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January 22, 2004

Chief, Rules and Directives Branch,
Division of Administrative Services,
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**RE: COMMENT REGARDING POST-FIRE OPERATOR
MANUAL ACTIONS IN LIEU OF NON-COMPLIANCE WITH
10 CFR 50 APPENDIX R SUBPART III.G.2**

To The U.S. Nuclear Regulatory Commission:

The "Draft Criteria for Determining Feasibility of Manual Actions To Achieve Post-Fire Safe Shutdown" (Federal Register, November 26, 2003, Volume 68, Number 228, Page 66501-66503) states in summary,

SUMMARY: The U. S. Nuclear Regulatory Commission (NRC) is considering a revision to the fire protection regulations in 10 CFR part 50, appendix R, paragraph III.G.2 to allow the use of manual actions by nuclear power plant operators to achieve hot shutdown conditions in the event of fires in certain areas provided the actions are evaluated against specific criteria and determined to be acceptable. Currently, licensees who rely on operator manual actions which have not been reviewed and approved by the NRC are generally considered to be in non-compliance with NRC regulations. However, the NRC believes that manual actions relied upon by licensees are safe and effective when performed under appropriate conditions. Accordingly, until the fire protection regulations are revised, the NRC is planning to issue an interim enforcement policy to exercise enforcement discretion if licensees' manual actions meet the NRC's interim acceptance criteria. The NRC is seeking comments from interested parties on the adequacy and clarity of draft interim acceptance criteria which will be utilized by the interim enforcement discretion policy.

This draft, or pilot language for the final rule, deals with a very important public safety issue, fire protection for nuclear power reactors - substituting people (fire brigades) for physical protections to protect electrical cables from fire.

We are opposed to this draft. It compromises public safety; can not be evaluated; and further diminishes respect for the NRC.

F-RIDS = ADM-03

Auth = J. Dico (DTD)

Template = ADM-013

Compromises Public

Subpart III.G.2, the regulation under consideration for revision, is a requirement to protect instruments, control and power cable trays and conduits that are used in systems necessary to safely shut down the reactor in the event of fire.

Subpart III. G.2 requires licensees to protect this shutdown equipment by 1) separation of redundant cable trays by 20 feet with no intervening combustibles; 2) an operable three-hour rated fire barrier and; 3) an operable one-hour rated fire barrier used in conjunction with sprinkler and smoke detector systems.

For many years licensees neglected to follow these rules - not installing proper equipment. Instead, they relied on fire brigades - human intervention.

NRC's apparent response to the industry's widespread non-compliance with safety regulations is to avoid enforcing these rules and instead draft new rules that accept letting the plants designate technicians who would run through the plant and operate equipment by hand if the control cables had burned away. This leads a reasonable person to question whether workers can get to the equipment, through heat, smoke, radiation, and steam that might be present in a fire. Clearly, they can not in all, if not most, circumstances.

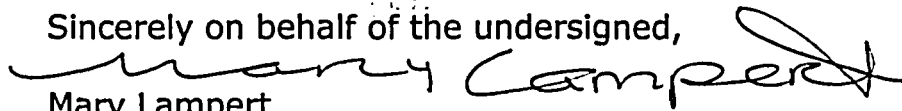
Safety must be based on preparing for the worst case scenario and providing redundant systems - neither is satisfied in this proposal.

NRC Can Not Effectively Evaluate Compliance

In addition, the NRC can not verify compliance with the proposed rule. The plan is for the commission's staff, instead of going to the reactor site and evaluating whether this manual "bucket-brigade" approach would be successful, will rely on the reactor operators to draw up their plans, test them and keep the results on file for NRC staff inspectors to review every three years. The obvious flaws are (1) the NRC relying on industry's self evaluation - in a deregulated market place where industry's focus is to keep costs low; and (2) NRC can not properly test an operator's action because it is not possible to set up a realistic simulator. You can't simulate smoke, fire, chaos, and high radiation levels to have a test. Therefore, there is no way for NRC to effectively evaluate this safety system.

The undersigned oppose the fire safety draft.

Sincerely on behalf of the undersigned,



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