



**RIC 2012  
IN 2012-XX "Third-Party Information  
That Can Affect The Design Basis Of  
A Licensed Facility"**

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**Overview**

- In some instances, third party information such as studies, technical papers, assessments, etc can have the potential to affect the design basis (DB) of a licensed facility.
- To raise stakeholder awareness regarding third party information, the NRC plans to issue an Information Notice on the subject.
  - The IN will utilize a recent inspection to draw attention to the subject
- There is no explicit regulation that requires licensees to determine if the third party information raises a safety question.

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**Background of Events**

- The US Army Corps of Engineers (USACE) completed a study in 2004 titled: "*Upper Mississippi River System Flow Frequency Study.*"  
<http://www.mvr.usace.army.mil/pdf/bdf/flowfrequency/Documents/FinalReport/default.asp>
- The report updated predictions of water surface elevations and flows for various stages along the Mississippi, Missouri and Illinois rivers.
- The updated predictions had the potential affect several nuclear power plants.

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## Background of Events

- A licensee in the affected region identified the information and entered it into their corrective action program (CAP).
- Specifically, the CAP tasked the probabilistic risk assessment group to:
  - Evaluate the study data
  - Update the existing external flood analysis
  - Recommend strategies to mitigate high risk external flood scenarios

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## Information Notice

- Plan to issue Information Notice
  - Provides details the event
- Addressees are expected to review the information for applicability to their facilities and consider actions, as appropriate, to avoid similar problems
- No response or action is required.

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## Information Notice

- NRC drafted IN 2012-XX "*Third-Party Information That Can Affect The Design Basis Of A Licensed Facility*"
- The IN is addressed to:
  - All holders of an operating license or construction permit issued under Title 10 of the Code of Federal Regulations (10CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities,"
  - All holders or applicants for an early site permit, standard design certification, standard design approval, manufacturing license, or combined license issued under 10CFR Part 52, "Licenses, Certifications, and Approvals for NPPs"

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## Information Notice

### Purpose of the IN

- Recognize that in the years since NPPs were licensed, modeling and data analysis techniques have advanced, therefore yielding more accurate predictions.
- Predictions resulting from third-party sources could raise questions regarding existing design bases, such as flood levels at a NPP.

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## Information Notice

### What are third party sources??

- Third party sources from which the information originates may vary and can be very diverse.
- Sources can be considered third party if no affiliation exists to the NRC or the licensee.
- Examples of third party sources are:
  - Federal Energy Regulatory Commission (FERC)
  - U.S Bureau of Reclamation (USBR)
  - U.S. Geological Survey (USGS)
  - US Fish and Wildlife Service
  - a university, etc.

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## Information Notice

### What are NOT third party sources??

- The following is not considered to be third party information:
  - information received from the NRC or industry groups;
  - information received through NRC processes such as Generic Communications, Title 10 of the *Code of Federal Regulations* (10 CFR) Part 21 Reports, and 10 CFR 50.73 Licensee Event Reports;
  - information received from the Owner's Groups, Electric Power Research Institute (EPRI), or the Institute of Nuclear Power Operations (INPO).

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## Conclusions

- Third-Party information can potentially affect the DB of a licensed facility.
- Licensee's should evaluate information to their site.
- Evaluation could fall under a number of regulatory processes
- As needed, the FSAR, T.S, procedures and associated design bases may be updated.
- There is no explicit regulation that requires licensees to determine if the third party information raises a safety question
- NRC can conduct inspections or evaluations to determine whether adequate safety and compliance is maintained with regard to the licensee's independent evaluation.

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## Questions



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