

Concerns with the Model License Condition in Regulatory Guide 1.205

Regulatory Guide (RG) 1.205, Revision 1, "Risk-Informed, Performance-Based Fire Protection for Existing Light-Water Nuclear Power Plants," contains a model License Condition which licensees are expected to adopt.

The industry has concerns with the current version of the model License Condition:

- The model License Condition is of an unprecedented length and complexity compared to other license conditions.
- With the exception of the plant-specific NRC Safety Evaluation date, the information is generic and applicable to all plants. Generic information on an acceptable method to implement a rule is typically included in a RG.
- Placing repetitive generic information in the licenses of multiple plants may lead to differences between plants. It complicates providing clarifying information (e.g., a Regulatory Issue Summary or Generic Letter would be needed instead of a FAQ on the Regulatory Guide.) In addition, if the license condition referenced a revision to the Regulatory Guide, licensees could adopt a newer revision with a simple license amendment request under the Consolidated Line Item Improvement Process (CLIIP).
- Of particular concern is the number of terms used in the License Condition that are not defined in the license, RG 1.205, NEI 04-02, or NFPA 805. The industry believes this will cause difficulties for industry compliance and NRC inspection. Example undefined terms are:
 - "adequate for the hazard"
 - "a relevant technical requirement or standard."
 - "methods that have been demonstrated to bound the risk impact"
 - "clearly result in a decrease in risk"
 - "sufficient safety margins"
 - "qualified fire protection engineer"
- Portions of the License Condition appear to be duplicative or conflicting.
- It appears that portions of the License Condition only serve to direct the licensee to follow the regulations.

The industry would like to work with the NRC to revise the model License Condition. Our proposed approach is to:

- Move the generic information in the model License Condition to Regulatory Positions in a revision to RG 1.205;
- Revise the model License Condition to reference the Regulatory Positions in RG 1.205 instead of repeating the material; and
- Expand the relocated discussion in RG 1.205 to define terms and provide additional explanation to aid implementation and inspection of the requirements.