

# DUKE POWER COMPANY

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DOCKET NUMBER  
PROPOSED RULE PR-50 (35)  
(45 FR 36082)



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

Attention: Docketing and Service Branch

Re: Fire Protection Program For Nuclear Power Plants  
Operating Prior to January 1, 1979  
45 Federal Register 36082, May 29, 1980

Dear Mr. Secretary:

On May 29, 1980, the Nuclear Regulatory Commission published for public comment proposed regulations which would impose "certain minimum provisions for fire protection in operating nuclear power plants." Duke Power Company, a utility operating in North Carolina and South Carolina, generates more than 25% of its electricity by nuclear power. This nuclear base load generation by Oconee Nuclear Station (Oconee) could be severely impacted by the proposed rule. The cost of implementation of this rule will be substantial in terms of hardware costs as well as the cost of purchasing replacement power while units are shut down to implement the requirements.

Duke Power Company (Duke) has divided its comments into General Comment. and Specific Comments. Duke believes that the proposed regulations are deficient in the following manner:

### General Comments

(a) The NRC Staff (Staff) has violated the basic due process rights of Duke because of the later described actions of the Staff.

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(b) There is no basis for the strict implementation schedule set forth by the Staff.

(c) The 30-day comment period is not an adequate opportunity nor proper mechanism for setting forth its concerns.

(d) Duke has worked in good faith to achieve compliance in the fire protection area, only to have difficult new issues presented in an untimely manner by the Staff.

(e) An adjudicatory hearing is the proper forum for many aspects of this proposed rule, rather than a rulemaking, because many of the subject items are to be evaluated on a plant specific basis.

Duke has gone through the process of submitting a hazard analysis comparing Oconee to Appendix A of Branch Technical Position 9.5-1; having this analysis reviewed by the Staff; developing and resolving issues as a result of this review; receiving an SER from the Staff with no open issues; and implementing commitment made during this process. This work started in August, 1976 and by November, 1980 Duke will have completed modification to the Oconee Fire Protection Program. The exception to this is the Standby Shutdown System which is scheduled for December, 1981.

It should be noted that the comments submitted on previous documents were addressing information contained in a branch technical position or a proposed regulatory guide, not a proposed rule which has a significantly different impact.

The proposed rule states that, "Most of the licensees have accepted most of the Staff positions and interpretation of this Appendix A. However, 17 generic issues exist in the fire protection safety analysis reports for 32 plants where agreement has not been reached between the Staff and some licensees." The utilization of the rulemaking process to resolve these issues appears to be a misuse of the process. The use of orders would appear to be a more effective means of resolving these issues since they are plant specific.

The proposed rule states that, "there are, however, a few instances where the Staff has accepted certain fire protection alternatives that would not satisfy some of the requirements of this proposed rule.

The minimum requirements contained in this rule were developed over a three year period and, in each of these instances, the Staff accepted a proposed alternative before these minimum requirements were established. All licensees will be expected to meet the requirements of this rule, in its effective form, including whatever changes result from public comments." This statement appears to negate the Safety Evaluation Reports issued as a result of the Staff review of the hazard analysis for plants covered by this proposed rule. The proposed rule appears to imply that all requirements of the rule have to be implemented by November 1, 1980. With the introduction of new requirements in the proposed rule, the November 1, 1980 date is not a practical date for implementation of new items.

The proposed rule states that, "Since the issues involved are well-known and have been under discussion for several years, the Commission anticipates approving few, if any, extensions." As noted earlier, several issues involved have not been discussed as implied by the rule.

Additionally, the statement is made that, "In addition, the public has been afforded several opportunities to comment on the provisions of the rule . . . ." This is in error since there are new items in the rule that have not been addressed prior to this comment period. Major new items addressed in the rule include Reactor Coolant Pump Lubrication System and Associated Circuits. For Reactor Coolant Pump Lubrication System (item P), a period of design time will be required and, of course, any hardware changes will require an outage. There is no practical way to meet the November 1, 1980 date established in the rule. For Associated Circuits (item Q), an analysis will be time consuming since this is a new criterion which was not established when Oconee was designed. The analysis will be plant specific and will require considerable interface with the Staff.

The rule states that dedicated shutdown systems should be completed by December 1, 1981. Dedicated shutdown systems are complicated requiring a significant amount of engineering and complex construction. Schedules for this type of facility should be addressed on a case-by-case basis rather than in the rule.

Throughout the rule there are additions to the requirements for the fire protection program that were not a part of the initial guidelines detailed in Appendix A to Branch Technical Position 9.5-1. The impact of certain provisions of the proposed rule can only be determined after a review of the program with the Staff.

Specific Comments

These items correspond to Item III, Specific Comments in the proposed rule.

- A. Fire Water Distribution System - The proposed rule should be clarified to note that redundant suctions can be taken from a common intake structure.
- B. Section Control Valves - The proposed rule should be changed to provide the option of utilizing sectional control valves which are not "visually indicating." This may be required due to location of the valve, i. e., in a roadway or within a security microwave area.
- C. Hydrant Block Valves - The proposed rule should be changed to provide for compensating measures if the fire water supply is interrupted to the noted areas.
- D. Manual Fire Suppression - The proposed rule should be changed to reflect the fact that the hazards analysis should be the basis for locating manual fire suppression capability. The term "safety-related" should be changed to "Shutdown."
- E. Hydrostatic Hose Tests - The proposed rule should be changed to state that the test pressure should be 50 psi above maximum operating pressure.
- F. Automatic Fire Detection - Location and extent of Automatic Fire Detection should be based on the hazards analysis.
- G. Protection of Safe Shutdown Capability - Table 1 which is referenced in this section is not clear as to the requirements set forth in it. Also, clarification is needed concerning its applicability to plants using dedicated shutdown capability. Item 2h, Fire Brigade, introduces the new concept that the shift supervisor cannot be a member of the fire brigade and that an annual physical examination is required for fire brigade members.
- I. Fire Brigade Training - Item 3d states that a written report should be submitted to the NRC on fire drills. This should be changed to state that it would be made available for NRC review.



- K. Administrative Controls - This section should be simplified to provide overall guidelines rather than provide specific requirements. The section should read as follows: Administrative controls shall be established to minimize fire hazards in areas containing structures, systems, and components required for shut down. These procedures should be developed to:
1. Govern the handling and limitation of the use of ordinary combustible materials -- combustible and flammable gases and liquids, high efficiency particulate air and charcoal filters, dry ion exchange resins, or other combustible supplies in shutdown areas.
  2. Minimize and control storage of combustibles in safety-related areas or establish designated storage areas.
  3. Govern the use of ignition sources by means of a flame permit system that controls welding, flame cutting, brazing, or soldering operations.
  4. Govern the handling of and limit transient fire loads such as combustible and flammable liquids, wood and plastic products, or other combustible materials in buildings containing shutdown systems or equipment.
- L. Alternate Shutdown Capability - The details concerning the alternate or dedicated shutdown capability should be handled outside the rule by appropriate submittals to the Staff. This section should be deleted from the rule.
- M. Fire Barriers - The rule requires doors to be tested by nationally recognized testing laboratory. The rule should provide the flexibility for utilization of doors with "equivalent construction" in situations where unique doors are required. Examples of these might be flood doors, missile resistant doors, bullet resistant doors or oversized doors.
- O. Fire Doors - The proposed rule should be modified to limit the stated requirements to doors separating shutdown equipment.
- P. Reactor Coolant Pump Lubrication System - The requirement to design the oil collection system and lube oil system to withstand an SSE without leakage is a new requirement. To analyze this and

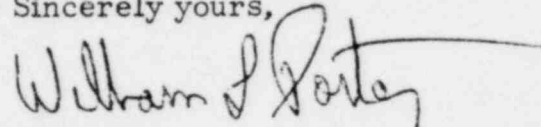
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provide for modification will require outages as well as a period for engineering review. The November 1, 1980 date is not a satisfactory date.

- Q. Associated Circuits - This is a new item which should not be addressed in the rule. This is an item that could be more appropriately handled in appropriate submittals to the Staff.

In conclusion, if the rule is issued, Duke will have difficulty determining what additional measures over and above those items committed to in our SER we will have to implement, and new requirements are being imposed without regard to the due process rights of the Company. Therefore, the proposed regulations must be returned to the Staff for a solution to these problem areas.

Sincerely yours,



William L. Porter

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