

## **Issue 2: Issue Summary**

A plant transitioning to the 10 CFR 50.48(c) fire protection licensing basis noted that 10 CFR 50.48(c) appears to require prior NRC approval of all fire protection plant and program changes governed by NFPA 805, Chapter 3. The licensee noted that this appears to be more restrictive than the plant's current deterministic requirements which permit fire protection plant and program changes without prior NRC approval when those changes are acceptable based on the standard license condition provided in Generic Letter 86-10, "Implementation of Fire Protection Requirements." The licensee requested staff clarifications with respect to (a) deviations from Chapter 3 deterministic requirements which are relied upon meet requirements in Chapter 4, and (b) licensee's ability to create processes address lower tier guidance such NFPA and UL in relation to the Chapter 3 deterministic requirements.

### Resolution of Issues

With respect to Item (a) above, NRC staff concluded that changes to some features of Chapter 3 of NFPA 805 do not need NRC prior approval. There are various sections of Chapter 3 of NFPA 805 that are only required to meet the performance or deterministic requirements of Chapter 4 of NFPA 805. Specifically NFPA 805 Sections 3.8.2, 3.9 through 3.11, excluding section 3.11.1. R.G. 1.205 includes a proposed license condition for making changes to NFPA 805, Chapter 4 requirements. The resolution of this issue is that since the Chapter 3 features are only required due to these features being needed for Chapter 4, these features may be modified without prior NRC approval when the change process, which applies to Chapter 4, is applied to the Chapter 3 changes.

With respect to Item (b) above, the NRC staff concluded that it is acceptable to, following the approval of a license amendment on the subject, allow the licensees to make changes to the requirements of Chapter 3 of NFPA 805 that involve independent listing laboratory certifications and associated NFPA standards. There are various sections of Chapter 3 of NFPA 805 that include references to independent laboratory listings (such as Underwriters Laboratories, Inc.) and to associated NFPA standards. Licensees may submit a license amendment proposing a process by which they may make changes to the listings and NFPA standards described in Chapter 3 of NFPA 805 without prior NRC approval. The process must include the bounds of the application of the process, specifically that it only applies to listings and other NFPA standards, and also an approach meeting 10 CFR 50.48(c).2.vii, (A), (B) and (C). Changes to other portions of Chapter 3 of NFPA 805 would continue to require individual 50.90 amendments addressing the specific deviation.

FAQ 06-0008, Revision X, submitted to the NRC on X/XX/2007, (ADAMS accession number ML07XXXXXX) is consistent with these resolutions and the current NRC staff positions, which were adopted in RG 1.205.