

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555-0001

October 13, 1999

**NRC REGULATORY ISSUE SUMMARY 99-02
RELAXATION OF TECHNICAL SPECIFICATION REQUIREMENTS
FOR PORC REVIEW OF FIRE PROTECTION PROGRAM CHANGES**

Addressees

All holders of operating licenses for nuclear power reactors, except those who have permanently ceased operations and have certified that fuel has been permanently removed from the reactor vessel.

Intent

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to advise addressees that, based on the guidance provided herein concerning the James A. FitzPatrick Nuclear Power Plant, they may choose to request a license amendment to their plant technical specifications to change the requirement that the Plant Operating Review Committee (PORC) review the fire protection program and its implementing procedures, for the purpose of alleviating unnecessary burden on the PORC. No action or written response is requested.

Background Information

The Commission issued Amendment No. 252 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant on April 12, 1999. The amendment revised the plant technical specifications to alleviate the unnecessary burden on PORC of having to review *all* changes to the fire protection program and its implementing procedures. The staff found that existing regulatory controls on the fire protection program provide reasonable assurance of the continued effectiveness of the program and that adequate procedural controls are in place to ensure that the screening process for assessing changes to the fire protection program and its implementing procedures will assign technical reviews to appropriately qualified individuals, as necessary, allowing PORC to focus its attention on more significant procedure and program changes.

The following regulatory controls in effect contribute to ensuring the continued effectiveness of the FitzPatrick fire protection program:

PDR A000K 05000003 F 991013

9910060042.

updated

on 10/20/99

L-4-1, Pt. 50 - Tech Specs

X-MH+S-16-6

X-ID+R-5-Admin LTR

- (1) The FitzPatrick license includes a license condition that the licensee may make changes to the approved fire protection program without prior Commission approval only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.
- (2) Since the fire protection program is included in the FitzPatrick final safety analysis report (FSAR), the provisions of 10 CFR 50.59 apply; this regulation prohibits changes to the facility without prior Commission approval if it is determined that the change constitutes an unreviewed safety question.
- (3) The FitzPatrick technical specifications require the Safety Review Committee to inspect and audit the fire protection program.
- (4) The FitzPatrick technical specifications require written procedures and administrative policies to implement the fire protection program.

PORC responsibility for reviewing fire protection program requirements was established when these requirements were removed from the FitzPatrick technical specifications in accordance with the guidance in Generic Letter (GL) 88-12, "Removal of Fire Protection Requirements from the Technical Specifications." Subsequently, the licensee established procedural controls for screening written procedures and administrative policies required by the plant technical specifications (including those implementing the fire protection program) for safety and environmental impact. In particular, changes are screened to determine if an activity is described in the FSAR, affects structures, systems, or components described in the FSAR, or involves a test. If so, the activity is assessed to see if it is consistent with FSAR requirements. If the activity is not consistent with the FSAR, a safety evaluation is completed in accordance with 10 CFR 50.59. Changes are also screened for environmental impact and an environmental impact evaluation may be done. If safety and/or environmental evaluations are required, PORC is required to review them. If the proposed change affects the technical specifications, a license amendment is initiated to revise the technical specifications. Safety and environmental impact screening and required evaluations are completed and approved by qualified individuals.

Summary of Issue

The NRC has found that requiring the FitzPatrick PORC to review *all* changes to the fire protection program and its implementing procedures is unnecessary. Removing this burden on PORC from the FitzPatrick technical specifications is acceptable since safety continues to be assured by the rigor of the procedural controls in place for fire protection issues and other regulatory controls on the fire protection program. The Background section describes the FitzPatrick review and approval process for fire protection issues and the regulatory controls in place to assure the continued effectiveness of the FitzPatrick fire protection program.

Permitted Voluntary Action

Addressees may submit license amendment requests for their reactor facilities to reduce unnecessary burden on PORC. In doing so, however, addressees must demonstrate that adequate procedural controls and regulatory controls are in place to ensure the effectiveness of the fire protection program will be maintained.

Backfit Discussion

This regulatory issue summary requests no action or written response. Any action on the part of addressees to request removing unnecessary burden on PORC, in accordance with the guidance provided in this regulatory issue summary, is strictly voluntary and, therefore, is not a backfit under 10 CFR 50.109. Consequently, the staff did not perform a backfit analysis.

Federal Register Notification

A notice of opportunity for public comment was not published in the *Federal Register* because this regulatory issue summary is informational and pertains to a licensing matter that was open to public comment during its promulgation.

Paperwork Reduction Act Statement

This regulatory issue summary contains a voluntary information collection that is subject to the Paperwork Reduction Act of 1995 (22 U.S.C. 3501 et seq.). This voluntary information collection was approved by the Office of Management and Budget, approval number 3150-0011, through September 30, 2000.

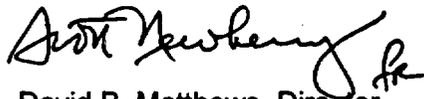
The public reporting burden for this voluntary collection of information is estimated to average 40 hours per response, including the time to read the instructions, search existing data sources, gather and maintain the data needed, and organize the data. The U.S. Nuclear Regulatory Commission is seeking public comment on the potential impact of the collection of information described in the regulatory issue summary and on the following questions:

- (1) Is the proposed collection of information necessary for the proper performance of the functions of the NRC, and will the information be useful?
- (2) Is the estimate of burden accurate?
- (3) Is there a way to enhance the quality, utility, and clarity of the information to be collected?
- (4) How can the burden of the collection of information be minimized? Can automated collection techniques be used?

Send comments on any aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch, T-6F33, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0011), Office of Management and Budget, Washington, D.C. 20503.

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

If there are any questions about this matter, please contact one of the persons listed below, or the appropriate Office of Nuclear Reactor Regulation project manager for a specific nuclear power plant.



David B. Matthews, Director
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Technical Contact: Phillip M. Qualls, NRR
301-415-1849
E-mail: pmq@nrc.gov

Lead Project Manager: Andrew J. Kugler, NRR
301-415-2828
E-mail: ajk1@nrc.gov

LIST OF RECENTLY ISSUED
NRC REGULATORY ISSUE SUMMARY

Regulatory Issue Summary No.	Subject	Date of Issuance	Issued to
99-01	Revision To The Generic Communications Program	10/4/99	All NRC licensees

OL = Operating License
CP = Construction Permit

Send comments on any aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch, T-6F33, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0011), Office of Management and Budget, Washington, D.C. 20503.

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

If there are any questions about this matter, please contact one of the persons listed below, or the appropriate Office of Nuclear Reactor Regulation project manager for a specific nuclear power plant.

David B. Matthews, Director
 Division of Regulatory Improvement Programs
 Office of Nuclear Reactor Regulation

Technical Contact: Phillip M. Qualls, NRR
 301-415-1849
 E-mail: PMQ@NRC.GOV

Lead Project Manager: Andrew J. Kugler, NRR
 301-415-2828
 E-mail: AJK1@NRC.GOV

DISTRIBUTION: Central File REXB R/F JWShapaker KSWest JNHannon AJKugler PMQualls

DOCUMENT NAME: C:\wp\wpdocs\tacs\MA5476\jws2west.dgl.wpd

*** SEE PREVIOUS CONCURRENCE**

Regarding this document, indicate in the box: C=copy w/o attachment/enclosure, E=copy with attachment/enclosure, or N=no copy

OFFICE	PECB/DRIP	E	SPLB/DSSA	E	C:SPLB/DSSA	<input checked="" type="checkbox"/>	D:DSSA	<i>to</i>	N
NAME	JWShapaker	<i>JS</i>	KSWest *		JNHannon	<i>JH</i>	GMHolahan	<i>to</i>	
DATE	9/21/99		9/17/99		9/21/99		9/28/99		
OFFICE	OCIO *		OGC *	E	C:PECB/DRIP		D:DRIP		
NAME	PKleene (TchEd)				LBMarsh		DBMatthews		
DATE	9/19/99		9/21/99		9/ /99		9/ /99		

OFFICIAL RECORD COPY

DISTRIBUTION: Central File REXB R/F JWShapaker KSWest JNHannon AJKugler

DOCUMENT NAME: C:\wp\wpdocs\tacs\MA5476\TECHED.VER.wpd

* SEE PREVIOUS CONCURRENCE

Regarding this document, indicate in the box: C=copy w/o attachment/enclosure, E=copy with attachment/enclosure, or N=no copy

OFFICE	PECB/DRIP	E	SPLB/DSSA	E	C:SPLB/DSSA	D:DSSA
NAME	JWShapaker		KSWest		JNHannon	GMHolahan
DATE	9/ /99		9/ /99		9/ /99	9/ /99
OFFICE	OCIO			E	C:PECB/DRIP	D:DRIP
NAME	<i>Paul Kleene PK</i> Tech Ed				LBMarsh	DBMatthews
DATE	9/ 19 /99		9/ /99		9/ /99	9/ /99

OFFICIAL RECORD COPY

(9)

- (4) How can the burden of the collection of information be minimized, including consideration for the use of automated collection techniques?

Send comments on any aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch, T-6F33, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0011), Office of Management and Budget, Washington, D.C. 20503.

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

If there are any questions about this matter, please contact one of the persons listed below, or the appropriate Office of Nuclear Reactor Regulation project manager for a specific nuclear power plant.

David B. Matthews, Director
 Division of Regulatory Improvement Programs
 Office of Nuclear Reactor Regulation

Technical Contact: Phillip M. Qualls, NRR
 301-415-1849
 E-mail: PMQ@NRC.GOV

Lead Project Manager: Andrew J. Kugler, NRR
 301-415-2828
 E-mail: AJK1@NRC.GOV

DISTRIBUTION: Central File REXB R/F JWShapaker KSWest JNHannon AJKugler PMQualls

DOCUMENT NAME: C:\wp\wpdocs\tacs\MA5476\jws2west.dgl.wpd

*** SEE PREVIOUS CONCURRENCE**

Regarding this document, indicate in the box: C=copy w/o attachment/enclosure, E=copy with attachment/enclosure, or N=no copy

OFFICE	PECB/DRIP	E	SPLB/DSSA	E	C:SPLB/DSSA	D:DSSA
NAME	JWShapaker		KSWest		JNHannon	GMHolahan
DATE	9/17/99		9/17/99		9/ /99	9/ /99
OFFICE	OCIO		OGC	E	C:PECB/DRIP	D:DRIP
NAME	Tech Ed		5 Hom		LBMarsh	DBMatthews
DATE	9/ /99		9/21/99		9/ /99	9/ /99

OFFICIAL RECORD COPY

Send comments on any aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch, T-6F33, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0011), Office of Management and Budget, Washington, D.C. 20503.

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

If there are any questions about this matter, please contact one of the persons listed below, or the appropriate Office of Nuclear Reactor Regulation project manager for a specific nuclear power plant.

David B. Matthews, Director
 Division of Regulatory Improvement Programs
 Office of Nuclear Reactor Regulation

Technical Contact: Phillip M. Qualls, NRR
 301-415-1849
 E-mail: pmq@nrc.gov

Lead Project Manager: Andrew J. Kugler, NRR
 301-415-2828
 E-mail: ajk1@nrc.gov

DISTRIBUTION: Central File REXB R/F JWShapaker KSWest JNHannon AJKugler PMQualls

DOCUMENT NAME: C:\wp\wpdocs\tacs\MA5476\jws2west.dgl.wpd

*** SEE PREVIOUS CONCURRENCE**

Regarding this document, indicate in the box: C=copy w/o attachment/enclosure, E=copy with attachment/enclosure, or N=no copy

OFFICE	REXB/DRIP	E	SPLB/DSSA	E	C:SPLB/DSSA	E	D:DSSA	N
NAME	JWShapaker *		KSWest *		JNHannon *		GMHolahan *	
DATE	9/21/99		9/17/99		9/27/99		9/28/99	
OFFICE	OCIO *		OGC *	E	C:REXB/DRIP		D:DRIP	
NAME	PKleene (TchEd)		SRHom		LBMarsh <i>lm</i>		DBMatthews	
DATE	9/19/99		9/21/99		¹⁰ 9/ 5 /99		9/ /99	

OFFICIAL RECORD COPY

KAG
10/4/99

Send comments on any aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch, T-6F33, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202 (3150-0011), Office of Management and Budget, Washington, D.C. 20503.

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

If there are any questions about this matter, please contact one of the persons listed below, or the appropriate Office of Nuclear Reactor Regulation project manager for a specific nuclear power plant.

for Original signed by S.F. Newberry
 David B. Matthews, Director
 Division of Regulatory Improvement Programs
 Office of Nuclear Reactor Regulation

Technical Contact: Phillip M. Qualls, NRR
 301-415-1849
 E-mail: pmq@nrc.gov

Lead Project Manager: Andrew J. Kugler, NRR
 301-415-2828
 E-mail: ajk1@nrc.gov

DISTRIBUTION: Central File REXB R/F JWShapaker KSWest JNHannon AJKugler PMQualls

DOCUMENT NAME: G:\REXB\jws\jws2west.dgl.wpd

*** SEE PREVIOUS CONCURRENCE**

Regarding this document, indicate in the box: C=copy w/o attachment/enclosure, E=copy with attachment/enclosure, or N=no copy

OFFICE	REXB/DRIP	E	SPLB/DSSA	E	C:SPLB/DSSA	E	D:DSSA	N
NAME	JWShapaker *		KSWest *		JNHannon *		GMHolahan *	
DATE	9/21/99		9/17/99		9/27/99		9/28/99	
OFFICE	OCIO *		OGC *	E	C:REXB/DRIP		D:DRIP	
NAME	PKleene (TchEd)		SRHom		LBMarsh*		DBMatthews	
DATE	9/19/99		9/21/99		10/05/99		10/ 8 /99	

OFFICIAL RECORD COPY