

*Reroute 3/17

March 14, 1980

MEMORANDUM FOR: Commissioner Hendrie
FROM: *H. M. Fontecilla
SUBJECT: SECY-80-88 - FIRE PROTECTION RULEMAKING

This paper requests Commission approval to publish for comment an amendment to 10 CFR Part 50. This would be a new Appendix (R) with fire protection requirements for nuclear power plants in operation prior to January 1, 1979.

The staff has been trying to implement BTP 9.5-1 for some time and has had reasonable success, but they are now left with some recalcitrant licensees objecting to some specific changes. For this reason the staff has decided to include in the regulations all those generic requirements (as opposed to plant specific concerns) to which at least one licensee is opposed. These include the requirements for the fire brigades (at least 5 members per shift), their training and drills, requirements for safe shutdown systems, administration controls to minimize fires, alternate shutdown systems capabilities, fire barriers, etc.

The staff obviously needs a tool that would allow them to settle these open items with the licensees once and for all. One way to do this would be by issuing orders to individual licensees, but this would mean further arguing, possibly going to hearings, and consequent further staff ~~staff~~ efforts. The other option is to include the requirements in the regulations as the staff recommends. I agree with this recommendation.

Some points in the staff's proposal, however, should be carefully considered.

- (1) The staff recommends allowing 30 days for public comments. One could argue about the need for further comments considering that Reg. Guide 1.120 was issued for comments in 1976, revised accordingly, and reissued for comments again in 1977. However, it is hard to make a case for issuing these amendments now effective immediately considering the long time elapsed since Browns Ferry, issuance of the BTP, etc. Commissioners Kennedy and Ahearne have gone along with the 30 day comment period but have emphasized that [^]should adhere to this schedule. I agree. — OK
- (2) Although the requirements in the proposed Appendix R are considered necessary by the Staff to satisfy GDC-3, they are by no means sufficient. This is not clearly indicated in the proposed amendments. Commissioner Kennedy has also realized this and suggested an additional paragraph on page 5/5a that indicates the need to comply with both this rule and BTP 9.5-1.

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- (3) Implementation of the requirements in Appendix R is to be completed by November 1, 1980, "or for good cause shown, the first refueling outage thereafter." The staff's intent is not to require shutdowns solely for the purpose of making fire protection modifications. The staff has by now pretty much committed itself to the November 1, 1980 dateline and I see no way out of it.

I recommend concurrence with the proposed rule and Chairman Ahearne's and Commissioner Kennedy's proposed changes.

In view of the implementation date given in this rule and that Ahearne's office has indicated that the Chairman will not accept anything short of the November 1 implementation date, I have indicated our concurrence with the UCS order as revised by Commissioner Kennedy but adding "or the first refueling outage thereafter" for consistency.

cc: Mr. Dorie
Mr. Hassell

Herb

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