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65 FR 28866
June 22, 2000
8
Mail Station 7636
P.O. Box 52034
Phoenix, AZ 85072-2034

102-04474 - AKK/SAB/RJR
August 10, 2000

Mr. David L. Meyers
Chief Rules and Directives Branch,
Office of Administration
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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Rules and Directives
Branch

Dear Sir:

**Subject: Palo Verde Nuclear Generating Station (PVNGS)
Units 1, 2, and 3
Docket Nos. STN 50-528/529/530
Comments on NRC Draft DG-1097, "Fire Protection for Operating
Nuclear Power Plants" (Federal Register Vol. 65, No. 121, Pg. 38866)**

In the June 22, 2000 Federal Register (65 FR 38866), the NRC announced the availability, for public comment, of draft Regulatory Guide, DG-1097, Fire Protection for Operating Nuclear Power Plants. PVNGS appreciates the opportunity to comment on this draft guide and has enclosed comments for your consideration.

As a result of PVNGS' review, it was evident that DG-1097 was written more narrowly than DG-1094. DG-1097 should be written to make allowances for licensing positions that have been previously accepted by the NRC in plant specific Safety Evaluation Reports. Examples of these are identified in the enclosure.

PVNGS also acknowledges and supports the comments submitted by the Nuclear Energy Institute (NEI) in reference to this draft guide.

No commitments are being made to the NRC by this letter.

Please contact Mr. Scott Bauer at (623) 393-5978 if you have any questions.

Sincerely,

AKK/SAB/RJR/kg

Enclosure

cc: E. W. Merschoff
M. B. Fields
J. H. Moorman
D. J. Modeen (NEI)

TEMPLATE ADM-03

E-RODS = ADM-03
ADD: E. CONNELL (EAC)

ENCLOSURE

Comments on Draft Regulatory Guide DG-1097 Fire Protection for Operating Nuclear Power Plants

1. Currently, APS has the following license condition for Fire Protection in the PVNGS Units 1, 2 and 3 Operating Licenses.

“APS shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety analysis Report for the facility, as supplemented and amended, and as approved in the SER through Supplement 8, subject to the following provision:

APS may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.”

APS currently makes changes to the to the fire protection program described in the UFSAR under 10 CFR 50.59 and reports those changes to the NRC in accordance with the UFSAR update rule and the 10 CFR 50.59 reporting requirements.

Draft RG DG-1097 states the following:

10 CFR Part 50.48 (page 7)

“As discussed later in this guide in the Licensing and Design Basis section, deviations from NRC fire protection requirements are documented and reviewed under different processes depending on the date of the operating license. Appendix R requirements for pre-1979 plants are processed under the exemption process. Deviations from other applicable guidelines are identified and evaluated in the staff's Safety Evaluation Reports. For post-1979 plants, where fire protection features do not meet applicable NRC requirements or commitments, or alternative approaches are proposed, the condition is documented as a deviation.”

Plants Licensed After January 1, 1979 (page 10)

“Plants licensed after January 1, 1979, are subject to the requirements of 10 CFR 50.48 (a) and (e) only and as such must meet the provisions of GDC 3 as specified in their license conditions and as accepted by the NRC in their SERs. These plants are typically reviewed to the guidance of SRP Section 9.5-1. For these plants, where compliance with the provisions of GDC 3 and the applicable paragraphs of 10 CFR 50.48 cannot be achieved, or where commitments to specific guidelines cannot be met, or alternative approaches are proposed, the differences between the licensee's program and the NRC requirements and guidelines are documented in deviations.

1.4.4 Deviations (page 36)

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Comments on Draft Regulatory Guide DG-1097 Fire Protection for Operating Nuclear Power Plants

“Plants licensed after January 1, 1979 which have committed to meet the requirements of Section III.G, III.J and III.O, of Appendix R or other NRC guidance (e.g., Branch Technical Position CMEB 9.5-1), and are required to do so as a license condition, do not need to request exemptions for alternative configurations. However, deviations from the requirements of Section III.G, III.J and III.O or other applicable requirements or guidance should be identified and justified in the FSAR or FHA and the deviation may require a license amendment to change the license condition. Deviations submitted to the NRC for review and approval should include a technical justification for the proposed alternative approach. The technical justification should address the criteria described in Regulatory Positions 1.4.1 for 50.59 Evaluations and 1.4.2 for exemptions.”

APS COMMENT:

Currently, NRC regulations do not contain provisions for requesting NRC approval of deviations from UFSAR Appendix R commitments, NRC Guidelines, or Safety Evaluation Reports. The NRC has established codified processes for changing the operating license (10 CFR 50.90), and the UFSAR (10 CFR 50.59), and plants such as Palo Verde, have license conditions controlling changes to their fire protection programs. The guidance in DG-1097 would legitimize a process that has no regulatory basis. The use of deviations should be suspended.

2. Section 1.4, Fire Protection Program Changes/Code Deviations, continues to be in conflict with draft Revision 1 of industry guideline NEI 96-07, Guidelines for 10 CFR 50.59 Evaluations.”

DG-1097 Section 1.4 continues to emphasize the use of the 10 CFR 50.59 process for evaluating changes to fire protection programs.

Draft Revision 1 of NEI 96-07 states the following:

1.2.1 Relationship of 10 CFR 50.59 to Other Processes that Control Licensing Basis Activities

10 CFR 50.59 focuses on the effects of proposed activities on the safety analyses that are contained in the updated FSAR (UFSAR) and are a cornerstone of each plant's licensing basis. In addition to 10 CFR 50.59 control of changes affecting the safety analyses, there are several other complementary processes for controlling activities that affect other aspects of the licensing basis, including:

- Where a licensee possesses a license condition which specifically permits changes to the NRC-approved fire protection program (i.e., has received the standard fire protection license condition contained in Generic Letter 86-10),

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Comments on Draft Regulatory Guide DG-1097 Fire Protection for Operating Nuclear Power Plants

subsequent changes to the fire protection program would be controlled under the license condition and not 10 CFR 50.59.

APS COMMENT:

Draft Revision 1 NEI 96-07, Guidelines for 10 CFR 50.59 Evaluations, is expected to be endorsed by the NRC. The wording from DG-1097 should be changed to be consistent with the proposed NEI 96-07 guidance.

3. National Fire Protection Association code NFPA-101 has been identified in several sub-sections of this draft guide.

APS COMMENT:

The state of Arizona does not recognize this Code and instead requires PVNGS to meet the Uniform Building Code and Uniform Fire Code. The draft guide does not provide for this situation. DG-1097 should be revised to make provisions for program elements that have previously been acceptable to the NRC.

4. The training and qualifications of a full time dedicated fire brigade is not considered in brigade leader qualifications.

Draft RG DG-1097 states the following:

1.2.4.1 Qualifications (page 21)

The brigade leader and at least two brigade members should have sufficient training in or knowledge of plant systems to understand the effects of fire and fire suppressants on safe shutdown capability. The qualification of fire brigade members should include an annual physical examination to determine their ability to perform strenuous fire fighting activities. The brigade leader should be competent to assess the potential safety consequences of a fire and advise control room personnel. Such competence by the brigade leader may be evidenced by possession of an operator's license or equivalent knowledge of plant systems.

APS COMMENT:

This requirement does not acknowledge sites that have a dedicated full time professional fire department staffed by qualified personnel. In this case a fire team advisor is a dedicated member of the Emergency Response Team and would meet and exceed the brigade leader requirements stated above. The draft guide fails to acknowledge variations in commitments and does not provide for equivalently staffed organizations. DG-1097 should be revised to make provisions for program elements that have previously been acceptable to the NRC.

5. Previous commitments for hose house equipment are not recognized or addressed.

ENCLOSURE

Comments on Draft Regulatory Guide DG-1097 Fire Protection for Operating Nuclear Power Plants

Draft RG DG-1097 states the following:

3.4.2 Hydrants and Hose Houses (page 51)

Outside manual hose installation should be sufficient to provide an effective hose stream to any onsite location where fixed or transient combustibles could jeopardize equipment important to safety. Hydrants should be installed approximately every 76 m (250 ft) on the yard main system. A hose house equipped with hose and combination nozzle and other auxiliary equipment recommended in NFPA 24 should be provided as needed, but at least every 305-m (1,000-ft). Alternatively, mobile means of providing hose and associated equipment, such as hose carts or trucks, may be used. When provided, such mobile equipment should be equivalent to the equipment supplied by three hose houses.

APS COMMENT:

This requirement does not recognize those stations that may have a different commitment such as a Class A fire truck with the equivalent equipment of two hose houses. The draft guide fails to acknowledge variations in commitments and does not provide for this situation. DG-1097 should be revised to make provisions for program elements that have previously been acceptable to the NRC.

6. Section D on implementation of the proposed Regulatory Guide has changed significantly from that proposed in DG-1094.

DG-1094 stated that existing fire protection programs or elements thereof, need not be changed to meet the positions contained within this guide to the extent that these existing programs or elements have been found acceptable to the NRC...

Now, DG-1097, Section D, IMPLEMENTATION, (page 101) does not provide this same acknowledgement of the variations in commitments based on licensing dates. DG-1097 also does not acknowledge that any new material contained in the Regulatory Guide is for licensee information only and should not be considered new requirements.

APS COMMENT:

This guide should continue to state that the specific NRC fire protection requirements applicable to any given operating facility are a function of licensing dates, specific license conditions, approved exemptions/deviations and individual Safety Evaluation Reports. DG-1097 should be revised to make provisions for program elements that have previously been acceptable to the NRC.



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