



Wisconsin Electric POWER COMPANY
 231 W. MICHIGAN, P.O. BOX 2046, MILWAUKEE, WI 53201

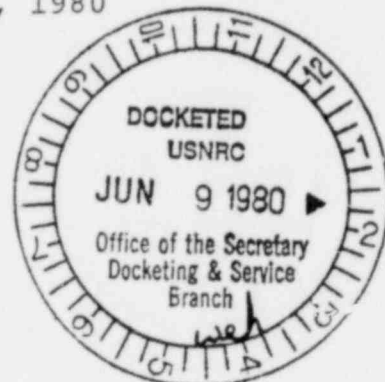
DOCKET NUMBER PR 50 (49)
 PROPOSED RULE (45 FR 36082)

June 30, 1980

Secretary of the Commission
 U. S. NUCLEAR REGULATORY COMMISSION
 Washington, D. C. 20555

Attention: Docketing and Service Branch

Dear Sir:



FIRE PROTECTION PROGRAM FOR
NUCLEAR POWER PLANTS
OPERATING PRIOR TO JANUARY 1, 1979

On May 29, 1980, the Commission published in the Federal Register (45 FR 36083) a proposed rule to amend its regulations for fire protection in operating nuclear power plants. Comments are due by June 30, 1980. Wisconsin Electric Power Company, owner and operator of Point Beach Nuclear Plant Units 1 and 2, offers the following comments regarding the proposed rule.

In the supplementary information to the proposed Appendix "R" to 10 CFR Part 50, it is stated 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 some licensees". The proposed rule is intended to resolve these issues.

The proposed rule is in part a direct reiteration of BTP9.5-1 and Regulatory Guide 1.120 for most of the 17 issues. The rule also contains additional requirements relative to alternate shutdown capability, reactor coolant pump lubrication and isolation of associated circuits which appear to go far beyond what has been exhaustively reviewed up to now. However, the rule is written as a technical position or guide and appears to require Staff interpretation, review and agreement with the licensees.

The Commission 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 comment".

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Good plant specific fire protection cannot be accomplished by general rules. The licensees and the Staff have spent much time and effort implementing the criteria of Branch Technical Position APCSB 9.5-1 and its Appendix "A" over the past four years to obtain an "equivalent level of protection" specific to the individual plant and hazards involved. To supersede this and state that all previously agreed upon alternatives will no longer apply because of the specific wording of a general rule is arbitrary and capricious. This rule disregards these years of activity by both the NRC Staff and licensees to develop a fire protection scheme appropriate to the concern and responsive to the peculiarities of individual plants. Much of what has been developed in this cooperative evolution has already been implemented and would now, by adoption of this rule and without justification, require removal and replacement or modification.

The flexibility to design a system which affords better fire protection by taking into account the unique parameters of a particular site should not be eliminated. The rule as adopted should not apply to modifications agreed to and accepted by the Staff prior to the effective date of the rule.

The few remaining "open" items are not open because the licensees have refused to address them. They are open because insufficient guidance has existed for the Staff and the licensees to reach an interpretive agreement. These items still will have to be resolved by Staff and licensee agreement on a plant specific basis even with the additional instruction provided in the proposed rule.

The proposed deadline for implementation of modifications required by this rule, except for alternate shutdowns, of November 1, 1980, is physically impossible. This is an unacceptable requirement. Even if this rule would be immediately effective, less than four months would remain for Staff interpretation and position, engineering design, Staff approval, purchase and installation of any modifications required by the rule. Scheduled completion dates for our in-process modifications would require impossible acceleration by this rule. These are impossible achievements.

The proposed rule provides the opportunity for the Staff to take new positions on previously agreed upon issues. It also requires the Staff to develop positions in accordance with new guidance contained therein for unresolved issues. The licensees' completion responsibility is dependent upon Staff authorization to implement the modifications for these items. A firm schedule for Staff development of positions and authorization to the licensees to proceed should be set forth if the rule specifies a firm completion date for the licensees.

The NRC Fire Protection SER lists items marked with an asterisk to indicate that the NRC Staff will require additional information in the form of design details, test results, or

acceptance criteria to assure that the design is acceptable prior to actual implementation of the modifications. The licensees' completion responsibility for these issues is also dependent upon Staff implementation authorization. The Staff responsibility for timely review of these items should be stated if the rule specifies a firm completion date for the licensees.

The following comments apply to specific requirements of the new Part 50.48 Section III:

1. III.A - The proposed rule contains no further definition beyond BTP9.5-1 of what constitutes "two separate redundant suction from a large body of fresh water". This issue is site related and dependent upon Staff interpretation at the time of review. What was acceptable to BTP9.5-1 guidelines should be acceptable under the proposed rule.
2. III.G - This section is written in vague terms and will do very little to resolve the issues. Section III.G.1 lists 15 considerations which could hinder fire protection effectiveness. These are legitimate considerations, but as considerations they are subject to individual interpretation. When individual interpretation is required, it is not possible to ensure results which are acceptable to all reviewers.
3. III.G - Postulated fires, particularly exposure fires, remain undefined after three years of rule development. The absolute effect upon safe shutdown systems from an unquantified event cannot be determined. Specification of adequate protective features to contain the effect of an unquantified fire is also not possible.
4. III.G.1.m - This statement should be worded, "That automatic fire suppression systems may fail". As the statement is presently worded, failure must be assumed, and installation of automatic suppression systems would not be of any value.
5. III.H - Last October, we were compelled to accept the Staff's arbitrary requirement of a five-man fire brigade. We disagreed with this non-plant specific number then and we continue to do so. We continue to believe that arbitrary numerical, generic requirements such as imposed by this rule are inappropriate substitutes for sound judgment and professional fire protection engineering application to a specific facility.

6. III.H - The term "equivalent knowledge" requires further definition. The required knowledge should cover safety equipment location and not safety system operation for fire protection purposes.
7. III.H - The requirement that all fire brigade members receive an annual physical examination is unrealistic. A physical exam every two years presently fulfills the requirements established by the NRC to insure that licensed operators meet the physical requirements necessary to protect the health and safety of the public. This same requirement should be adequate for fire brigade members.
8. III.H - The requirement that "the Shift Supervisor shall not be a member of the fire brigade" is unacceptable. NUREG-0578 requires clear lines of authority and line of succession. The duty Shift Supervisor is the single person responsible for the operation and safety of the plant.

In the event of a fire emergency, he is the person who should assess the situation and determine where he should be. If the fire emergency is large, but insignificant to "core safety", he should be at the scene of the fire to provide a maximum level of knowledge available to direct fire fighting activity. If the fire is small, but of large consequences, he should return to the control room after assessment of the fire and delegate the Fire Brigade Chief responsibilities to his assistant. He must be the individual to evaluate, at the time of the emergency, where he will be most effective. Our fire brigade organization, including drills, training, and plant fire protection policy and procedures, has been established with the Shift Supervisor as the leader. Each Shift Supervisor also serves as the plant Fire Protection Supervisor on a rotating basis and as such is the most knowledgeable individual on site for both fire protection and nuclear safety situations. Dilution of authority in times of emergency increases the risk of error and reduces overall plant safety.

9. III.I.3 - The requirements of this paragraph are not defined. The intent, i.e., one plant drill, one shift brigade drill, all plant drills, should be stated. The requirements to be a "qualified individual" should be stated. Intervals should be approximate. It is not always possible to adhere to specific calendar intervals.

10. III.I.3.d - A copy of the written report of the three-year drill critique should be required to be kept on file at the plant for review which would be consistent with the requirements for other fire protection evaluation and inspection reports.
11. III.J - Permanent installation of battery powered emergency lighting should not be required. Battery power lights dedicated for fire brigade use are more appropriate. Such lights can be taken wherever the brigade may have to go and be maneuvered by brigade members to provide efficient light use. Maintenance can also be more readily performed and assured.
12. III.M - The statement that structural steel forming a part of, or supporting such fire barriers, shall have fire resistance equivalent to that required of the barrier is sufficient. The statement that such fire resistance shall be provided by protection equivalent to metal lath and plaster covering should be deleted.

We believe that this proposed rule is too ambiguous in nature to provide the desired results and we take exception to the implication that little has been accomplished in fire protection to date. It is also implied that there has been major resistance to fire protection requirements by the licensees when, in fact, about 95% of the issues have been resolved and the remaining issues pertain only to specific plants and specific items.

We believe that these comments are necessary changes to make the proposed rule a more realistic document incorporating plausible fire protection principles which allow for some latitude in arriving at acceptable solutions. Should this rule be adopted as proposed, the implementation dates for new modifications and the rescinding of previously agreed upon completion dates and modifications are unacceptable.

It should also be noted that our comments have been prepared to deal mainly with those issues which affect our Company directly. We also participate in the Edison Electric Institute Fire Protection Committee and support their comments on the proposed rule.

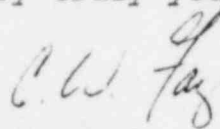
Secretary of the Commission

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June 30, 1980

We appreciate the opportunity to comment on this proposed rule and would welcome the opportunity to participate in any future action taken on this subject.

Very truly yours,

A handwritten signature in cursive script, appearing to read "C. W. Fay".

C. W. Fay, Director
Nuclear Power Department