

June 3, 2002

MEMORANDUM TO: James W. Clifford, Chief, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

FROM: Richard B. Ennis, Senior Project Manager, Section 2     /RA/  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

SUBJECT: MILLSTONE NUCLEAR POWER STATION, UNIT NO. 3,  
FACSIMILE TRANSMISSION, ISSUES TO BE DISCUSSED IN AN  
UPCOMING CONFERENCE CALL (TAC NO. MB5049)

The attached information was transmitted by facsimile on May 28, 2002, to Mr. David Dodson of Dominion Nuclear Connecticut, Inc. (the licensee). This information was transmitted to facilitate a upcoming conference call in order to clarify the licensee's submittals dated January 22 and May 7, 2002, pertaining to proposed changes to the Millstone Unit No. 3 Fire Protection Program.

Docket No. 50-423

Attachment: Fire Protection Program Changes

MEMORANDUM TO: James W. Clifford, Chief, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

FROM: Richard B. Ennis, Senior Project Manager, Section 2 /RA/  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

SUBJECT: MILLSTONE NUCLEAR POWER STATION, UNIT NO. 3,  
FACSIMILE TRANSMISSION, ISSUES TO BE DISCUSSED IN AN  
UPCOMING CONFERENCE CALL (TAC NO. MB5049)

The attached information was transmitted by facsimile on May 28, 2002, to  
Mr. David Dodson of Dominion Nuclear Connecticut, Inc. (the licensee). This information was  
transmitted to facilitate a upcoming conference call in order to clarify the licensee's submittals  
dated January 22 and May 7, 2002, pertaining to proposed changes to the Millstone Unit No. 3  
Fire Protection Program.

Docket No. 50-423

Attachment: Fire Protection Program Changes

DISTRIBUTION

PUBLIC

JClifford

REnnis

VNerses

PDI-2 Reading

ACCESSION NO.: ML021540320

OFFICE	PDI-2/PM
NAME	REnnis
DATE	06/03/02

OFFICIAL RECORD COPY

### **Millstone Unit 3 - Fire Protection Program Changes**

The following information is provided to clarify the Nuclear Regulatory Commission's (NRC's) position regarding the proposed changes to the Millstone Unit 3 Fire Protection Program as discussed in letters from Dominion Nuclear Connecticut, Inc. (DNC) to the NRC dated January 22 and May 7, 2002, and a letter from the NRC to DNC dated March 7, 2002.

Regulatory Guide (RG) 1.187, "Guidance for Implementation of 10 CFR 50.59, Changes Tests, and Experiments," dated November 2000, endorses Revision 1 of NEI 96-07 with respect to providing methods acceptable to the NRC staff for complying with the provisions of 10 CFR 50.59.

NEI 96-07, "Guidelines for 10 CFR 50.59 Implementation," Revision 1, dated November 2000, Section 4.1.5, "Changes to Approved Fire Protection Programs," states that the standard fire protection license condition establishes specific criteria for control of fire protection changes and falls within the scope of 10 CFR 50.59(c)(4). 10 CFR 50.59(c)(4) states that the provisions of 10 CFR 50.59 do not apply to changes to the facility when the applicable regulations establish more specific criteria for accomplishing such changes.

Millstone Unit 3, Facility Operating License No. NPF-49, Condition 2.H, "Fire Protection," reads as follows:

"Dominion Nuclear Connecticut, Inc. 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 and as approved in the SER (NUREG-1031) issued July 1984 and Supplements Nos. 2, 4, and 5 issued September 1985, November 1985 and January 1986, respectively, subject to the following provision:

The licensee 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."

RG 1.189, "Fire Protection for Operating Nuclear Power Plants," dated April 2001, Regulatory Position 1.8.1.2, "Standard License Condition," states that within the context of the standard license condition, the phrase "not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire," means to maintain sufficient safety margins. This Regulatory Position references RG 1.174 for additional information.

RG 1.174, "An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis," dated April 2002, Section 2.2.1.2, "Safety Margins," states that with sufficient safety margins, codes and standards or their alternatives approved for use by the NRC are met.

ATTACHMENT

NUREG-0800, "Standard Review Plan," Branch Technical Position (BTP) CMEB 9.5-1, "Guidelines for Fire Protection for Nuclear Power Plants," Section C.7.c, states that an automatic water system should be provided for fire suppression in the cable spreading room. For Millstone Unit 3, the NRC staff approved the use of a CO<sub>2</sub> fire suppression system as an alternative to the BTP CMEB 9.5-1 automatic water system in the cable spreading area (CSA).

DNC letters dated January 22 and May 7, 2002, stated that DNC plans to replace the CSA CO<sub>2</sub> fire suppression system with a new Incipient Fire Detection (IFD) system. The letters indicate that this Fire Protection Program change can be made without NRC review and approval, in accordance with License Condition 2.H, since DNC has determined that the proposed change does not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

The NRC's position is that the proposed change potentially involves a reduction in the safety margin, based on the guidance in RG 1.174, since it would not meet approved codes and standards (i.e., BTP CMEB 9.5-1, Section C.7.c) or the NRC-approved alternative (i.e., CSA CO<sub>2</sub> fire suppression system). Therefore, NRC review and approval would be required for the proposed change to the Millstone Unit 3 Fire Protection Program, consistent with the direction given in the NRC's letter to DNC dated March 7, 2002.