

From: Sunil Weerakkody, *NRR*  
To: Qualls, Phil *NRR*  
Date: 7/17/03 10:02AM  
Subject: Fwd: Re: Fire Protection Questions and Interpretations

Phil:

If it does not take too much effort and time, check with Geary and find out his opinion..

Please understand, DLPM acted within their right and responsibility to propose a TIA because they noticed that the head quarters staff (DLPM, SPLB, OE, OGC) started spending considerable time to resolve the issue. (I talked to John Nakoski). We did not say NO to the region..we just asked them to follow the due process to get our opinion.

As you know, any time, we render the official HQ opinion to the region at the expense of more than several staff hours of effort, DLPM can ask for a TIA.

With respect to the risk-significance, I want to understand more from you. If an issue is risk-significant, then all bets are off and we should pursue rigourously for the sake of public safety.

Sunil

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>>> Phil Qualls 07/17/03 09:44AM >>>

*NRR*

The BTP, of course, is NOT a requirement. It "requires" nothing at all. The regulation, 10 CFR 50.48(a), REQUIRES stuff. It "requires" that all operating NPPs have a fire protection plan which meets Criterion 3 of Appendix A to part 50. To satisfy Criterion 3, the commission decided that fire areas for which Alternative or dedicated SSD was the credited strategy would be "required" to have a fixed fire suppression system.

Region 2 certainly has the right to make the call about proceeding with their issues. They should be capable or recognizing that the lack of a suppression system, required by regulation, is not a backfit issue. Even if it were, the issue may also be in a high risk (the fire area specifics having not been provided) because it is an fire area which requires dedicated SSD capability and lacks the regulatory required suppression system. This issue have a safety culture connotations for the agency (I don't like us to appear to be too much in bed with industry) because when a licensee raises the backfit question, it appears to me that this region immediately ceases effort.

H/47