

November 13, 2002

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SUBJECT: PROPOSED STAFF GUIDANCE ON THE SCOPING OF FIRE PROTECTION  
EQUIPMENT FOR LICENSE RENEWAL

Dear Messrs. Nelson and Lochbaum:

The purpose of this letter is to provide you with the opportunity to comment on the enclosed guidance on the scoping of fire protection equipment for license renewal. This is consistent with our goal to more efficiently resolve license renewal issues identified by the staff or the industry, as outlined in NRR Office Letter No. 805, "License Renewal Application Review Process." Your response to this letter will assist the staff in deciding how to finalize and implement the guidance.

During previous NRC scoping and screening inspections for license renewal, issues regarding the scoping and screening of fire protection equipment have arisen, indicating that additional guidance would be useful. Enclosure 1 provides guidance that was developed to clarify the requirements of 10 CFR 54.4(a)(3) as it pertains to 10 CFR 50.48 (including General Design Criterion 3, Appendix R, and associated license conditions). Proposed revisions to NUREG-1800, "Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants," are provided as Enclosure 2. A copy of Generic Letter 84-01 is provided for convenient reference (Enclosure 3). Although this proposed guidance does not convey a change in the NRC's regulations or how they are being interpreted, it is being provided to facilitate complete preparation of future applications for license renewal. As such, we are interested in receiving comments on the proposed guidance as well as an indication of when comments can be provided to ensure its timely release. The staff plans to incorporate this guidance into the improved renewal guidance documents (NUREG-1800 and/or NUREG-1801) in a future update. Additionally, comparable augmentation of NEI 95-10, Revision 3, "Industry Guidance for Implementing the Requirements of 10 CFR Part 54 - The License Renewal Rule," might be warranted. Because this guidance provides a clarification of existing guidance with no additional requirements, the staff did not perform a backfit evaluation.

A. Nelson and D. Lochbaum

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If you have any questions regarding this matter, please contact Rani Franovich at 301-415-1868.

Sincerely,

*/RA/*

Pao-Tsin Kuo, Program Director  
License Renewal and Environmental Impacts Program  
Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Project No. 690

Enclosures: As stated

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## PROPOSED STAFF POSITION ON THE LICENSE RENEWAL RULE (10 CFR 54.4) AS IT RELATES TO THE FIRE PROTECTION (FP) RULE (10 CFR 50.48)

### Staff Position

Consistent with the requirements specified in 10 CFR 54.4(a)(3) and 10 CFR 50.48, all systems, structures, and components (SSCs) relied upon to perform a function that demonstrates compliance with the Commission's regulations for FP (10 CFR 50.48) are within the scope of license renewal. Consistent with General Design Criterion (GDC) 3, the scope of SSC's included in 10 CFR 50.48 goes beyond the protection of safety-related equipment. According to NUREG-0800, Section 9.5.1, "Fire Protection Program," the scope of equipment required for compliance with 10 CFR 50.48 also includes FP SSCs relied on to minimize the effects of a fire and to prevent the release of radiation to the environment. Components required to comply with 10 CFR 50, Appendix R, and with commitments to Appendix A to Branch Technical Position (BTP) APCS 9.5-1, "Fire Protection For Nuclear Power Plants," or BTP CMEB 9.5-1, as documented in NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," are within the scope of license renewal. Each nuclear station has a unique FP program, and the licensing basis for meeting FP requirements is plant-specific. In short, plant-specific licensing basis documents establish the basis for making FP scoping determinations.

### Rationale

The License Renewal Rule, 10 CFR Part 54.4(a)(3), states that all plant systems, structures and components (SSCs) relied on in safety analyses or plant evaluations to perform a function that demonstrates compliance with the Commission's regulations for fire protection (10 CFR 50.48) are within the scope of license renewal. The Statement of Considerations (SOC) for the license renewal rule, published in the May 8, 1995, edition of the *Federal Register* (60 FR 22461), states that 10 CFR 50.48(a) requires each nuclear power plant licensee to have in place a fire protection plan (FPP) that satisfies 10 CFR Part 50, Appendix A, GDC 3. The SOC further states, "the FPP establishes the fire protection policy for the protection of systems, structures, and components important to safety at each plant and the procedures, equipment, and personnel requirements necessary to implement the program at the plant site" (60 FR @ 22472). Regulatory Guide 1.189, "Fire Protection for Operating Nuclear Power Plants," provides the following definition of important to safety in its glossary: "nuclear power plant structures, systems, and components 'important to safety' are those required to provide reasonable assurance that the facility can be operated without undue risk to the health and safety of the public." The scope and meaning of SSCs important to safety also are discussed in Generic Letter (GL) 84-01, "NRC Use of the Terms, 'Important to Safety' and 'Safety Related.'"

The effects of fires on SSCs "important to safety" are addressed by 10 CFR 50.48 to provide a general level of protection that is afforded to all systems, not only those required for safe shutdown. The scope of SSCs required for compliance to GDC 3 and 10 CFR 50.48 goes beyond preserving the ability to achieve and maintain the plant in a safe shutdown condition in the event of a fire. In fact, NUREG-0800 states that the purpose of the FP program is to provide assurance, through a defense-in-depth design, that a fire will not prevent the performance of necessary safe shutdown functions and will not significantly increase the risk of radioactive releases to the environment, in accordance with GDC 3 and 5. Commitments to

meet Appendix A to BTP APCS 9.5-1 or BTP CMEB 9.5-1, as documented in Safety Evaluation Reports (SERs), which are directly referenced in the fire protection license condition, illustrate how a licensee complies with the regulations in 10 CFR 50.48.

Each nuclear station has a unique FP program, and the licensing basis for meeting FP requirements is plant-specific. To determine the current licensing basis (CLB) for a nuclear power facility and perform an effective, complete scoping review for license renewal, an applicant should review applicable license renewal guidance and licensing basis documents. Documents that either specify FP requirements or define the CLB for FP include, but are not limited to, the following:

- The facility operating license and associated FP license conditions
- NRC SERs referenced in the FP license condition
- Applicable National Fire Protection Association (NFPA) codes (if commitments are made by the applicant to adopt NFPA code recommendations)
- Exemptions that may contain licensee commitments as they pertain to 10 CFR 50.48
- The most up-to-date fire hazards analysis (FHA)
- Design basis documents and specifications governing fire protection plans, systems and structures
- Technical Specifications (TS) and related operating commitments (e.g., those relocated from TS to the Updates Final Safety Analysis Report [UFSAR])
- UFSAR descriptions and drawings depicting systems and structures required for compliance with 10 CFR 50.48
- Code of Federal Regulations (Part 50 and Part 54) and associated SOCs
- Appendix A to BTP APCS 9.5-1, "Fire Protection For Nuclear Power Plants" or NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," Section 9.5.1 [as referenced in 10 CFR 50.48 (b)(1)]
- Docketed correspondence [e.g., applicant commitments to Appendix A to BTP 9.5-1, NUREG-0800 exemption requests, etc.] pertaining to compliance with 10 CFR 50.48.

The staff should review the SERs or other licensing documents identified in the applicant's license condition that contain licensee commitments to 10 CFR 50.48. An applicant may sometimes exclude a particular component from the scope of license renewal on the basis that, although the component was discussed in the SER or FSAR (such as a fire protection jockey pump or a portion of an automatic sprinkler system), this does not constitute a "commitment" or imply that the component is required for compliance to 10 CFR 50.48. To determine if the exclusion of a component is valid, the applicant should review its response(s) to Appendix A to BTP 9.5-1 or to Section 9.5.1 of NUREG-0800 and other similar docketed correspondence that forms the basis of the SER. If a particular component is provided for compliance with the approved FP program, as required by 10 CFR 50.48, then that particular component is relied upon to meet the requirements of 10 CFR 50.48 and should be included within the scope of license renewal.

The exception to this involves changes to the FP program through a number of regulatory processes (e.g., 10 CFR 50.59, "Changes, Tests and Experiments"). Changes to the FP program can also occur through GL 86-10, "Implementation of Fire Protection Requirements," and GL 88-12, "Removal of Fire Protection Requirements From Technical Specifications." These changes typically involve license amendment requests to relocate TS governing FP operability and performance testing requirements to their UFSAR. Additionally, an applicant

may have relocated their FP program for meeting Appendix A to BTP 9.5-1 into their FHA or into some other licensing or design basis document. Applicants sometimes assume that commitments were documented in the UFSAR at the time a GL 86-10 license amendment was approved by the NRC and, for this reason, rely upon the UFSAR as their primary scoping document. However, information in the SERs that document an applicant's response to Appendix A to BTP 9.5-1 is not always documented in the UFSARs.

Therefore, applicants for license renewal should review all documents that define their licensing basis for meeting fire protection requirements in performing scoping reviews for their license renewal applications.

#### Backfit consideration

The staff has determined that this guidance clarifies the staff's guidance on scoping of FP structures and components. Therefore, the staff did not evaluate this ISG for backfit.

NUCLEAR ENERGY INSTITUTE

Project No. 690

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