



Florida Power

CORPORATION
Crystal River Unit 3
Docket No. 50-302
Operating License No. DPR-72

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August 10, 2000
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Rules and Directives Branch
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Comments on Draft Regulatory Guide DG-1097, "Fire Protection for Operating Nuclear Power Plants" (65 FR 38866-38867)

Dear Sir:

Florida Power Corporation (FPC) appreciates the opportunity to comment on Draft Regulatory Guide DG-1097, "Fire Protection for Operating Nuclear Power Plants." In response FPC is providing the attached comments.

FPC has participated with the Nuclear Energy Institute (NEI) in an industry review of DG-1097. FPC endorses the industry comments provided by NEI letter dated August 10, 2000.

If you have any questions regarding this submittal, please contact Mr. Sid Powell, Manager, Nuclear Licensing at (352) 563-4883.

Sincerely,

FOR
Robert E. Grazio
Director, Nuclear Site and Business Support

REG/rer

Attachment

xc: Regional Administrator, Region II
Senior Resident Inspector
NRR Project Manager

TEMPLATE: ADM-03

E-RIDS = ADM-03
ADD: E. Connell (EAC)

**Comments on Draft Regulatory Guide DG-1097,
“Fire Protection for Operating Nuclear Power Plants”**

1. Implementation of Regulatory Guide Provisions

Florida Power Corporation (FPC) is concerned regarding the NRC intent for implementing the DG-1097 provisions at currently licensed facilities and on fire protection programs previously approved by the NRC.

Section A, INTRODUCTION, states that this regulatory guide is a “guidance” document and that “compliance with regulatory guides is not required.” However, Section D, IMPLEMENTATION, states:

“...the methods to be described in the active guide reflecting public comments will be used in the evaluation of submittals in connection with fire protection programs at operating nuclear power plants.”

This statement seems to imply that the NRC would attempt to impose the provisions of DG-1097 on the approved licensing basis of a licensed operating plant through review of a submittal involving the fire protection program, such as a request for the NRC review of proposed fire protection plan revisions. FPC is concerned that DG-1097 would be used as the basis for approving the plan revisions. FPC is further concerned that the NRC would attempt to implement the DG-1097 provisions at facilities through inspections of the fire protection program.

It is suggested that Section D be revised to state that the regulatory guide will be used by the NRC staff only in the review and evaluation of fire protection programs that are part of new applications for operating license.

2. Risk - Informed Implications

FPC supports the allowed use of risk-informed methodology in defining the elements of fire protection as acknowledged in DG-1097.

3. General Provisions of DG-1097

Many of the provisions specified in DG-1097 differ from the provisions of the approved CR-3 licensing basis for fire protection. Accordingly, FPC considers these provisions to be backfits as defined in 10 CFR 50.109. FPC considers that the process described in 10 CFR 50.109 for evaluating proposed backfits to determine if they are justified would be required to impose these provisions. Any attempt to impose DG-1097 provisions other than by the process delineated in 10 CFR 50.109 would be an attempt to circumvent that rule.