

October 3, 2002

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-02-0132 - PROPOSED RULE:
REVISION OF 10 CFR 50.48 TO PERMIT LIGHT-WATER
REACTORS TO VOLUNTARILY ADOPT NATIONAL FIRE
PROTECTION ASSOCIATION (NFPA) STANDARD 805,
"PERFORMANCE- BASED STANDARD FOR FIRE PROTECTION
FOR LIGHT-WATER REACTOR ELECTRIC GENERATING
PLANTS, 2001 EDITION" AS AN ALTERNATIVE SET OF
RISK-INFORMED, PERFORMANCE-BASED FIRE PROTECTION
REQUIREMENTS

The Commission has approved publication of this proposed rule in the *Federal Register*, allowing 75 days for public comment, subject to the changes noted in the attachment.

(EDO)

(SECY Suspense:

10/25/02)

In reaching its decision, the Commission considered arguments put forward by the Nuclear Energy Institute in a letter dated August 22, 2002, to amend the proposed rule to eliminate the requirement for a license amendment in order to use alternate methods and analytical approaches and determined that there was no basis to change the proposed rule. The staff should carefully review the comments received from stakeholders and evaluate the methods that could be used to approve alternative methods and analytical approaches. Their analysis of these comments and the basis for their ultimate position on this important issue should be provided to the Commission as part of the final rulemaking package.

Attachment: Changes to the *Federal Register* Notice in SECY-02-0132

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

Changes to the *Federal Register* Notice in SECY-02-0132

1. On page 4, last paragraph, line 4, insert a comma after “systems”. Revise line 5 to read ‘ ... components (**SSCs**) important to’ Revise line 8 to read ‘ ... effects of fires on **SSCs structures, systems, and components**’
2. On page 5, last paragraph, in lines 4 and 6, capitalize the “P” in “Pre-1979”.
3. On page 7, next to last paragraph, line 3, insert a space after “at”.
4. On page 9, 1st full paragraph, revise line 4 to read ‘ ... as discussed in **section II** the Discussion of Proposed Rule Language ~~section~~ below.’
5. On page 12, paragraph 6., revise lines 2 and 3 to read ‘ ... of the fire brigade and **those** plant personnel **who will** ~~who~~ respond to’
6. On page 15, 1st paragraph after the indented text, line 1, insert a comma after “C”.
7. On page 17, 1st full paragraph, revise the last line to read ‘ ... reviewer or by the AHJ [**authority having jurisdiction**].’
8. On page 18, paragraph 2, revise line 1 to read ‘The ~~two~~ NRC’s **two** ~~Commission’s~~ qualitative safety’
9. On page 20, paragraph 1, revise line 3 to read ‘ ... frequency). **NFPA 805** Section 2.4.4.1 of the standard **provides** ~~says~~ that’ In line 5, insert end quotation marks after “change.” In line 8, insert a comma after “1.174”.
10. On page 21, paragraph 2, revise line 1 to read ‘ ... Processes: **NFPA 805** Sections 2.2(h),’ Revise line 2 to read ‘ ... contain ~~salient~~ direction relating to’
11. On page 21, paragraph 3, revise line 3 to read ‘ ... **Federal Register notice (FRN)**, NFPA 805 analytical’
12. On page 21, last paragraph, revise line 1 to read ‘Inspectability: **NFPA 805** Section 2.7.1.1 **states** ~~says~~: “The analyses performed’
13. On page 22, last paragraph, line 5, replace “shell” with “shall”.
14. In the last sentence of the first paragraph on page 23, delete the words “alternative to” appearing after the words “decommissioning reactors,” and insert the words “**acceptable method for**” in their place.
15. On page 25, lines 4 and 5 from the top, place a period after “endorsed” and delete the remainder of the sentence.

16. On page 26, delete the last part of the first sentence of paragraph 50.48(c)(3)(i) that reads “; or paragraph (f) of this section for plants for which licensees have submitted the certifications required under 10 CFR 50.82(a)(1).”, and insert “or” at the beginning of the new last clause of that sentence. The resulting sentence reads as follows:

50.48(c)(3)(i) A licensee may maintain a fire protection program that complies with NFPA 805 as an alternative to complying with paragraph (b) of this section for plants licensed to operate before January 1, 1979; or the fire protection license conditions for plants licensed to operate after January 1, 1979.

17. On page 26, last paragraph, line 9, replace “therefore” with “thereof”.
18. On page 28, paragraph 2, insert the following prior to the start of the 1st sentence: “This section of the proposed rule language provides licensees with a mechanism to gain plant-specific NRC approval of alternative methods and analytical approaches to those specified in NFPA 805. It allows licensees maximum flexibility to identify and apply new methods of analysis that may be appropriately used within NFPA 805.” Revise line 2 to read ‘ ... and analytical approaches, including alternatives to the fundamental fire’
19. On page 28, last paragraph, delete the 1st 2 sentences (This section of the proposed ... within NFPA 805.) Revise the last line to read ‘ ... enough even to allow licensees’
20. On page 29, after paragraph 50.48(c)(4)(iii), insert the following:

50.48(f) Licensees that have submitted the certifications required under Section 50.82(a)(1) shall maintain a fire protection program to address the potential for fires that could cause the release or spread of radioactive materials (i.e., that could result in a radiological hazard). A fire protection program that complies with NFPA 805 shall be deemed to comply with the requirements of this paragraph.

21. On page 33, paragraph 1, line 5, remove the spaces in “nevertheless”.
22. On page 35, line 3 from the top, insert a space after “to”.
23. On page 40, line 1 from the top, remove the underlining.
24. On page 43, delete the last part of the first sentence of paragraph (i) that reads “; or paragraph (f) of this section for plants for which licensees have submitted the certifications required under 10 CFR 50.82(a)(1).”, and insert “or” at the beginning of the new last clause of that sentence. The resulting sentence reads as follows:

(i) A licensee may maintain a fire protection program that complies with NFPA 805 as an alternative to complying with paragraph (b) of this section for plants licensed to operate before January 1, 1979; or the fire protection license conditions for plants licensed to operate after January 1, 1979.
25. On page 43, insert the following:

3. In Section 50.48, paragraph (f) is revised to read as follows:

(f) Licensees that have submitted the certifications required under Section 50.82(a)(1) shall maintain a fire protection program to address the potential for fires that could cause the release or spread of radioactive materials (i.e., that could result in a radiological hazard). **A fire protection program that complies with NFPA 805 shall be deemed to comply with the requirements of this paragraph.**