 LAR submittal or will one NRR PM be assigned as the contact for all the 805 LARs? If the NRR PM remains assigned to the plant, is training being provided for the PMs on NFPA 805?
 - The LARs will be handled as routine licensing actions by project managers.
 - A lead senior project manager in NRR\DORL will provide oversight to maintain consistency for NFPA 805 LARs.
 - A lead senior technical manager will provide oversight to maintain consistency for technical reviews.
 - Training will be conducted for project managers and technical reviewers to provide a consistent understanding of licensing and technical issues.

LAR Review Processes

- For non-pilots, does the NRC expect licensees to conduct a pre-submittal meeting with the NRC staff prior to submittal?
- Staff does not require individual pre-submittal meetings for any licensee who believe they have a complete LAR.
- Licensees who believe their application may not meet all LIC-109 criteria are encouraged to request a pre-submittal meeting.

LAR Review Processes

- ❖ New Information Post-LAR-Submittal
 - If there is the possibility of re-work, how will this be resolved?
 - Similar to any new Operating Experience; licensees should review the new information, and if it makes a material difference in the application, perform analyses as necessary and supplement the application with any new information

LAR Review Processes

- ❖ New Information Post-LAR-Submittal
 - How does the NRC intend to handle new information developed after a licensee has submitted their LAR?

See previous slide.

LAR Review Processes

- How should potentially unrelated plant changes be addressed during the LAR review period?
- The NRC staff discourages the inclusion of items not related to NFPA 805 in the LAR submittals.

LAR Review Processes: LIC-109

Acceptance Reviews

- What is the role of the NRC's acceptance review process in the NFPA 805 LAR review effort? (LIC-109); Will the NRC be following this process for the non-pilots?
- NRC will conduct acceptance reviews consistent with LIC-109 for the non-pilots.
- Process can be adjusted to accommodate unique circumstances associated with NFPA 805 LARs

LAR Review Processes

- How will the NRC ensure there is consistency in the LAR reviews? Will the NRC use the LAR template as the standard even though not officially endorsed? In other words, if the licensee follows the NEI LAR template, will the application contain sufficient information for the NRC acceptance reviews?
 - The staff held a significant number of public meetings to provide staff comments on the development of the LAR template.
 - The staff encourages use of the LAR template.
 - Use of the LAR template will enhance consistency of the LAR reviews.
 - Use of the LAR template, by itself, may not ensure that the application contains sufficient information, i.e., each LAR will be reviewed on its own merits.

LAR Review Processes

- Does the NRC expect to conduct LAR audits of the 805 non-pilot plants?
- If conducting a site visit appears to enhance the review efficiency, staff may perform a site visit.

LAR Review Processes

- Will the RAI process for non-pilot plants be handled any differently from the pilots?
- The RAI process will be conducted similar to that of a routine licensing action.

LAR Review Processes

- The pilot plants used SharePoint to assist the RAI process. Should the non-pilots expect to do the same?
 - SharePoint process worked effectively during the pilot plant reviews.
 - The decision to use SharePoint will be made by the licensee, i.e., licensee chooses to establish and maintain the SharePoint site.

LAR Review Processes

- What lessons learned (regarding the communication interface between the licensee and the NRC reviewers) will be applied from the Pilots and can some ground rules be established to make the communication and interface be even more effective and efficient?
- NRC staff is willing to use normal licensing review processes tools (e.g., SharePoint, plant visits) to enhance effectiveness and efficiency.

License Condition Overview

- What can non-pilot licensees expect to see in their license conditions? Will the license condition be different from what is in the current version of Regulatory Guide 1.205?
- Staff plans to engage the NEI task force via the FAQ process to revise the license condition using lessons learned from the two pilot plants.

License Condition Overview

- How will implementation items be handled for the non-pilots?
- NRC will consider the significance of implementation items when determining if they should be included in the license condition.

License Condition Overview

- How will any implementation items items be finally closed-out?
 - Licensees do not have to report final close-out to NRC.
 - Implementation will be reviewed during periodic NRC fire protection inspections.

License Condition Overview

- What are the boundaries of the post-transition self-approval process?
- Licensee must follow the license condition of the 805 SE, and other applicable regulations to determine changes that require prior staff approval.

License Condition Overview

- Are there some changes that must always receive specific NRC approval?
- Licensee must follow the license condition of the 805 SE, and other applicable regulations to determine changes that require prior staff approval.

LAR Technical Content Expectations

- What is the level of detail that a licensee must submit to NRC under Oath & Affirmation about licensee's NFPA 805 Monitoring Program?
- To be discussed at the meeting

LAR Technical Content Expectations

- ❖ Safe and Stable
 - What is the NRC's position regarding this issue?
 - How does it align with the definition in NFPA 805?
 - **See FAQ 08-0054**

LAR Technical Content Expectations

- ❖ Safe and Stable

- What information is required by the NRC regarding this issue?

- See [FAQ 08-0054](#)

LAR Technical Content Expectations

- ❖ Safe and Stable

- What level of detail is required?

- See FAQ 08-0054

LAR Technical Content Expectations

- What is the scope of analysis and level of detail required to be submitted for non-pilot non-power operations?
- Follow the guidance in FAQ 07-0040 and as documented in the pilot submittals

LAR Technical Content Expectations

❖ Defense-In-Depth

- What regulatory significance should be placed on fire protection features that are part of the current licensing basis (CLB) but not required to meet NFPA 805 Chapter 3 or 4 criteria?

- **To be discussed at the meeting**

LAR Technical Content Expectations

❖ Defense-In-Depth

- Is it necessary to maintain fire protection features that are part of the CLB but not required to meet NFPA 805 Chapter 3 or 4 criteria?
- **To be discussed at the meeting**

LAR Technical Content Expectations

❖ Defense-In-Depth

- Is a change evaluation necessary to remove a fire protection feature that is part of the CLB but not required to meet NFPA 805 Chapter 3 or 4 criteria?
- **To be discussed at the meeting**

LAR Technical Content Expectations

❖ Defense-In-Depth

- Is it sufficient to include in the Monitoring Program those fire protection features that are part of the CLB but not required to meet NFPA 805 Chapter 3 or 4 criteria?

- **To be discussed at the meeting**

PRA Topics

❖ PRA Peer Reviews

- The NRC performed audits of the pilots' PRAs. What level of review is the NRC expecting to do for non-pilot PRAs (both internal events and fire)?
 - Non-pilots are expected to conform to RG 1.200
 - Audits of any risk-informed submittal can be expected if, for example:
 - There is an excessive number of less-than-Category-II assignments or peer review findings that were resolved with no changes to the PRA
 - There are more than several findings on significant SRs that were resolved with no changes to the PRA
 - Licensee has used new PRA methods

PRA Topics

❖ PRA Peer Reviews

- If the NRC determines that a licensee's peer review (internal events or fire) was deficient, or the findings improperly resolved, what will the NRC do?
 - Per RG 1.174 licensee is responsible to establish the technical adequacy of PRA.
 - NRC does not perform reviews of the adequacy of individual licensee's peer reviews.
 - If the deficiency of the peer review manifests itself during the review of the LAR, staff will rely on the RAI process to engage the licensee.

PRA Topics

❖ PRA Peer Reviews

- How will the issue of peer reviews (internal events or fire) of then-incomplete PRA's (i.e., areas considered non-reviewed during PRA peer review) be addressed?
 - A completed peer review on a completed PRA is the expectation.
 - LARs using a PRA with no peer review do not conform with RG 1.200 and would not be acceptable for review.
 - Otherwise, the licensee should schedule a timely pre-LAR meeting to describe peer review and PRA status at time of LAR and schedule for completing a peer review on a completed PRA.

PRA and PEER Review Acceptance Guidelines for NFPA-805 LARs

		PRA Parts Completed	
		Physical Analysis Units	Methods
Peer Review on Completed Parts and Findings Resolved	}	All	All
		Most	All
		All	Most
		Few	Few

Color Key

Acceptable for Review

Discuss with Staff

Not Acceptable for Review



PRA Topics

❖ PRA Peer Reviews

➤ Will the NRC accept the use of focused reviews for the incomplete items (for internal events and fire)?

➤ Yes, if completed before the LAR

➤ If not completed before LAR, should be identified in a pre-LAR meeting

PRA Topics

- How will the NRC handle novel (i.e., new) or previously unanalyzed (i.e., unreviewed) PRA methods?
 - LAR should ensure that complete descriptions of all methods used (new and unreviewed) are in referenced documents or included in the LAR
 - Typically, new PRA methods are endorsed through staff review of Topical or Industry Reports
 - Staff does review new methods during LAR reviews but this should be an exception, and any such request should be identified in a pre-LAR meeting

PRA Topics

- What are the regulatory expectations with respect to PRA model maintenance?
 - Plant changes?
 - Method changes?
 - Data changes?
 - Timeframe for updating?

- Regulatory expectations are that model maintenance be consistent with requirements of 50.48(c) and with RG 1.200 endorsement of ASME/ANS PRA standard if not specified in 50.48(c).

PRA Topics

- What are the responsibilities of the licensee when new information leads to increases in CDF? Decreases in CDF?
 - The new information should be incorporated into the PRA if needed for the PRA to reflect the current design and operation of the plant
 - Configuration control process should provide for new information to be considered when needed before incorporation into the PRA
 - The monitoring program shall ensure that the assumptions in the engineering analysis remain valid
 - When evaluating the next fire protection program change, the rule requires that if previous FPP changes have increased risk, the cumulative risk increase of those changes shall be evaluated