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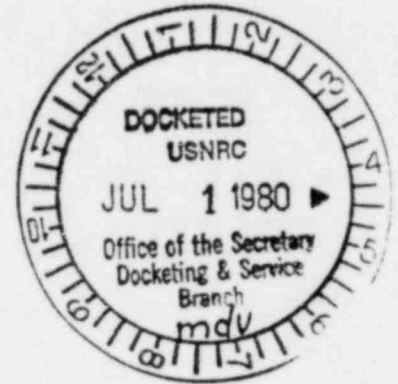
June 30, 1980

DOCKET NUMBER
PROPOSED RULE PR-50 (12)
(45 FR 36082)

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

ATTN: Docketing and Service Branch

SUBJECT: Proposed Rule - 10 C.F.R. Part 50
Fire Protection 45 Fed. Reg. 36082,
May 29, 1980



Dear Sir:

On May 29, 1980 the Commission published in the Federal Register (45 FR 36082) a proposed rule on fire protection for nuclear power plants. Consolidated Edison Company of New York, Inc. (Con Edison), as holder of Operating License 50-247 for Indian Point Unit No. 2, wishes to provide the following comments on the proposed rule.

We find the statement, in the Supplementary Information, that "There are, however, a few instances where the NRC Staff has accepted certain fire protection alternatives that would not satisfy some of the requirements of this proposed rule . . . All licensees will be expected to meet the requirements of this rule, in its effective form . . ." to be most disconcerting.

At this time, fire protection is not an exact science where one can go into a handbook and find a precise solution. At best, it is a combination of basic principles, experience and engineering judgment. Where alternate solutions were used to satisfy the requirements of Branch Technical Position 9.5-1 it was done on the basis of providing equivalent fire protection within the existing physical conditions and the type of fire protection that was best suited for the specific circumstances.

Where such alternatives were accepted by the Staff, the issue should be considered closed. Only those items that are still unresolved should be subject to this new regulation, which was the original intent of the rule-making as shown in the Consent Calendar version of proposed Appendix R (SECY 80-88).

The proposed rule is overly specific and in its present form could force changes that might reduce the safety of the plants, a result which is directly opposite from the intended purpose. To prescribe rigid requirements without any latitude for the use of alternatives is a simplistic approach and could present real hazards that might be far more dangerous than the potential effects of a postulated fire.

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Acknowledged by card

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We believe that Appendix R should be similar to other NRC regulations in that it should define the objectives to be met. Guidance on detailed requirements to implement these objectives should be provided in Regulatory Guides, Branch Positions and other applicable guidelines. It should be the responsibility of a licensee to develop the specific details needed to meet the stated objectives using solutions best suited to the existing design of his particular plant.

Considering the huge effort that the industry is currently engaged in to meet the Three Mile Island -2 related modifications, we feel that a November 1, 1980 implementation date is totally unrealistic. The Commission has stated that ". . . the issues are well-known and have been under discussion for several years . . ." This statement is only partially true in that there have been some significant changes between the criteria in the proposed rule and the guidelines of Branch Technical Position 9.5-1 published earlier.

A review of the history of the proposed rule demonstrates just how complex the subject really is. On October 9, 1979, the Office of Standards Developments was requested to prepare a rulemaking. The proposed rule was sent to the Commission on February 13, 1980 and finally approved and published on May 29, 1980. Even though "The minimum requirements contained in this rule were developed over a three year period . . ." it required almost seven months for the Commission to incorporate these requirements into the proposed Appendix R.

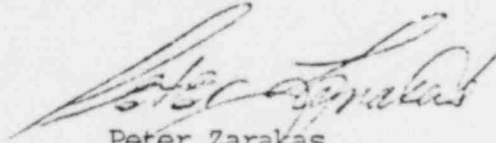
The fire protection program plans for nuclear plants were developed over a period of years starting from early 1976, yet the Commission is now requiring the industry to make substantive changes within four months. This time frame will be further reduced by the fact that the proposed rule, while overly specific, contains many ambiguities. The Commission will therefore be required to provide extensive clarification before industry can implement all of the requirements. The schedules originally proposed by the licensees were developed to permit orderly and controlled procurement, equipment fabrication and construction. Some of these schedules have established completion dates beyond November 1, 1980. This fact was recognized in Appendix R with the notation that the Commission will review these extensions, which they had previously approved, on a case-by-case basis to determine whether continued approval or some revision of the extension is appropriate. We consider this position to be a lack of good faith on the part of the Commission. In addition, little credence can be placed in the Commission granting such extensions when in the same paragraph it is noted that:

"Since the issues involved are well-known and have been under discussion for several years, the Commission anticipates approving few, if any, extensions."

This position is of most serious concern since the Commission has noted that no plants would be permitted to operate beyond November 1, 1980 unless all modifications (except for alternate or dedicated shutdown capacity) have been completed or extensions granted.

Because of the short comment period we have not been able to provide any specific comments on the detailed criteria in the document. However, we hope that the problem areas that have been noted will be of some assistance in reforming the proposed Appendix R into a regulation which both the Commission and industry can live with.

Respectfully,



Peter Zarakas
Vice President

Attachment