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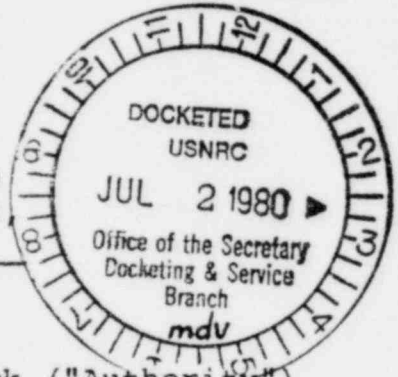
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DOCKET NUMBER PR-50⁽²⁹⁾
PROPOSED RULE
(45 FR 36082)

June 30, 1980

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

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



Dear Sir:

The Power Authority of the State of New York ("Authority") appreciates this opportunity to comment on the proposed regulations. The Authority recognizes the importance and the benefits of the proposed regulations in the area of fire protection. Certain aspects of the regulations are subject to improvements in the Authority's view. Specific comments on the proposed regulations and the likely effects resulting from imposition of the proposed regulations on present Commission-approved practices on the Authority are contained in Attachment I.

Two comments, however, have general applicability to the proposed regulations: the proposed disallowance of use of fire protection measures equivalent to those specifically set forth in Appendix R and the unreasonably short implementation period. The Authority's views on these general concerns are set forth below.

THE IMPOSITION OF SPECIFIC FIRE PROTECTION SYSTEMS WILL HAVE THE SEVEREST IMPACT ON LICENSEES WHO HAVE SOUGHT TO COMPLY WITH PREVIOUSLY-APPROVED COMMISSION FIRE PROTECTION PROGRAMS AND WILL RETARD IMPLEMENTATION OF FIRE PROTECTION GOALS.

The Authority and Commission Staffs' evolving efforts to upgrade fire protection measures over the past years have been based on the common belief that fire protection systems integrated into a plant's design provide optimal fire protection without unnecessary diversion of funds to less efficient and, possibly, less safe fire protection systems. The rigid application of

generic fire protection systems as proposed in some areas by the regulations may, therefore, have an immediate adverse effect on the specific fire protection measures at Authority facilities and ultimately will discourage industry and regulatory incentive to investigate safer and more economical fire protection measures.

Attachment I compares a few of the commitments on fire protection performed by the Authority with the requirements of Appendix R. The Authority respectfully submits that the overall protection afforded by the measures already committed to is at least as great as that afforded by the proposed Appendix R systems.

The discussion on page 36083 of the Federal Register notice referred to above indicates that 17 generic issues exist in the fire protection safety analysis reports for 32 plants where agreement has not been reached between the Staff and the licensee. This means that about forty plants are now well on their way to implementing Commission-agreed upon fire protection measures. The Commission's proposed regulations act as an effective repudiation of these agreements. As stated by the Commission, "[t]he minimum requirements contained in this rule were developed over a 3-year period and, in each of these instances [staff approval of alternate systems], the staff accepted a proposed alternative before these minimum requirements were established." In fact, Commission Staff and Authority agreements on optimal fire protection measures were initiated as early as July of 1976 and have continued to June 1980. It would seem, therefore, that the effect of the proposed regulations to the extent that they do not follow Staff-licensee agreements, is to inflict the severest adverse economic consequences on those licensees who were most conscientious about meeting the Commission Staff's standards. This impact is counterproductive to the goal of increased fire protection and to safety regulations generally.

The imposition of a "minimum requirement" can only be made with respect to fire protection goals rather than specific systems. The specification of systems that meet these goals is advantageous if offered as a guideline. If the regulatory prescription is rigidly imposed, however, the result is a preclusion, or at least a general tendency, to avoid more effective and efficient approaches to attainment of fire protection goals.

IMPOSITION OF SPECIFIC FIRE PROTECTION SYSTEMS
WILL DEGRADE FIRE PROTECTION PLANNING FOR NUCLEAR
POWER PLANTS.

It is our understanding that the purpose of the proposed regulations is to resolve open SER items on some 17 issues with 32 utilities. The result of the proposed regulations for the Authority, however, is that a broad reevaluation and possible re-negotiation of all completed SER items in light of Appendix R will have to be made. The Authority

submits that those items that have been resolved with the Commission Staff should remain closed and not be affected by proposed Appendix R.

This is particularly true as review of the proposed regulations indicates that it has no effect on increasing the fire safety at the Authority's two nuclear plants. As noted, since the inception of BTP-9.5-1A the Authority has negotiated in good faith with the Commission Staff to meet the expected Commission standards and to provide fire protection, systems, detection and administrative control to preclude a fire occurrence that would affect safe plant shutdown. The proposed regulations stipulated in Appendix R, however, negate the results of previous negotiations for meeting this intent. A preliminary estimate, which is ongoing since we received Appendix R, indicates that a two-year time frame is a realistic goal for assessing and completing all of the provisions stated in the subject document. We do agree with the separate comments of Commissioners Hendrie and Kennedy stated in the cover letter, dated May 22, 1980 as an addition to the proposed rule. It is to be noted that the Authority will comply with all SER items respondant to BTP-9.5-1A in accord with the Commission's guidelines.

THE COMMISSION'S CONCLUSION CONCERNING LICENSEES
KNOWLEDGE OF THE PROPOSED SPECIFIC FIRE PROTECTION
MEASURES IS ERRONEOUS.

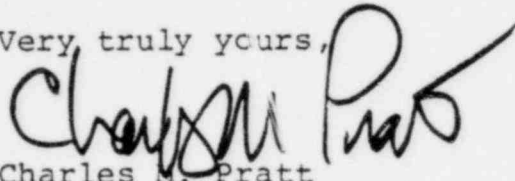
The Commission indicated on Federal Register page 36083, in discussing the proposed regulations, that few extensions of the deadlines for complete implementation are expected to be granted because "the issues involved are well-known and have been under discussion for several years." Indeed, fire protection at Authority facilities has been evaluated by the Commission Staff for several years. Since 1976 the Authority staff and the Commission Staff identified and agreed on measures and equipment which would optimize fire projection at Authority facilities. Nevertheless, the proposed regulations are contrary to these agreements. As indicated by the Commission itself on Federal Register page 36083, the proposed regulations introduce new and unexpected, to the Authority at least, requirements in some areas of fire protection measures and systems.

The Authority submits that the November 1, 1980 deadline for compliance is unreasonable in many instances. Over the years many different fire protection measures have been discussed by the Commission and various study groups. While among this myriad of proposals the requirements contained in Appendix R may have been discussed, the implication that licensees should have had the foresight to choose the right protective measures, even in the face of contrary Commission Staff direction, and prepared for implementation prior to the Commission's final choice is somewhat

mystifying. Indeed, it is more so to the Authority which has cooperated with the Commission Staff and implemented an agreed upon program which now is being made ineffective by the proposed regulations. The Authority is now put in the position of changing elements of its fire protection program in five months that were the results of 3 years of concentrated efforts by the Authority and Commission Staffs.

The Authority submits that the proposed rule should not be put into effect in the proposed form but should incorporate the suggestions presented above and in Attachment I.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles M. Pratt". The signature is written in dark ink and is positioned above the typed name.

Charles M. Pratt
Assistant General Counsel

ATTACHMENT I

Paragraph* I

(1) Introduction and Scope notes that the proposed Appendix does not rescind any requirements set forth in any Safety Evaluation Report. Certain provisions of the Authority SERs appear to contradict provisions in Appendix R. For example, the FitzPatrick Plant Fire Protection SER (Amendment 47 to the Operating License) notes that since primary containment is inerted no oil collection system is required for the reactor water circulation pumps. In contrast, Appendix R, will require an oil collection system to be installed.

Paragraph IIA

(2) General Requirements, Fire Protection Program, notes that the program shall establish policy for components important to safety. Nowhere is the term "important to safety" defined. Recent discussions with Commission Staff members reinforce this concern, in that the Commission Staff members do not appear to have been given guidance from the Commission on the definition of this term. This term, "important to safety" appears throughout the document in equally nebulous fashion.

Paragraph IIA.2.g.

(3) This paragraph requires that each fire area shall be surrounded by a 3-hour rated barrier. Interpretation of this paragraph could negate portions of the Fire Hazard Analysis on specific facilities. For example, the JAF fire hazard analysis for the reactor building has been accepted by the NRC even though the hoist-wells and stairwells are not enclosed.

(4) This paragraph states that fire detection and suppression systems shall be designed, installed, maintained and tested by personnel properly qualified by experience and training in fire protection systems. This paragraph does not allow control of the

*Refers to Appendix R

above activities by the use of trained personnel and qualified procedures (which is acceptable for safety related maintenance) if this paragraph remains as is.

Paragraph IIE

(5) This paragraph, Fire Hazard Analysis, would require separation of redundant trains by 3-hour rated barriers or at least 50 feet of clear air space both horizontally and vertically. Paragraph E also states "lesser ratings or distances shall be justified by analysis or test" but no additional guidance is provided.

Paragraph IIIA

(6) This paragraph, Fire Water Distribution System, requires two separate redundant suction from a large body of fresh water. Why only fresh water? In addition, no guidance is provided, for instance, to indicate that the single forebay area at the FitzPatrick Plant, which is of seismic design, is acceptable as was noted in the Fire Protection SER.

Paragraph IIH

(7) The FitzPatrick Plant developed a position in which the shift supervisor's participation in the fire brigade as fire brigade chief was acceptable to the Commission staff. This paragraph will require his removal from the fire brigade and also require that the brigade leader will be qualified by possession of an operator's license or equivalent knowledge of plant systems. This requirement will make it very difficult for the proposed addition of the security shift coordinator to function as a brigade leader in that a minimum of 2 years nuclear plant experience is implied.

(8) The requirement that at least three members of the fire brigade be made up of operations personnel reduces the licensee's

flexibility to respond to emergency situations. The obvious necessity is to have persons who are knowledgeable of plant safety systems on the fire brigade. While operations personnel will possess this knowledge, other non-operations personnel likewise possess this knowledge. The addition of this pool of individuals available to fire brigade teams will provide flexibility without a loss of efficiency.

(9) The Authority concurs that individual and team training should be performed. Team training should not, however, preclude interteam transfers.

Paragraph IIIJ

(10) BTP 9.5-1 required some modifications to the FitzPatrick Plant emergency lighting system which made the system acceptable to the Commission. This paragraph will apparently require additional analysis and possible modifications. It is doubtful that any substantial modification could be completed prior to November 1, 1980.

(11) It is impractical to require welding permits to be renewed every 24 hours. This is not required by NFPA standard 51B, cutting and welding ~~standard~~. For the most part, extensive welding operations occur during outages and conditions are confined to one area. We find it unnecessary to renew written orders for this purpose since compliance with other provisions of 51B require surveillance and hazard evaluation by persons doing this type of work.

(12) It is impractical to develop specific strategies for fighting fires. Some would be too restrictive for fire brigade members to operate. The development of the terminology "guidelines" should be affectuated and positive definition given to same.

Paragraph IIIK

(13) This paragraph, Administrative Controls, appears to be an attempt to legislate "common sense". Of special concern are the

following subparagraphs:

- a. Paragraph K-3, 6, and 8 refer to control or removal of combustibles with no delineation of limits, ie, should "significant" amounts be of concern.
- b. Subparagraph K-4 requires the designation of an onsite staff member to review in-plant work activities to identify potential fire hazards and specify additional precautionary measures. This subparagraph does not allow this fire review to be done by responsible staff members (department heads, shift supervisors) which is presently accepted by the Commission.
- c. Subparagraph K-5 requires separate flame permits to be valid for not more than 24 hours. This limit differs from our present administrative controls which meet NFPA-51B and satisfies BTP 9.5-1. This time limit will greatly increase paper work requirements especially during large modifications.
- d. Subparagraph K-12 outlines what must be included in fire fighting strategies for safety related areas. The generation of these detailed strategies will require extensive work.

Paragraph IIIN

(14) This paragraph, Fire Barrier Penetration Seal Qualification, requires penetration seal designs to be qualified in accordance with ASTM E-119 and additional conditions as outlined. Subparagraph N-5 requires that fire barriers be tested with a pressure differential equivalent to the maximum pressure differential a fire barrier is expected to experience. ASTM E-119 does not require this differential pressure test, in addition, this test is believed to be beyond the state of art for most laboratories at this time. To make this part of a rule will negate virtually all qualification tests performed to date.

Paragraph IIIP

(15) This paragraph, Reactor Coolant Pump Lubrication System, is a new requirement not found in the BTP-9.5-1 or Appendix A. This para-

graph provides no alternatives such as a nitrogen inerted containment as found at FitzPatrick. The implementation of this requirement will involve a major modification of considerable time and expense.

General Comments

(16) The following items proposed in Appendix R are new items:

1. Section Q - Associated Circuits
2. Section P - Reactor Coolant Pumps Lubrication Systems
3. Section M - Fire Barrier Penetration Seal Qualifications

In view of the October 31, 1980 compliance date to provisions of Appendix R - these items would make it impractical to comply with the time schedule. Since the major portions of these sections are new, they should be treated as same (i.e. an amendment to BTP 9.5-1A) and a reasonable time frame allotted for their evaluation and if necessary, implementation.