



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 186 TO FACILITY OPERATING LICENSE NO. DPR-26
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
INDIAN POINT NUCLEAR GENERATING UNIT NO. 2
DOCKET NO. 50-247

1.0 INTRODUCTION

Section 50.48, "Fire protection," of Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50) requires that each operating nuclear power plant have a fire protection plan that satisfies Criterion 3 (GDC 3), "Fire Protection," of Appendix A to 10 CFR Part 50. The fire protection plan must describe the overall fire protection program for the facility, outline the plans for fire protection, fire detection, and fire suppression capability, and limitations of fire damage. The program must also describe specific features necessary to implement the program, such as administrative controls and personnel requirements for fire prevention and manual fire suppression activities, automatic and manually operated fire detection and suppression systems, and the means to limit fire damage to structures, systems, or components important to safety so that the capability to safely shut down the plant is ensured.

By letter dated June 16, 1994, as supplemented February 6, 1995, the Consolidated Edison Company of New York (the licensee or Con Edison) submitted a request for changes to the Indian Point Nuclear Generating Unit No. 2 (IP2) Technical Specifications (TSs). The requested changes would relocate the IP2 fire protection requirements from the IP2 TS to the IP2 fire protection program plan (FPPP) in accordance with the guidance provided in Generic Letter (GL) 86-10, "Implementation of Fire Protection Requirements," April 24, 1986, and GL 88-12, "Removal of Fire Protection Requirements from Technical Specifications," August 2, 1988. The February 6, 1995, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

GL 86-10 and GL 88-12 referred to removing fire protection requirements from TS. License amendments that relocate the fire protection requirements to the Final Safety Analysis Report (FSAR) in accordance with GL-86-10 and GL 88-12 do not revise the requirements for fire protection operability, testing, or inspections. Such amendments simply replace the fire protection TS sections with the standard fire protection license condition. The license condition implements and maintains the NRC-approved fire protection program, including the fire protection requirements previously specified in the TS, in accordance

9604030116 960326
PDR ADOCK 05000247
P PDR

with 10 CFR 50.48. Therefore, such amendments, including the one proposed by the licensee, are administrative in nature and have no effect on the public health and safety.

2.0 BACKGROUND

Section 182a of the Atomic Energy Act (the "Act") requires applicants for nuclear power plant operating licenses to include TS as part of the license. The Commission's regulatory requirements related to the content of TS are set forth in 10 CFR 50.36. That regulation requires that the TS include items in five specific categories, including (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TS.

The Commission has provided guidance for the contents of TS in its "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" ("Final Policy Statement"), 58 FR 39132 (July 22, 1993), in which the Commission indicated that compliance with the Final Policy Statement satisfies §182a of the Act. In particular, the Commission indicated that certain items could be relocated from the TS to licensee-controlled documents, consistent with the standard enunciated in *Portland General Electric Co.* (Trojan Nuclear Plant), ALAB-531, 9 NRC 263, 273 (1979). In that case, the Atomic Safety and Licensing Appeal Board indicated that "technical specifications are to be reserved for those matters as to which the imposition of rigid conditions or limitations upon reactor operation is deemed necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety." The criteria set forth in the policy statement have been incorporated into 10 CFR 50.36 (60 FR 36953).

Following the fire at the Browns Ferry Nuclear Power Plant on March 22, 1975, the Commission undertook a number of actions to ensure that improvements were implemented in the fire protection programs for all power reactor facilities. Because of the extensive modification of fire protection programs and the number of open issues resulting from NRC staff evaluations, a number of revisions and alterations occurred in these programs over the years. Consequently, licensees were requested by GL 86-10 to incorporate the final NRC approved fire protection program in their FSARs. In this manner, the fire protection program, including the systems, certain administrative and technical controls, the organization, and other plant features associated with fire protection, would have a status consistent with that of other plant features described in the FSAR. In addition, the Commission concluded that a standard license condition, requiring compliance with the provisions of the fire protection program as described in the FSAR, should be used to ensure uniform enforcement of the fire protection requirements. Finally, the Commission stated that with the requested actions, licensees may request an amendment to delete the fire protection TSs that would now be unnecessary.

Subsequently, the NRC issued GL 88-12 to provide guidance for the preparation of the license amendment request to implement GL-86-10.

3.0 PROPOSED CHANGES

The TS changes proposed by Con Edison are as follows:

1. Delete TS 3.13.A (High-Pressure Water Fire Protection System), TS 3.13.B (Fire Protection Spray Systems), TS 3.13.C (Penetration Fire Barriers), TS 3.13.D (Fire Detection Systems), TS 3.13.E. (Fire Hose Stations and Hydrants), TS 3.13.F (Cable Spreading Room Halon System), and their associated bases and incorporate them into the IP2 FPPP which is referenced in the UFSAR.
2. Delete TS 6.2.2.f for site fire brigade staffing and incorporate into the FPPP.
3. Delete TS 6.4.2 requirements related to the fire brigade training program and incorporate into the FPPP.
4. Add TS 6.5.1.6.1 to include the review of the fire protection program and implementing procedures as an additional responsibility of the Station Nuclear Safety Committee (SNSC).
5. Delete TS 6.9.2.b related to the requirements for special reports for inoperable fire protection suppression and detection equipment including fire barrier penetration seals.
6. Revise license condition 2.K as follows:

The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the Updated Final Safety Analysis Report for the facility and as approved in the SERs dated November 30, 1977, January 31, 1979, January 28, 1980, February 27, 1980, May 1, 1980, June 30, 1980, October 31, 1980, August 24, 1981, August 22, 1983, October 16, 1984, October 24, 1984, September 16, 1985, November 13, 1985, March 4, 1987, January 12, 1989, February 6, 1989, and 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.

4.0 EVALUATION

The NRC staff reviewed the license amendment request for IP2 against the guidance provided in GLs 86-10 and 88-12. GL 86-10 requested that the licensee incorporate the NRC-approved fire protection program in its FSAR for

the facility and specified a standard fire protection license condition. Generic Letter 88-12 addressed the elements a licensee should include in a license amendment request to remove the fire protection requirements from the plant TS. These elements are: (1) the NRC-approved fire protection program must be incorporated into the FSAR; (2) the Limiting Conditions of Operations and Surveillance Requirements associated with fire detection systems, fire suppression systems, fire barriers, and the administrative controls that address fire brigade staffing would be deleted from the TS (the existing administrative controls related to fire protection audits would be retained in the TS); (3) all operational conditions, remedial actions, and test requirements presently included in the TSs for these systems, as well as the fire brigade staffing requirements, shall be incorporated into the fire protection program; (4) the standard fire protection license condition specified in GL 86-10 must be included in the facility operating license; (5) the Station Nuclear Safety Committee (SNSC, or Onsite Review Group) shall be given responsibility for the review of the fire protection program and implementing procedures and for the submittal of recommended changes to the Nuclear Facilities Safety Committee (Off-site or Corporate Review Group); and (6) fire protection program implementation shall be added to the list of elements for which written procedures shall be established, implemented, and maintained.

Con Edison incorporated the NRC-approved fire protection program for IP2 into the IP2 UFSAR on October 13, 1987. Therefore, the licensee has satisfied Element 1 of GL 88-12.

The licensee will incorporate the current TSs operability and surveillance requirements for the fire detection systems, fire suppression systems, and fire rated assemblies into the FPPP. The licensee will also incorporate the TSs requirements related to fire brigade staffing into the FPPP. Therefore, the licensee has satisfied Elements 1, 2, and 3 of GL 88-12.

The licensee proposed the standard fire protection license condition specified in GL 86-10 for IP2. The licensee has, therefore, satisfied Element 4 of GL 88-12.

To satisfy Elements 5 and 6 of GL 88-12, the licensee will add TS 6.5.1.6.1 to include the review of the fire protection program and implementing procedures as an additional responsibility of the SNSC. Element 6 of GL 88-12 specified that the licensee add fire protection program implementation to the list of elements for which written procedures shall be established, implemented, and maintained. The new TS 6.8.1.e will include the fire protection program. The licensee has, therefore, satisfied Elements 5 and 6 of GL 88-12.

The licensee also proposed to delete TS 6.9.2.b, which relates to the special reports of fire protection and detection systems, fire suppression systems, and fire barrier penetration. These reporting requirements are now contained in the FPPP. The deletion of 6.9.2.b is, therefore, acceptable.

The licensee's proposed TS amendments for IP2 are in accordance with NRC staff guidance provided in GLs 86-10 and 88-12.

In summary, the licensee has proposed to incorporate the existing TS fire protection requirements as stated above into the fire protection program which is, by reference, incorporated into the UFSAR. This conforms to staff guidance in GL 86-10, "Implementation of Fire Protection Requirements," and GL 88-12, "Removal of Fire Protection Requirements from Technical Specifications," for removing unnecessary fire protection TS in four major areas: fire detection systems, fire suppression systems, fire barriers, and fire brigade staffing requirements. In addition, incorporating these requirements into the UFSAR is consistent with NUREG-1431, "Standard Technical Specifications, Westinghouse Plants" and 10 CFR 50.36, as amended, because these TS do not impact reactor operations, do not identify a parameter which is an initial condition assumption for a design-basis accident or transient, do not identify a significant abnormal degradation of the reactor coolant pressure boundary, and do not provide any mitigation of a design-basis event.

The fire protection plan required by 10 CFR 50.48, as implemented and maintained by the fire protection license condition, provides reasonable assurance that fires will not give rise to an immediate threat to public health and safety. Although there are aspects of the fire detection and mitigation functions that have been determined to be risk significant, such that Criterion 4 of 10 CFR 50.36 would otherwise seem to apply, the minimum requirements for those functions were established in GDC 3 and 10 CFR 50.48, and further controls are not necessary since the licensee must comply with these minimum requirements regardless of whether they are restated in the TS or not.

The licensee's fire protection program is required by 10 CFR 50.48, and any changes to that program are governed by 10 CFR 50.48 and license condition 2.K, set forth above. Therefore, the requirements relocated to the UFSAR may be controlled in accordance with 10 CFR 50.59.

These relocated requirements relating to fire protection features are not required to be in the TS under 10 CFR 50.36 or other regulations, or by Section 182a of the Atomic Energy Act, and are not required to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety. In addition, the staff finds that sufficient regulatory controls exist under 10 CFR 50.48 and 10 CFR 50.59 to address future changes to these requirements. Accordingly, the staff has concluded that these requirements may be relocated from the TS to the licensee's UFSAR.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendment. The State official had no comments.

6.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 and changes surveillance requirements. The amendment also changes administrative procedures or requirements. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (59 FR 42335). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9) and (c)(10). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: A. Singh

Date: March 26, 1996