

SECY-80-88 -- FIRE PROTECTION RULESEPARATE COMMENTS OF COMMISSIONERS HENDRIE AND KENNEDY ON THE PROPOSED  
NEW REGULATION FOR FIRE PROTECTION PROGRAM FOR NUCLEAR POWER PLANTS  
OPERATING PRIOR TO JANUARY 1, 1979

We agree with the fire safety provisions of the proposed Appendix R to 10 CFR Part 50. However, we do not agree with the implementation schedule that the Commission proposes. In its original presentation of this rule to the Commission, the staff proposed a schedule which we believe is more reasonable.

In the absence of Three Mile Island and the actions we have required, the short schedule the Commission proposes might be appropriate in view of the extended period during which a number of these fire safety provisions have been under discussion. In the present situation, the Commission has properly imposed a large number of Three Mile Island-related safety requirements on operating nuclear power plants. We are concerned that the short implementation schedule proposed here for fire safety provisions, together with the large workload associated with the Three Mile Island requirements, may make it impossible for licensees to complete all of these measures in a carefully considered and thorough fashion. Since all operating plants have implemented a number of improvements in their fire safety postures, the remaining improvements to be required under the proposed rule do not seem to us so urgent as to require either shutting down of plants because of inability to complete these requirements on the short schedule proposed or to make those improvements in a hasty fashion.

We note also that the proposed implementation schedule would require licensees to submit their plans for complying with this rule by August 1, 1980. Considering that the staff has said it will not be able to complete its plant-by-plant reviews to determine specific requirements until July 1980, some licensees will simply not have any reasonable time to make an adequate plan.

THIS DOCUMENT CONTAINS  
POOR QUALITY PAGES

re 30-88

"Fire Protection Actions"

Memo for G. Senter ✓ (OK with noted

J. Austin OK per JA comments  
4/24 per D. S. 4/24

J. Gilbert

H. Fontecille

H. Thompson OK per Tom D 4/25 w/ note

I have prepared and attached  
a proposed draft memo that  
reflects my understanding of the  
Commissioners position and comments.

Pls. review summary and provide  
any comments or agreement with  
the memo.

Thank  
you

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MEMORANDUM FOR: William J. Dircks, Acting EDO  
FROM: Samuel J. Chilk, Secretary  
SUBJECT: SECY-80-88 - FIRE PROTECTION ACTIONS

This is to advise you that the Commission (with three Commissioners concurring) has approved the publication of a proposed rule. Modifications to the version of the proposed rule prepared by the staff are summarized in the attachment. Commissioners Kennedy and Hendrie provided separate comments which are given below, and which are to be inserted into the Supplemental Information section of the Federal Register notice.

Commissioner Gilinsky commented as follows:

"I approve publication of this proposed rule for comment. I very much support increased fire protection. I am concerned however that sufficient analysis has not been performed to assure that the new fire suppression systems will not interact with so-called non-safety systems in a way that could pose safety problems. I am also unclear on the extent to which fires affecting so-called non-safety systems have been analyzed. I would value comments on these points."

The staff is requested to:

- 1) Modify the FRN as indicated in the attachment *and published for comment*
- 2) Obtain the views of the ACRS and provide the Commission with an analysis of them.
- 3) Respond to Commissioner Gilinsky's comments.

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The Commission notes:

- (a) That the notice of proposed rule making will be published in the Federal Register allowing 30 days for public comment. Owing to the nature of this rule and the fact that the positions of the staff and the licensees are documented and well known, no extension of the comment period will be granted.
- (b) That, if after expiration of the comment period no significant adverse comments or significant questions have been received and no substantial changes in the text of the rule are indicated, the Executive Director for Operations will arrange for publication of the amendment in final form.
- (c) That pursuant to § 51.5(d) of Part 51 of the Commission's regulations neither an environmental impact statement nor a negative declaration need be prepared in connection with the amendment, since the amendment is non-substantive and insignificant from the standpoint of environmental impact.
- (d) That the Subcommittee on Nuclear Regulation of the Senate Committee on Environment and Public Works, the Subcommittee on Energy and the Environment of the House Committee on Interior and Insular Affairs, the Subcommittee on Energy and Power of the House Committee on Interstate and Foreign Commerce, and the Subcommittee on Environment, Energy and Natural Resources of the House Committee on Government Operations will be informed.

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(e) That a public announcement will be issued.

(f) That a letter will be sent to each licensee affected by the rule informing it of the requirements of the rule by \_\_\_\_\_.

(the date of publication of the FRN)

All notices proposed should be modified to reflect the Commission's alterations to the proposed FRN.

Attachment:  
Modifications to proposed rule

cc:  
Chairman Ahearne  
Commissioner Gilinsky  
Commissioner Kennedy  
Commissioner Hendrie  
Commissioner Bradford  
Commission Staff Offices  
Director, SD  
Director, NRR

SECY Contact  
SJSParry  
41410

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The Commission requests that the following modifications be made to the proposed rule:

1. Insert the separate comments (attached) of Commissioners Kennedy and Hendrie at the bottom of p. 5c (attached)
2. P. 1, second paragraph (i.e., headed "Dates") add to the last line the following:

"Further, since the issues involved are well known and have been under discussion for several years, the Commission does not anticipate changes in the rule's action deadline as a result of further comments received."
3. P. 5, replace with pps. 5, 5a, <sup>and 5c</sup> 5b as attached.
4. P. 6, first paragraph, second line, insert the phrase "with respect to certain recurring generic issues" between "requirements" and "for".
5. P. 8, paragraph "B", reword and clarify the phrase "visually indicating".
6. P. 13, replace and expand p. 13 with the pps. 13, 13a and 13b as attached.
7. P. 27, paragraph (20, lines 1 and 3, replace the word "Assess" in each line with the words "Assessment of".
8. P. 29, paragraph "J", first line, insert the word "readily" between the words "not" and "damaged".
9. P. 35, first full paragraph, line 2, does this item "(1) free of fire damage" mean not previously damaged by fire or not readily damaged by fire. Please clarify this item.

instance, all agree on the need for a fire brigade on all shifts. The disagreement is "how large?" The staff says that five should be the minimum size permitted while some licensees say that a brigade of only three or four will be adequate. Similar disagreements exist with each of the basic requirements covered by this proposed rule Where the staff's safety evaluations contain open items, the position of the staff and the licensees are documented and well-known.

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. The issues are not new, either for the staff or for the licensees involved. This proposed rule and its Appendix R address only these issues that are generic in nature; re-plant-specific issues are included.

Because of the above-mentioned differences between the staff and the licensees in the interpretation of the staff's guidelines, it is timely and necessary for the Commission to state what the minimum fire protection requirements will be in each of these contested areas of concern. This proposed rule and its Appendix R have been developed to establish the minimum these acceptable minimum fire protection requirements necessary to resolve these contested areas of concern for nuclear power plants operating prior to January 1, 1979.

Other fire protection criteria that have been used by the staff during its plant-specific fire protection program reviews are contained in Appendix A to BTP 9.5-1. The combination of the guidance contained in Appendix A to BTP 9.5-1 and the requirements set forth in this proposed rule define the essential elements for an acceptable fire protection program at nuclear power plants docketed for Construction Permit prior to July 1, 1976, for demonstration of compliance with General Design Criterion 3 of Appendix <sup>(A)</sup> to 10 CFR Part 50. Similar acceptable guidance is provided in BTP 9.5-1 for nuclear power plants docketed for Construction Permit after July 1, 1976. These regulations state these fire protection requirements for nuclear power facilities that are considered minimum generic requirements to satisfy General Design Criterion No. 2 of Appendix A to 10 CFR 50. The proposed Appendix R specifies both general and specific requirements of an acceptable fire protection program.

All modifications (except for alternate <sup>or dedicated</sup> shutdown capability) would be required to be implemented by November 1, 1980, ~~[or, for good cause shown, by the end of the first refueling outage thereafter. No plant would be permitted to start up after that date unless all modifications have been implemented. In the case of alternate shutdown capability, the licensee would be required to prepare a schedule to be acceptable to and approved by the staff.]~~



unless, for good cause shown the Commission approves an extension. Since the issues involved are well-known and have been under discussion for several years, the Commission anticipates approving few, if any, extensions. No plant would be allowed to continue operating after November 1, 1980, or beyond an extended date approved by the Commission, unless all modifications (except for alternate or dedicated shutdown capability) have been implemented. The Commission recognizes that, in a few instances, approval has previously been given to particular licensees to extend the implementation dates for some modifications beyond November 1, 1980. The Commission will review these extensions on a case-by-case basis to determine whether continued approval or some revision of the extension is appropriate.

For alternate or dedicated shutdown capability, the proposed rule specifies implementation deadlines which depend on which kind of capability is to be implemented and whether the plant is under review in the Systematic Evaluation Program (SEP)\*. For non-SEP plants, the proposed implementation deadlines are April 1, 1981 for alternate shutdown capability and December 1, 1981 for dedicated shutdown capability. Licensees who have committed to earlier implementation dates will be expected to meet those commitments. For SEP plants, the proposed implementation deadlines are December 1, 1981 for alternate shutdown capability and October 1, 1982 for dedicated shutdown capability. The proposed rule requires licensees to submit plans and schedules to meet these implementation deadlines by August 1, 1980 (non-SEP plants) and November 1, 1980 (SEP plants). The Commission may revise the implementation deadlines for SEP plants to earlier dates following completion by the NRC staff of its review of the status of fire protection at those plants. The staff

review is expected to be completed in August, 1980.

\* Plants under review in the SEP include Palisades, Dresden 1 and 2, Oyster Creek, Millstone 1, Ginna, Haddem Neck, San Onofre 1, La Crosse, Big Rock Point, and Yankee Rowe.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated.

PART 50 - DOMESTIC LICENSING OF  
PRODUCTION AND UTILIZATION FACILITIES

1. A new Section 50.48 is read as follows:

§ 50.48 Fire Protection:

(a) Each operating nuclear power facility shall have a fire protection plan which meets the requirements of Criterion 3 of Appendix A to this part. This fire protection plan should consist of two sections. The first section should describe the overall fire protection program for the facility, identify the various positions within the licensee's organization that are responsible for the program, state the authorities that are delegated to each of these positions to implement those responsibilities, and outline the plans for fire protection, fire detection and suppression capability, and limitation of fire damage. The second section should describe specific features necessary to implement the first section, such as: administrative controls and personnel requirements for fire prevention and manual fire suppression activities; automatic and manually operated fire detection and suppression systems; and means to ensure capability to safely shutdown the plant in spite of fire damage to safety related or safe shutdown structures, systems or components.

(ii) Plants included in the SEP: Licensees implementing alternate shutdown capability shall complete implementation by December 1, 1981; licensees implementing dedicated shutdown shall complete implementation by October 1, 1982. Licensees shall submit, by November 1, 1980, plans and schedules for meeting these implementation deadlines. The Commission may revise these implementation deadlines to earlier dates following completion by the NRC staff of its review of the status of fire protection at SEP plants. The staff review is expected to be completed in August, 1980.

2. A new Appendix R to 10 CFR Part 50 is added to read as follows:

APPENDIX R--FIRE PROTECTION PROGRAM FOR NUCLEAR POWER FACILITIES  
OPERATING PRIOR TO JANUARY 1, 1979

I. INTRODUCTION AND SCOPE

This Appendix sets forth the minimum fire protection requirements needed for nuclear power facilities to satisfy Criterion 3 of Appendix A to this part with respect to certain recurring generic issues for nuclear power plants that were operating prior to January 1, 1979.<sup>1/</sup>

This Appendix applies only to licensed commercial nuclear power electric generating stations operating prior to January 1, 1979; it does

(b) For nuclear power facilities that commenced operation prior to January 1, 1979, appropriate portions of Criterion 3 of Appendix A to this part will be satisfied by meeting the requirements contained in Appendix R to this part.<sup>1/</sup>

~~Operating nuclear power facilities that commenced operation prior to January 1, 1979, shall meet the requirements of Criterion 3 of Appendix A to this part by satisfying the requirements contained in Appendix R to this part.~~

(c) The implementation of the requirements contained in Appendix R to this part (except for alternate or dedicated shutdown capability) shall be completed by November 1, 1980 unless, for good cause shown, the Commission approves an extension. For alternate or dedicated shutdown capability, the following implementation schedule will apply.

(i) Plants not included in the Systematic Evaluation Program (SEP):\* Licensees implementing alternate shutdown capability shall complete implementation by April 1, 1981. Licensees who have previously committed to earlier implementation dates will be expected to meet the earlier dates. Licensees implementing dedicated shutdown capability shall complete implementation by December 1, 1981. Licensees shall submit, by August 1, 1980, plans and schedules for meeting these implementation deadlines.

<sup>1/</sup> The combination of the guidance contained in Appendix A to Branch Technical Position 9.5-1, "Guidelines for Fire Protection for Nuclear Power Plants Docketed Prior to July 1, 1976", as implemented by the staff in its plant-specific fire protection program reviews of operating nuclear power plants, and the requirements set forth in Appendix R to this Part define the minimum necessary conditions for demonstration of compliance with General Design Criterion 3 of Appendix A to this Part for nuclear power facilities that commenced operation prior to January 1, 1979.

\* Plants under review in the SEP include Palisades, Dresden 1 and 2, Oyster Creek, Millstone 1, Ginna, Haddam Neck, San Onofre 1, La Crosse, Big Rock Point, and Yankee Rowe.