

July 12, 2006

Mr. Alexander Marion
Senior Director, Engineering
Nuclear Generation Division
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

SUBJECT: PROCESS FOR FREQUENTLY ASKED QUESTIONS FOR TITLE 10 OF
THE *CODE OF FEDERAL REGULATIONS*, PART 50.48(C) TRANSITIONS

Dear Mr. Marion:

Thank you for your interest in facilitating the transition of licensees from their current licensing framework to the risk-informed, performance-based framework. We agree that a process is necessary for addressing and disseminating frequently asked questions for licensees who are transitioning to Title 10 of the *Code of Federal Regulations*, Part 50.48(c) (10 CFR 50.48(c)). This process will provide a mechanism for resolving issues with Nuclear Energy Institute (NEI) 04-02, "Guidance for Implementing a Risk-Informed, Performance-Based Fire Protection Program Under 10 CFR 50.48 (c)," which is endorsed by Regulatory Guide (RG) 1.205, "Risk-Informed, Performance-Based Fire Protection for Existing Light-Water Nuclear Power Plants."

As you note, a Frequently Asked Question (FAQ) process has been implemented for the Reactor Oversight Process (ROP) Performance Indicators program. We agree that this program has been successful and would like to emulate its strengths. As discussed in your proposal, FAQs will be considered for inclusion in revisions to NEI 04-02, which could then be endorsed by revisions to RG 1.205. In addition, Regulatory Issue Summaries may be used to document official agency positions resulting from the FAQ process to provide wider dissemination of agency positions on regulatory issues.

The proposed version of the FAQ process was developed using your input as a basis. We have clarified that NRC identified FAQs will be brought directly to the NFPA 805 Task Force and that the process will be transparent to all stakeholders. In addition, we have noted that if consensus cannot be reached in a reasonable timeframe, the NRC will publish its position on the issue.

A. Marion

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We view the proposed FAQ process as a way for the agency to be responsive to the needs of the transitioning licensees. If you have questions, please contact me at (301) 415-2870; sdw1@nrc.gov or Charles Moulton at (301) 415-2751; cem4@nrc.gov.

Sincerely,

/RA/

Dr. Sunil Weerakkody Chief,
Fire Protection Branch
Division of Risk Assessment
Office of Nuclear Reactor Regulation

Enclosure:
As stated

A. Marion

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NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 805 FREQUENTLY ASKED QUESTIONS PROGRAM

PURPOSE

The Frequently Asked Question (FAQ) process is a mechanism for resolving interpretation issues with Nuclear Energy Institute (NEI) 04-02, "Guidance for Implementing a Risk-Informed, Performance-Based Fire Protection Program Under 10 CFR 50.48 (c)." Revision 1 of NEI 04-02 has been endorsed by Regulatory Guide (RG) 1.205, "Risk-Informed, Performance-Based Fire Protection for Existing Light-Water Nuclear Power Plants." The answered FAQs represent U.S. Nuclear Regulatory Commission (NRC) staff interpretations of the guidance for licensee transition to risk-informed, performance-based fire protection.

The FAQs and answers should be treated as an extension of the endorsed revision of NEI 04-02 and may be formally adopted by the NRC through a Regulatory Issue Summary (RIS) or an update of the RG endorsing a new revision of NEI 04-02.

There are several reasons for submitting a FAQ:

1. *To clarify the guidance for circumstances not anticipated when the current revision of NEI 04-02 was endorsed.*
2. *To clarify the guidance when the licensee and NRC staff do not agree on the meaning or how to apply the guidance to a particular situation.*
3. *To provide guidance for a class of plants whose design or system functions differ from that described in the endorsed revision of NEI 04-02.*
4. *To propose changes to the endorsed revision of NEI 04-02.*

The FAQ process is not the arena in which to resolve interpretation issues with any other NRC regulatory document. The FAQ process is also not used to make licensing or engineering decisions. In addition, this process is not the vehicle for requesting changes to National Fire Protection Association Standard 805 (NFPA 805).

PROCESS

1. Issue identification

The need for an interpretation of the guidance may be identified by a variety of stakeholders (for example licensees, vendors, contractors, etc.). However, it is expected that most requests will come from licensees, so the rest of this process will refer to "licensees" although it is understood that other stakeholders can request interpretations. FAQs should be submitted as soon as possible once the need is identified.

The licensee submits the FAQ by email to NEI. The email should include "FAQ" as part of the subject line and should provide the name and phone number of a contact person. FAQs proposed by the NRC will be brought directly to the NFPA 805 Task Force.

ENCLOSURE

2. Expeditiousness, Completeness and Factual Agreement

It is incumbent on licensees and the NRC to work expeditiously and cooperatively, sharing concerns, questions, and data in order that the issue can be resolved quickly. Where possible, agreement on the factual elements of the FAQ should be achieved prior to submittal. The FAQ must describe the situation clearly and concisely and must be complete and accurate in all respects. If agreement cannot be reached on the wording of the FAQ, the NRC will provide its alternate view to the licensee for inclusion in the FAQ.

3. FAQ Format

See Figure 1 for the template for submitting a FAQ. It is important that the contact information is provided on the FAQ submission.

The question section of the FAQ should include the specific wording of the guidance that needs to be interpreted, the circumstances involved, the specific question, the proposed new guidance, and the applicable section of the NRC endorsed revision of NEI 04-02. All relevant information should be included and should be as complete as possible. Incomplete or omitted information will delay the resolution of the FAQ.

The licensee or NRC also provides a proposed response to the FAQ. This proposed response should answer the question and provide the reasoning for the answer. There must not be any new information presented in the response that was not already discussed in the question. The FAQ should include proposed wording to revise the applicable section in the next revision of NEI 04-02.

4. Screening of FAQs

FAQs submitted by licensees are reviewed by NEI and revision to the wording may be requested. After acceptance by NEI, the FAQ is reviewed by the industry's NFPA 805 Task Force. Additional wording may be suggested to the licensee. In some cases, the task force may conclude that the FAQ is without merit and may recommend that the FAQ be withdrawn. An accepted FAQ is entered into the FAQ log, which includes all unresolved FAQs. The FAQ log is maintained by NEI. The log, including the questions and proposed responses, is forwarded to the NRC and industry task force members to review.

However, during the pilot phase of the implementation of NFPA 805, FAQs identified at one of the pilot plants do not need to be reviewed by the task force, and can be forwarded directly to the NRC. After resolution, the NRC may recommend that the information be entered into the FAQ log.

All information in the FAQ log will be publicly available. That is, a FAQ must not contain proprietary, classified, or safeguards information. If an interpretation is needed on an issue that contains proprietary, classified, or safeguards information, the licensee should

submit their request to the NRC using the established process for handling such information. FAQ submissions must also conform to the NRC electronic submission guidelines as seen online: www.nrc.gov/site-help/eie/guid-elec-submission.pdf.

5. Public Meeting Discussions of FAQs

The FAQ log is reviewed at each NFPA 805 task force meeting or teleconference, and the task force is responsible for achieving a consensus response, if possible. In most cases, the licensee or NRC is expected to present and explain the details of its FAQ. Licensee and NRC staff are usually available (at the meeting or by teleconferencing) to respond to questions posed by the task force.

The new FAQ is introduced by the licensee or NRC to ensure the task force understands the issues, but discussion of the FAQ is usually deferred to the next meeting, when participants will have had an opportunity to research the issues involved. At subsequent meetings, the FAQ will be discussed in detail, until all of the facts have been resolved and consensus has been reached on the response. The FAQ will then be considered "Tentatively Approved," and one additional month will be allowed for reconsideration. At the following meeting, the FAQ becomes "Final." Typically, a FAQ is introduced one month; the facts are discussed for another month and a tentative decision reached; and it goes final the following month.

In some limited cases (involving an issue with no contention and where exigent resolution is needed), it is possible for the NFPA 805 Task Force to reach immediate consensus and take the FAQ to "Final"; however, this will be the exception.

If consensus cannot be reached in a reasonable timeframe, the NRC will publish its position on the NRC website.

6. Incorporation of FAQs

Once approved by NRC, the FAQs and accepted response will be posted on the NRC website and is treated as an extension of NEI 04-02. The NRC may also issue a Regulatory Issue Summary to give the response wider distribution.

At the time of a revision of NEI 04-02, "final" FAQs will be reviewed for inclusion in the text. These FAQs will then be placed in an "archived" file. The archived FAQs are for historical purposes and are not considered to be part of NEI 04-02. The NRC will endorse the revisions to NEI 04-02 in an update to RG 1.205, if acceptable.

FAQs, including those that were reviewed but not incorporated into the text of NEI 04-02, will be listed in the revision record of the guidance.

Figure 1
FAQ TEMPLATE

FAQ Number: _____

Plant: _____

Submittal Date: _____

Submitter Contact: _____ Tel/email: _____

Subject:

Interpretation of guidance? Yes / No

Proposed new guidance not in NEI 04-02? Yes / No

Details:

NEI 04-02 guidance needing interpretation (include section, paragraph, and line numbers as applicable):

Circumstances requiring guidance interpretation or new guidance:

Detail contentious points if licensee and NRC have not reached consensus on the facts and circumstances:

Potentially relevant existing FAQ numbers:

Response Section:

Proposed resolution of FAQ and the basis for the proposal:

If appropriate, provide proposed rewording of guidance for inclusion in the next Revision:

Figure 2
FAQ FLOWCHART

