

October 3, 2002

MEMORANDUM TO: William D. Travers  
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-02-0132 - PROPOSED RULE:  
REVISION OF 10 CFR 50.48 TO PERMIT LIGHT-WATER  
REACTORS TO VOLUNTARILY ADOPT NATIONAL FIRE  
PROTECTION ASSOCIATION (NFPA) STANDARD 805,  
"PERFORMANCE- BASED STANDARD FOR FIRE  
PROTECTION FOR LIGHT-WATER REACTOR ELECTRIC  
GENERATING PLANTS, 2001 EDITION" AS AN ALTERNATIVE  
SET OF RISK-INFORMED, PERFORMANCE-BASED FIRE  
PROTECTION REQUIREMENTS

The Commission has approved publication of this proposed rule in the *Federal Register*, allowing 75 days for public comment, subject to the changes noted in the attachment.  
(EDO) (SECY Suspense: 10/25/02)

In reaching its decision, the Commission considered arguments put forward by the Nuclear Energy Institute in a letter dated August 22, 2002, to amend the proposed rule to eliminate the requirement for a license amendment in order to use alternate methods and analytical approaches and determined that there was no basis to change the proposed rule. The staff should carefully review the comments received from stakeholders and evaluate the methods that could be used to approve alternative methods and analytical approaches. Their analysis of these comments and the basis for their ultimate position on this important issue should be provided to the Commission as part of the final rulemaking package.

Attachment: Changes to the *Federal Register* Notice in SECY-02-0132

cc: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
OGC  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR

**Changes to the *Federal Register* Notice in SECY-02-0132**

1. On page 4, last paragraph, line 4, insert a comma after “systems”. Revise line 5 to read ‘... components (SSCs) important to ....’ Revise line 8 to read ‘... effects of fires on ~~SSCs structures, systems, and components~~ ....’
2. On page 5, last paragraph, in lines 4 and 6, capitalize the “P” in “Pre-1979”.
3. On page 7, next to last paragraph, line 3, insert a space after “at”.
4. On page 9, 1<sup>st</sup> full paragraph, revise line 4 to read ‘... as discussed in section II ~~the Discussion of Proposed Rule Language~~ section below.’
5. On page 12, paragraph 6., revise lines 2 and 3 to read ‘... of the fire brigade and those plant personnel ~~who will~~ ~~who’ll~~ respond to ....’
6. On page 15, 1<sup>st</sup> paragraph after the indented text, line 1, insert a comma after “C”.
7. On page 17, 1<sup>st</sup> full paragraph, revise the last line to read ‘... reviewer or by the AHJ [authority having jurisdiction].’
8. On page 18, paragraph 2, revise line 1 to read ‘The ~~two~~ NRC’s ~~two~~ Commission’s qualitative safety ....’
9. On page 20, paragraph 1, revise line 3 to read ‘... frequency). NFPA 805 Section 2.4.4.1 of the standard provides ~~says~~ that ....’ In line 5, insert end quotation marks after “change.” In line 8, insert a comma after “1.174”.
10. On page 21, paragraph 2, revise line 1 to read ‘... Processes: NFPA 805 Sections 2.2(h), ....’ Revise line 2 to read ‘... contain ~~salient~~ direction relating to ....’
11. On page 21, paragraph 3, revise line 3 to read ‘... *Federal Register* notice (FRN), NFPA 805 analytical ....’
12. On page 21, last paragraph, revise line 1 to read ‘Inspectability: NFPA 805 Section 2.7.1.1 states ~~says~~: “The analyses performed ....’
13. On page 22, last paragraph, line 5, replace “shell” with “shall”.
14. In the last sentence of the first paragraph on page 23, delete the words “alternative to” appearing after the words “decommissioning reactors,” and insert the words “acceptable method for” in their place.
15. On page 25, lines 4 and 5 from the top, place a period after “endorsed” and delete the remainder of the sentence.

16. On page 26, delete the last part of the first sentence of paragraph 50.48(c)(3)(i) that reads “; or paragraph (f) of this section for plants for which licensees have submitted the certifications required under 10 CFR 50.82(a)(1).”, and insert “or” at the beginning of the new last clause of that sentence. The resulting sentence reads as follows:

50.48(c)(3)(i) A licensee may maintain a fire protection program that complies with NFPA 805 as an alternative to complying with paragraph (b) of this section for plants licensed to operate before January 1, 1979; or the fire protection license conditions for plants licensed to operate after January 1, 1979.
17. On page 26, last paragraph, line 9, replace “therefore” with “thereof”.
18. On page 28, paragraph 2, insert the following prior to the start of the 1<sup>st</sup> sentence: “This section of the proposed rule language provides licensees with a mechanism to gain plant-specific NRC approval of alternative methods and analytical approaches to those specified in NFPA 805. It allows licensees maximum flexibility to identify and apply new methods of analysis that may be appropriately used within NFPA 805.” Revise line 2 to read ‘ ... and analytical approaches, including alternatives to the fundamental fire ....’
19. On page 28, last paragraph, delete the 1<sup>st</sup> 2 sentences (This section of the proposed ... within NFPA 805.) Revise the last line to read ‘ ... enough ~~even~~ to allow licensees ....’
20. On page 29, after paragraph 50.48(c)(4)(iii), insert the following:

50.48(f) Licensees that have submitted the certifications required under Section 50.82(a)(1) shall maintain a fire protection program to address the potential for fires that could cause the release or spread of radioactive materials (i.e., that could result in a radiological hazard). A fire protection program that complies with NFPA 805 shall be deemed to comply with the requirements of this paragraph.
21. On page 33, paragraph 1, line 5, remove the spaces in “nevertheless”.
22. On page 35, line 3 from the top, insert a space after “to”.
23. On page 40, line 1 from the top, remove the underlining.
24. On page 43, delete the last part of the first sentence of paragraph (i) that reads “; or paragraph (f) of this section for plants for which licensees have submitted the certifications required under 10 CFR 50.82(a)(1).”, and insert “or” at the beginning of the new last clause of that sentence. The resulting sentence reads as follows:

(i) A licensee may maintain a fire protection program that complies with NFPA 805 as an alternative to complying with paragraph (b) of this section for plants licensed to operate before January 1, 1979; or the fire protection license conditions for plants licensed to operate after January 1, 1979.
25. On page 43, insert the following:

3. In Section 50.48, paragraph (f) is revised to read as follows:

(f) Licensees that have submitted the certifications required under Section 50.82(a)(1) shall maintain a fire protection program to address the potential for fires that could cause the release or spread of radioactive materials (i.e., that could result in a radiological hazard). A fire protection program that complies with NFPA 805 shall be deemed to comply with the requirements of this paragraph.