

~~Enclosure 1~~

RG-1.39

Impact of Proposed Revision 1 to Regulatory Guide 1.39, "Housekeeping Requirements For Nuclear Power Plants"

Background

Regulatory Guide 1.39, which endorses ANSI N45.2.3-1973, "Housekeeping During the Construction Phase of Nuclear Power Plants," was published in March 1973. The guide endorsed, as an acceptable method, both the requirements (indicated by the verb "shall") and the guidelines (indicated by the verb "should") contained in the subject standard. Some uncertainty has arisen with regard to the NRC staff's intent with such an endorsement. This problem surfaced at an N45-2 Subcommittee meeting when W. M. Morrison pointed out that when a commitment is made to follow a particular regulatory guide and that regulatory guide endorses both the requirements and the recommendations included in a standard, the commitment to follow the regulatory guide, in effect, makes the standard's recommendations mandatory. It became apparent that some companies had not so interpreted the regulatory guides. As a result, a letter from General Electric (W. D. Gilbert) to A. Giambusso, dated February 20, 1975, was received asking for clarification. A copy of this letter is attached. Also attached is the NRC reply to General Electric (R. B. Minogue letter to W. Gilbert dated May 6, 1975). In the reply, we stated we were undertaking a reexamination of some of the regulatory guides which endorse ANSI standards, particularly in the Quality Assurance area, to determine whether it might not be appropriate to qualify our endorsement of at least some of the guidelines since not all have substantive safety importance. A copy of this correspondence

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is attached. Also attached is an excerpt from the minutes of the January 21, 1976, Interoffice Quality Assurance Task Force meeting which outlines the total project. The revision to Regulatory Guide 1.39 is intended to clarify the NRC's position on the requirements and guidelines included in ANSI N45.2.3-1973 and on other areas of the standard as described below.

Significant Changes with Associated Value/Impact Assessment

Change 1: Proposed Regulatory Position C.2 addresses the "should" and "shall" problem. As discussed in the background section of this impact statement, there has been some confusion among the users of Regulatory Guides as to NRC's intent when a guide endorses both the guidelines and requirements of the standard. Regulatory Guide 1.39 is a guide which contains such an endorsement. To clarify the situation regarding Regulatory Guide 1.39, the two guidelines (indicated by the verb "should"), both contained in subdivision 3.2.3 of ANSI N45.2.3-1973, have been evaluated as to their importance to safety. Both guidelines were considered to have substantive safety importance and are discussed below.

Guideline 1: Subdivision 3.2.3, "Fire Protection and Prevention," of ANSI N45.2.3-1973 states, "Fire watches during and immediately following welding operations should be specified." Volume 4, Building Construction Facilities, of the NFPA National Fire Codes, referenced in this subdivision of the standard, states that a permit system shall be used which specifies that a fire watchman with an extinguisher be posted during and immediately following cutting and welding operations. With consideration for the

information contained in the NFPA National Fire Codes and recognizing that the proposed guide as stated in position C.1.a. does not endorse documents referenced in the standard, the specification of fire watches during and immediately following welding operations is considered important to safety. Therefore, the guideline quoted above should be followed.

Value: This guideline ensures that fire watches during and immediately following welding operations are specified for those operations where the occurrence and spread of fire could be potentially damaging to safety-related equipment or structures.

Impact: There is no impact since this guideline was part of the Regulatory Position of Regulatory Guide 1.39.

Guideline 2: Subdivision 3.2.3, "Fire Protection and Prevention" of ANSI N45.2.3-1973 states, "Pre-fire planning should be considered as a requirement of the fire protection procedures or instructions which shall include evacuation of confined areas." As part of the fire protection procedures or instructions, plans to be used in the event of a fire are considered important to safety. Therefore, the guideline quoted above should be followed.

Value: This guideline establishes that procedures and instructions are prepared in order to mitigate or prevent possible damage to safety-related equipment or structures in the event of a fire.

Impact: There is no impact since this guideline was part of the Regulatory Position of Regulatory Guide 1.39.

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Change 2: The term "water-cooled" used in the title and throughout the text of the guide has been deleted.

Value: This change makes the proposed guide applicable to all nuclear power plants, which is consistent with the scope of ANSI N45.2.3-1973.

Impact: This change eliminates the restriction of the proposed guide being applicable only to water-cooled nuclear power plants. Since the applicability of ANSI N45.2.3-1973 to all nuclear power plants is consistent with current licensing practice, there would be no impact as a result of this change.

This change was not made as a result of recommendation made at RORC meeting. A/21/74.

Editorial Changes

Change 1: The wording of the regulatory position which made N45.2.3-1973 applicable to the operation phase was modified to recognize the limitation in the application of the standard during the operations phase. The modification clarifies that the application of N45.2.3-1973 during the operations phase is limited to operations phase activities comparable to those occurring during the construction phase.

Change 2: Proposed Regulatory Position C.2 states "it is expected that a separate regulatory guide will be published on the subject of fire protection for nuclear power plants. In this regard, the requirements and guidelines of subdivision 3.2.3 of ANSI N45.2.3-1973 pertaining to fire protection and prevention should be used in conjunction with the regulatory guide on fire protection upon its publication." A regulatory guide for

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fire protection for nuclear power plants is presently being developed. Due to the importance of this topic, and the very limited scope presented in ANSI N45.2.3-1973, the above quoted position was incorporated into the proposed guide to bring to the users attention that more detailed and specific guidance will be available on the subject of fire prevention.

See RG 1.28 manual for info
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