

JUN 23 1987

MEMORANDUM FOR: Steven A. Capra, Director
Division of Reactor Projects I/II, NRR

FROM: William Kane, Director
Division of Reactor Projects, RI

SUBJECT: NINE MILE POINT UNIT 2 LICENSING ACTION RELATED TO DELETION
OF FIRE PROTECTION TECHNICAL SPECIFICATIONS, TAC M64130

References:

1. A letter from Wayne Houston to William Kane, dated March 26, 1987
2. Licensee's request to NRR on the subject, dated December 9, 1986
3. Generic Letter 86-10, dated April 24, 1986

Reference 1 requested assistance from Region I in support of the subject licensing action. Region I performed an inspection in support of this activity with the results of the inspection to be documented in Inspection Report 50-410/87-13. This report is enclosed.

In order to support your target date of June 15, 1987 for this activity, we are forwarding, in advance, as Enclosure 1, the conclusions of the inspection report. Based on the inspection of the licensee's actions in this area, the licensee's request to delete the fire protection program elements from the Technical Specifications meets the guidance of Generic Letter 86-10 and it is recommended that this request be granted.

This action completes work performed by Region I under TAC M64130. The principal reviewer and inspector was Ari G. Krasopoulos from the Division of Reactor Safety.

Original Signed By:

S. J. Collins

for
William Kane, Director
Division of Reactor Projects

Enclosures:

1. Conclusions of Inspection Report No. 50-410/87-13
2. Inspection Report 50-410/87-13

cc w/encls:

R. Capra, Dir., PD I-1, NRR
B. Boger, AD/RI, NRR
D. Neighbors, PM, PD I-1, NRR


CONTACT: Michael Hillman
(FTS 488-1315)

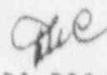
F/39

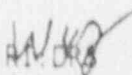
bcc w/encl:
 W. Johnston, DRS
 J. Durr, DRS
 C. Anderson, DRS
 A. Krasopoulos, DRS
 D. Capton, DRS
 R. Gallo, DRP
 J. Johnson, DRP
 B. Hillman, DRP
 Region I Docket Room (w/concurrences)

RI:DRS
 Krasopoulos/ca
 6/1/87

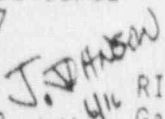
^{cja}
 RI:DRS
 Anderson
 6/1/87



 RI:DRS
 Durr
 6/4/87


 RI:DRS
 Capton
 6/4/87


 Johnston
 6/10/87

RI:DRP
 Hillman
 6/2/87


 RI:DRP
 Gallo
 6/2/87


 RI:DRP
 Kane
 6/2/87

Enclosure 1

Conclusions of Inspection Report No. 50-410/87-13

1. The existing FSAR sections of the Fire Protection Program (FPP) together with the proposed revision, satisfy the guidance in Generic Letter 86-10 for incorporating the FPP into the FSAR.
2. The deletion of the TS sections is in accordance with the guidance in Generic Letter 86-10.
3. The existing fire protection TS requirements are incorporated entirely into the FSAR and equivalent administrative controls exist to implement and control these activities.
4. The existing License Condition 2.C(7) is in accordance with the Standard License Condition in Generic Letter 86-10 which permits the licensee to make changes to the approved FPP under the provisions of 10 CFR 50.59. Adequate administrative controls exist to determine if a proposed FPP change would adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

Therefore, the licensee's request to delete the Fire Protection T.S. element meets the guidance in Generic Letter 86-10 and there is reasonable assurance that the health and safety of the public will not be endangered by operation in this manner and such activities will be conducted in compliance with the Commission's Regulations and the approval of these actions by the Commission will not be inimical to the common defense and security or to the health and safety of the public.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
631 PARK AVENUE
KING OF PRUSSIA, PENNSYLVANIA 19406

Docket No. 50-410

JUN 04 1987

Niagara Mohawk Power Corporation
ATTN: Mr. C. V. Mangan
Senior Vice President
301 Plainfield Road
Syracuse, New York 13212

Gentlemen:

Subject: Inspection Report No. 50-410/87-13


This refers to the special safety inspection conducted by Mr. A. Krasopoulos of this office on April 20-21, 1987 at your office in Syracuse, New York of activities authorized by NRC License No. NPF-54 and to the discussions of our findings held by Mr. Krasopoulos with Mr. M. Mosier of your staff at the conclusion of the inspection.

Areas examined during this inspection are described in the NRC Region I inspection report which is enclosed with this letter. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector.

Within the scope of this inspection, no violations were observed.

Your cooperation with us in this matter is appreciated.

Sincerely,


William V. Johnston, Acting Director
Division of Reactor Safety

Enclosure: NRC Regional Inspection Report No. 50-410/87-13

~~87-6100178~~ 2pp.

cc w/encl:

Connor & Wetterhahn

John W. Keib, Esquire

J. A. Perry, Vice President, Quality Assurance

W. Hansen, Manager of Quality Assurance

D. Quamme, NMP-2 Project Director

C. Beckham, NMPC QA Manager

T. J. Perkins, General Superintendent

R. B. Abbott, Station Superintendent

Department of Public Service, State of New York

Public Document Room (PDR)

Local Public Document Room (LPDR)

Nuclear Safety Information Center (NSIC)

NRC Resident Inspector

State of New York

U.S. NUCLEAR REGULATORY COMMISSION
REGION I

Report No. 87-13

Docket No. 50-410

License No. NPF 54 Priority - Category B

Licensee: Niagara Mohawk Power Corporation

301 Plainfield Road

Syracuse, New York 13212

Facility Name: Nine Mile Point 2

Inspection At: Syracuse, New York

Inspection Conducted: April 20-21, 1987

Inspectors: A. Krasopoulos 6/1/87
A. Krasopoulos, Reactor Engineer date

Approved by: C. J. Anderson 6/1/87
C. J. Anderson, Chief date
Plant Systems Section DRS

Inspection Summary: Inspection conducted on April 20-21, 1987 (Report No. 50-410/87-13).

Areas Inspected: Special announced inspection in support of a licensing action related to a licensee request to incorporate the Fire Protection sections of the Technical Specifications (TS) into the Final Safety Analysis Report (FSAR) and to delete these fire protection sections from the TS in accordance with the guidance contained in Generic Letter (GL) 86-10.

Results: The licensee's request is consistent with the guidance contained in G.L. 86-10. No unacceptable conditions were identified.

~~8706100185~~ 6pp.

DETAILS

1.0 Persons Contacted

Niagara Mohawk Power Corporation

M. Brause, Lead Compliance and Verification Engineer
M. Kammer, Site Fire Protection Supervisor
M. Korcz, Special Projects - Nuclear Engineer
M. Mosier, Lead Engineer - Safety Analysis

2.0 Purpose and Scope

This inspection was conducted to evaluate the licensee's request to incorporate into the FSAR the fire protection sections of the T.S. and delete these sections from the T.S.

The evaluation consisted of a comparison between the T.S. versus the FSAR Fire Protection requirements to assure that the level of safety will not be decreased with the deletion of the Fire Protection from the T.S.

3.0 Background

The NRC in Generic Letter 86-10 stated that licensee's should add the Fire Protection Program into the FSAR.

With the inclusion of the fire protection program into the FSAR and the inclusion of a Standard Fire Protection License Condition in the license the Fire Protection sections of the T.S. are unnecessary and may be deleted. The bases for the inclusion of the fire protection program into the FSAR and the use of a standard Fire Protection License Condition is described in GL 86-10.

The licensee via letters dated December 9, 1986 and April 10, 1987 requested a license amendment to remove the Fire Protection sections from the Technical Specifications and informed the NRC that the fire protection requirements contained in the Technical Specifications will be incorporated into the FSAR consistent with the guidance contained in Generic Letter 86-10.

4.0 Inspection of the Fire Protection Program in support of a Licensing Action related to the deletion of the Fire Protection Technical Specifications

The inspection included a review of the incorporation of the Fire Protection Program into the FSAR, a review of the fire protection TS sections to be deleted, a review of the equivalent administrative and technical controls, and a review of the proposed T. S. revision to include the administrative controls and reporting requirements of the Fire Protection Program.

The licensee's existing Fire Protection Program consists of the FSAR Section 9.5.1, FSAR Appendix 9A, the Fire Protection sections of the T.S. the Operational Quality Assurance Manual and the implementing Administrative, Maintenance and Surveillance procedures.

The licensee proposed to delete the following T.S. sections containing the Fire Protection elements and include the applicable requirements into the FSAR, Appendix 9A as follows:

<u>Fire Protection T.S. Section to be deleted</u>	<u>Title</u>	<u>FSAR Section that the Fire Protection will appear in</u>
3/4.7.8	Fire Barriers	3.5.1.1
3.3.7.8	Fire Detection	9A.3.6.1
3/4.7.7	Fire Protection Water Supply System	9A.3.6.2
3.7.7.1	Fire Pumps	9A.3.6.2.6
3.7.7.6	Outside Hose Stations	9A.3.6.2.7
3.7.7.2	Sprinkler and Water Spray System	9A.3.6.3.3
3.7.7.5	Manual Hose Installa- tions	9A.3.6.3.4
3.7.7.4	Halon 1301 Suppression	9A.3.6.4
3.7.7.3	CO ₂ Suppression System	9A.3.6.5

The deletion of these T.S. requirements is permissible under the guidance of Generic Letter 86-10 provided that they are described or referenced in the FSAR and equivalent controls are established.

The inspector reviewed the licensee's proposal and determined that when this proposal is implemented the applicable T.S. Requirements, Action Statements and Surveillance Requirements will be incorporated entirely into the FSAR.

While implementing Administrative Maintenance and Surveillance Procedures of the Fire Protection Program will remain in effect.

In addition, the licensee stated that the proposed Facility Operating License will include the Standard Fire Protection Condition found in GL 86-10 appropriately amended to include the name of the licensee and the applicable SER dates. This license condition is included as Attachment 1 of this report.

The licensee also proposed to include in section 6.8.4 of the T. S. the following condition:

6.8.4.d Fire Protection Program

The Fire Protection Program is a program to implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report as amended and as approved in the Safety Evaluation Report (NUREG-1047) dated February 1985 as supplemented. The noncompliances with the above Fire Protection Program that affect the ability to achieve and maintain safe shutdown in the event of a fire shall be reported in accordance with the requirements of 10 CFR 50.73.

The inclusion of this condition in the T.S. will assure that equivalent controls of the fire protection program are maintained and any program violations are reported in accordance with the requirements of 10 CFR 50.73. The licensee actions described above are consistent with the guidance of Generic Letter 86-10.

The inspector did not identify any unacceptable conditions.

5.0 Conclusion

Based on the above, the inspector determined that:

1. The existing FSAR sections of the fire protection program (FPP) together with the proposed revision satisfy the guidance in Generic Letter 86-10 for incorporating the FPP into the FSAR.
2. The deletion of the TS sections is in accordance with the guidance in Generic Letter 86-10.
3. The existing fire protection T.S. requirements are incorporated entirely into the FSAR and administrative controls exist to implement and control these activities.
4. The existing License Condition 2.c(7) is in accordance with the Standard License Condition in Generic Letter 86-10 which allows the Licensee to make changes to the approved FPP under the Revisions of 10 C.R. 50.59. Adequate administrative controls exist to determine if a proposed FPP change would adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

Based on the above, the inspector concluded that the licensee's request to delete the Fire Protection elements from the Technical Specifications when the full power license is issued, meets the guidance in Generic Letter 86-10 and there is reasonable assurance that the health and safety of the public will not be endangered by operation in this manner and such activities will be conducted in compliance with the Commission's regulations and the approval of these actions by the Commission will not be inimical to the common defense and security or to the health and safety of the public.

6.0 Exit Meeting

The inspector met with licensee management representatives (see Section 1.0 for attendees) at the conclusion of the inspection on April 21, 1987. The inspector summarized the scope and findings of the inspection at that time.

The inspector and the licensee discussed the contents of this inspection report to ascertain that it did not contain any proprietary information. The licensee agreed that the inspection report may be placed in the Public Document Room without prior licensee review for proprietary information (10 CFR 2.790).

At no time during this inspection was written material provided to the licensee by the inspector.

ATTACHMENT 1

FACILITY OPERATING LICENSE
STANDARD LICENSE CONDITION - FIRE PROTECTION

(7) Fire Protection (Section 9.5.1 SER, SSER Nos. 4 and 5)

Niagara Mohawk Power Corporation shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility through Amendment No. 27 and as described in submittals dated March 25, May 7 and 9, June 10 and 25, July 11 and 16, August 19 and 22, September 5, 12, and 23, October 10, 21, and 22, 1986, and as approved in the SER dated February 1985 (and Supplements 1 through 5) subject to the following provision:

Niagara Mohawk Power Corporation 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.



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

April 24, 1986

TO ALL POWER REACTOR LICENSEES AND APPLICANTS FOR POWER REACTOR LICENSES

Gentlemen:

SUBJECT: IMPLEMENTATION OF FIRE PROTECTION REQUIREMENTS
(GENERIC LETTER 86-10)

In the Spring of 1984, the Commission held a series of Regional Workshops on the implementation of NRC fire protection requirements at nuclear power plants. At those workshops, a package of recently developed NRC guidance was distributed to each attendee which included NRC staff responses to industry questions and a document titled "Interpretations of Appendix R." The cover memo for the package explained that it was a draft package which would be issued in final form via Generic Letter following the workshops.

The guidance approved by the Commission is appended to this letter, and is in the same format as the draft package, i.e., "Interpretations of Appendix R" and responses have been modified from the draft package, and a number of industry questions raised at or subsequent to the workshops have been added and answered. This package represents recent staff assessment of these questions and provides guidance as to acceptable methods of satisfying Commission regulatory requirements. Other methods proposed by licensees for complying with Commission regulations may also be satisfactory and will be considered on their own merits. To the extent that this guidance may be inconsistent with prior guidance (including Generic Letter 83-33), it is intended that the current letter takes precedence.

If you have any questions, you should contact the NRC Project Manager for your facility.

In the lettered sections below, some additional topics are covered which also bear on the interpretation and implementation of NRC fire protection requirements. The topics are: (A) scheduler exemptions, (B) revised inspection program, (C) documentation required to demonstrate compliance, (D) quality assurance requirements applicable to fire protection systems, (E) notification of the NRC when deficiencies are discovered, and (F) addition of fire protection program into FSAR.

A. Scheduler Exemptions

The Appendix R implementation schedule was established by the Commission in 10 CFR 50.48(c), promulgated together with Appendix R in November of 1980. Allowing time to evaluate the need for alternative or dedicated shutdown systems, which require prior NRC approval before installation, and time for design of and NRC review of such systems, the Commission envisioned that implementation of Appendix R would be complete in 4 to 5 years, or approximately by the end of 1985. Many schedule extensions were granted by the

~~8604290180~~ 5pp.

staff under the "tolling provision" 50.48(c)(6), and under 10 CFR 50.12, the longest of which now extends into 1987. Some licensees have proceeded expeditiously to implement Appendix R and are now finished or nearly finished with that effort. Others have engaged in lengthy negotiations with the staff while continuing to file requests for schedule extensions, and thereby have barely begun Appendix R modifications needed to comply with Section III.C and III.L. Schedule extension requests have been received seeking implementation dates of 1990 or beyond.

As the 50.48(c) schedule was intended to be a one-time schedule commencing in the 1980-1982 time frame and ending in the 1985 time frame, extensions well beyond this schedule (particularly where major modifications remain to be completed) undermine the purpose of the schedule, which was to achieve expeditious compliance with NRC fire protection requirements. For that reason, additional scheduler exemptions may be requested under 10 CFR 50.12, but such requests will be granted sparingly based on the following criteria:

1. The utility has, since the promulgation of Appendix R in 1980, proceeded expeditiously to meet the Commission's requirements.
2. The delay is caused by circumstances beyond the utility's control.
3. The proposed schedule for completion represents a best effort under the circumstances.
4. Adequate interim compensatory measures will be taken until compliance is achieved.

The NRC is currently reviewing all dockets of plants covered by the 50.48 schedule to determine schedule deadlines. When this review is completed, each licensee will be informed of the deadlines.

B. Revised Inspection Program

In 1982, the NRC developed an inspection program to verify compliance with the requirements of 10CFR50, Appendix R. This program was primarily oriented towards reviewing safe shutdown features of those pre-1979 licensees that had completed Appendix R modifications and selected NTOL plants. From 1982 to the present, a number of Appendix R compliance inspections have been performed. In many of the initial inspections it was found that licensees had made significant errors in implementing a number of Appendix R requirements.

The NRC will continue to conduct inspection of fire protection features. In the case of completed modifications, the inspection team will review compliance with applicable requirements. In the case of incomplete modification, the inspection team will review licensee approach to compliance, plans and schedules for completing such modifications. The NRC will attempt to review implementation of fire protection features on a schedule that will minimize the chances of licensees implementing features in a manner that does not meet with staff approval. Additionally, requests for this review and/or inspection by licensees will be granted within NRC resource constraints.

C. Documentation Required to Demonstrate Compliance

The "Interpretations" document attached to this letter states that, where the licensee chooses not to seek prior NRC review and approval of, for example, a fire area boundary, an evaluation must be performed by a fire protection engineer (assisted by others as needed) and retained for future NRC audit. Evaluations of this type must be written and organized to facilitate review by a person not involved in the evaluation. Guidelines for what such an evaluation should contain may be found in: (1) Section R of Appendix R and (2) Section C.1.b of Branch Technical Position (RTP) CMEB 9.5-1 Rev. 2 dated July 1981. All calculations supporting the evaluation should be available and all assumptions clearly stated at the outset. The NRC intends to initiate enforcement action where, for a given fire area, compliance with Appendix R is not readily demonstrable and the licensee does not have available a written fire hazard analysis for the area. The term "readily demonstrable" includes situations where compliance is apparent by observation of the potential fire hazard and the existing protective features.

D. Quality Assurance Requirements Applicable

For fire protection systems the licensee should have and maintain a quality assurance program that provides assurance that the fire protection systems will be designed, fabricated, erected, tested, maintained and operated so that they will function as intended. Fire protection systems are not "safety-related" and are therefore not within the scope of Appendix B to 10 CFR Part 50, unless the licensee has committed to include these systems under the Appendix B program for the plant. NRC guidance for an acceptable quality assurance program for fire protection systems, given in Section C.4 of Branch Technical Position CMEB 9.5-1 Rev. 2 dated July 1981, has generally been used in the review and acceptance of approved fire protection programs for plants licensed after January 1, 1979. For plants licensed prior to January 1, 1979, similar guidance was referenced in footnotes 3 and 4 to 10 CFR 50.48. They are contained in RTP APCS 9.5-1 and Appendix A thereto and in "Nuclear Plant Fire Protection Functional Responsibilities, Administrative Control and Quality Assurance" dated June 14, 1977.

E. Notification of the NRC When Deficiencies are Discovered

Licensees are reminded of their obligation to notify the NRC of fire protection deficiencies which meet the criteria of 10 CFR 50.72 or 10 CFR 50.73 as applicable.

F. Addition of Fire Protection Program into FSAR

Most licenses contain a section on fire protection. License conditions for plants licensed prior to January 1, 1979, contain a condition requiring implementation of modifications committed to by the licensee as a result of the BTP review. These license conditions were added by amendments issued between 1977 and February 17, 1981, the effective date of 10 CFR 50.48 and Appendix R.

Two points should be noted in regard to these conditions: (1) they did not explicitly cover required fire protection features where modifications to the existing plant configuration or procedures were not required, and (2) some of the provisions in these conditions may have been superseded by Sections III.G, J, O, and L of Appendix R.

License conditions for plants licensed after January 1, 1979 vary widely in scope and content. Some only list open items that must be resolved by a specified date or event, such as exceeding five percent power or the first refueling outage. Some reference a commitment to meet Appendix R; some reference the FSAR and/or the NRC staff's SER. These variations have created problems for licensees and for NRC inspectors in identifying the operative and enforceable fire protection requirements at each facility.

These license conditions also create difficulties because they do not specify when a licensee may make changes to the approved program without requesting a license amendment. If the fire protection program committed to by the licensee is required by a specific license condition or is not part of the FSAR for the facility, the provisions of 10 CFR 50.59 may not be applied to make changes without prior NRC approval. Thus licensees may be required to submit amendment requests even for relatively minor changes to the fire protection program.

The aforementioned problems, in general, exist because of the many submittals that constitute the fire protection program for each plant. The Commission believes that the best way to resolve these problems is to incorporate the fire protection program and major commitments, including the fire hazards analysis, by reference into the Final Safety Analysis Report (FSAR) for the facility. In this manner, the fire protection program, including the systems, the administrative and technical controls, the organization, and other plant features associated with fire protection would be on a consistent status with other plant features described in the FSAR. Also, the provisions of 10 CFR 50.59 would then apply directly for changes the licensee desires to make in the fire protection program that would not adversely affect the ability to achieve and maintain safe shutdown. In this context, the determination of the involvement of an unreviewed safety question defined in 10 CFR 50.59(a)(2) would be made based on the "accident... previously evaluated" being the postulated fire in the fire hazards analysis for the fire area affected by the change. The Commission also believes that a standard license condition, requiring licensees to comply with the provisions of the fire protection program as described in the FSAR, should be used to ensure uniform enforcement of fire protection requirements.

Therefore, each licensee should include, in the FSAR update required by 10 CFR 50.71(e) that will fall due more than 6 months after the date of this letter, the incorporation of the fire protection program that has been approved by the NRC, including the fire hazards analysis and major commitments that form the basis for the fire protection program. This incorporation may be by reference to specific previous submittals and the NRC approvals where appropriate. Upon completion of this effort, including the certification required by 10 CFR 50.71(e)(2), the licensee may apply for an amendment

to the operating license which amends any current license conditions regarding fire protection and substitutes the following standard condition:

Fire Protection

(Name of Licensee) shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report for the facility (or as described in submittals dated -----) and as approved in the SER dated ----- (and Supplements dated -----) 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.


The licensee may alter specific features of the approved program provided (a) such changes do not otherwise involve a change in a license condition or technical specification or result in an unreviewed safety question (see 10 CFR 50.59), and (b) such changes do not result in failure to complete the fire protection program as approved by the Commission. As with other changes implemented under 10 CFR 50.59, the licensee shall maintain, in auditable form, a current record of all such changes, including an analysis of the effects of the change on the fire protection program, and shall make such records available to NRC inspectors upon request. All changes to the approved program shall be reported annually to the Director of the Office of Nuclear Reactor Regulation, along with the FSAR revisions required by 10 CFR 50.71(e).

Temporary changes to specific fire protection features which may be necessary to accomplish maintenance or modifications are acceptable provided interim compensatory measures are implemented.

At the same time the licensee may request an amendment to delete the technical specifications that will now be unnecessary.

Inclusion of the fire protection program in the FSAR will be a prerequisite for licensing for all now under review. The standard license condition will be included in new licenses.

Sincerely,


Darrell G. Disenhut, Deputy Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Interpretations of Appendix R
2. Appendix R Questions and Answers
3. Fire Protection License Condition