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Fire Protection Compensatory Measures; Notice of Docketing and Request for Comment on Petition for Rulemaking

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General Comment

Comment on: Fire Protection Compensatory Measures; Notice of Docketing and Request for Comment on Petition for Rulemaking. Docket: NRC-2017-0132
I am commenting in support of the petition that has been filed by David Lochbaum on behalf of the Union of Concerned Scientists and Beyond Nuclear, along with his co-petitioner Paul Gunter of Beyond Nuclear.
It seems like sound reason to require the Nuclear Regulatory Commission to amend its regulations in order to clarify the appropriate actions that must be taken in the periods of time when fire protection regulations are not met. As I researched the documents cited by the petitioners, I found a wealth of information regarding best practices, essentially, of what could or should happen if portions of the Fire Protection Program are in a state of full or partial nonattainment at a specific plant. Although beneficial, I support the opinion of the petitioners that these are insufficient.
Although there are multiple reasons nonconformity to existing fire regulations may occur, the lack of replacement regulations to govern the actions in the intervening time leaves the responsibility of what measures to implement when, and for how long, to the best judgement of the people involved. Interim compensatory measures are a key element in fire prevention

programs, they not only apply when an element of a facility that was once in conformity degrades and is impaired, but also when due to unique, site specific characteristics the fire protection program requirements are met but are insufficient. These compensatory measures seem to permeate the industry. I have little experience with nuclear energy, but years of managerial experience, and I have seen that when left with unclear or ambiguous direction it seems inherent to human nature to follow the path of least resistance. When fire safety at nuclear plants is involved, this seems concerning. The situation from May 2015 when an NRC investigation found 5 contracted workers that had deliberately failed to perform roving fire watch patrols is an example of this sort of human failure. (http://www.world-nuclear-news.org/RS-NRC-fines-TVA-for-Browns-Ferry-violations-3011167.html) Roving fire watches are the very sort of compensatory measures that we are discussing, and yet due to human misjudgment they were insufficient. Obviously, the actions of those workers were a violation of mandated action, yet I feel that it displays the inherent weakness of leaving the interpretation of essential fire prevention measures to be determined on a flexible case by case basis.

According to www.eia.gov, 19.7% of the total energy produced in the United States in 2016 was nuclear. That number represents not just energy, but also the segment of the national population that lives near, or works within that sector of energy production. Ready.gov claims that almost 3 million Americans live within 10 miles of an operating nuclear power plant. This sort of proximity places them at risk of exposure to radioactivity in the event of a significant accident. It also, and perhaps more likely in the case of a fire, places them and others at risk of losing access to electricity as a fire damaged plant may need to be shut down and repaired, as occurred after the 1975 fire in the Browns Ferry Nuclear Plant.Ultimately, I find the petitioner's second point to be the most material. Per heading IV. Discussion of the Petition: "They create confusion for licensees, NRC inspectors and reviewers, and the public about what constitutes an acceptable substitute for compliance with fire protection regulations following identification of a deficiency, as well as the permissible durations of the substitutions..." Although I am not among those 3 million Americans who live within ten miles of a nuclear power plant, I do have a cousin who works at a nuclear testing facility and I feel that the clarity of safety regulations is a personal matter. Identifying the best way to implement compensatory fire safety measures, when to do so, and for how long, will promote safer, more reliable energy, and better public relations