

NUCLEAR REGULATORY COMMISSION

COMMISSION MEETING

In the Matter of: AFFIRMATION, DISCUSSION AND VOTE: 81-16



DATE: April 23, 1981 PAGES: 1 - 17

AT: Washington, D. C.

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

AFFIRMATION, DISCUSSION AND VOTE: 81-16

Nuclear Regulatory Commission  
Room 1130

1717 H Street, N. W.  
Washington, D. C.

Thursday, April 23, 1981

The Commission met, pursuant to notice, at  
4:35 p.m.

BEFORE:

JOSEPH M. HENDRIE, Chairman of the Commission  
JOHN F. AHEARNE, Commissioner  
VICTOR GILINSKY, Commissioner  
PETER A. BRADFORD, Commissioner

STAFF PRESENT:

L. BICKWIT  
S. CHILK  
J. AUSTIN

\* \* \*

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission held on 4-23-81 in the Commission's offices at 1717 H Street, N. W., Washington, D. C. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected, or edited, and it may contain inaccuracies.

The transcript is intended solely for general informational purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect final determinations or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of or addressed to any statement or argument contained herein, except as the Commission may authorize.

1 PROCEEDINGS

2 CHAIRMAN HENDRIE: Will you come to order on the  
3 affirmation session.

4 Those of you who look at the affirmation schedule  
5 with interest, you may strike Items A and B. I will talk  
6 about Item C in a minute.

7 I will introduce an Item E by asking my colleagues  
8 to join in voting to hold on less than one week's notice an  
9 affirmation session for SECY 81-191A, Affirmation of  
10 Leithauser Motion for Official Notice of Intervenor Status.

11 Those in favor?

12 (Chorus of Ayes.)

13 COMMISSIONER BRADFORD: What are we doing with  
14 that one? We are affirming that one?

15 COMMISSIONER GILINSKY: Are we are all in  
16 agreement on that one?

17 CHAIRMAN HENDRIE: Yes, we are unanimous.

18 Okay. We can now have a short notice meeting on  
19 SECY 81-191A.

20 Sam, let us go ahead with that item.

21 MR. CHILK: SECY 81-191A, Leithauser Motion for  
22 Official Notice of Intervenor Status. The Commission has  
23 unanimously approved the proposed order with modifications  
24 by Commissioner Gilinsky which refers the motion of  
25 Mr. Leithauser to the licensing board for appropriate action.

1                   Would you please affirm your vote?

2                   (Chorus of Ayes.)

3                   CHAIRMAN HENDRIE: So ordered.

4                   Let us turn then to 81-114, Fire Protection Rule  
5 for Future Plants.

6                   I think we may need a little discussion on this to  
7 see if we are still of an affirmation mind.

8                   Sam, why don't you outline this.

9                   MR. CHILK: The Commission has approved the  
10 adoption unanimously of an Alternative 3 of a subject paper  
11 which is a proposed fire protection rule, a hybrid of  
12 Alternatives 1 and 2.

13                   But in connection with the votes the question has  
14 come up as to what happens to new licenses. Commission  
15 Gilinsky has indicated that until a rule is in place the new  
16 licenses should contain a condition requiring compliance  
17 with the commitments made by the applicant and agreed to by  
18 the staff.

19                   Chairman Hendrie has indicated that he understands  
20 new licenses to mean those from the date of the Commission  
21 action on this matter and not retrospectively.

22                   Your assistants have indicated that you wanted to  
23 discuss this matter of how you want to treat the licenses  
24 from January '79 to the present.

25                   COMMISSIONER AHEARNE: And I gather it would

1 essentially end up being Sequoyah and North Anna.

2 CHAIRMAN HENDRIE: What about Farley?

3 COMMISSIONER GILINSKY: I think that in Farley and  
4 in Salem they are in the tech specs I understand. So they  
5 are in the license. So it just comes down to Sequoyah and  
6 North Anna.

7 CHAIRMAN HENDRIE: Well, I will tell you what my  
8 concern is.

9 COMMISSIONER GILINSKY: I understand they are in  
10 compliance and have agreed to all the requirements. So  
11 there is no problem of that sort.

12 CHAIRMAN HENDRIE: There is not a safety problem.  
13 There is sort of an administrative and paper type question.

14 Let me tell you what my concern is. If you go and  
15 amend the licenses to include that condition, is that an  
16 amendment of no significance hazard consideration, or not,  
17 and what are the hearing liabilities?

18 You know, for myself, since it is being done, I  
19 would simply avoid creating liability to yet another hearing  
20 where I would see not much point in one.

21 COMMISSIONER BRADFORD: What actually is the  
22 answer to that question, if there is no significant hazards  
23 consideration?

24 MR. BICKWIT: If there is no significant hazards  
25 consideration then there is no hearing requirement under the

1 current stay of the Sholly Mandate.

2 COMMISSIONER AHEARNE: It doesn't mean there is no  
3 hearing.

4 MR. BICKWIT: That is right, no before-the-fact  
5 hearing.

6 CHAIRMAN HENDRIE: The custom on that kind of  
7 amendment is, you know, you issue the amendment and you  
8 issue a notice saying you have issued the amendment and here  
9 is why and here is the safety report and you also say and if  
10 anybody, you know, wants to argue about it, why they can  
11 request a hearing, but it is post the action.

12 MR. BICKWIT: That is right.

13 CHAIRMAN HENDRIE: And the amendment is a place  
14 while the hearing goes on. So that is less burdensome. I  
15 was about to say that I don't think anybody would request a  
16 hearing on a post basis.

17 COMMISSIONER GILINSKY: But even if it were before  
18 the fact what would happen? We have got the requirements in  
19 place.

20 CHAIRMAN HENDRIE: I don't know. It would be very  
21 confusing. If it were before the fact, why I would think  
22 the licensee would have to stop implementation until the  
23 hearing were completed and he were ordered by the board to  
24 either do it as planned or do it as modified.

25 MR. BICKWIT: That is correct.

1           CHAIRMAN HENDRIE: For him to be going ahead and  
2 doing it while the hearing was going on is precisely  
3 contrary to a hearing before the action.

4           COMMISSIONER GILINSKY: That doesn't sound to me  
5 like the common ---

6           MR. BICKWIT: That suggests if he does it  
7 voluntarily that he needs an amendment which does not  
8 involve ---

9           COMMISSIONER GILINSKY: It seems to me in this  
10 case there is no difference whether it is before the fact or  
11 after the fact. The only difference is an administrative  
12 one whether something becomes attached to a license or  
13 doesn't become attached to a license and they go on as they  
14 were.

15           If there were a hearing before the fact, they just  
16 would not be part of the license.

17           CHAIRMAN HENDRIE: What do you mean if there was a  
18 hearing before the fact?

19           COMMISSIONER GILINSKY: Well, we are talking about  
20 a license amendment.

21           COMMISSIONER AHEARNE: Except I would imagine if  
22 there were to be a hearing, and I would agree with you that  
23 I don't see how it could be before, but if for some odd  
24 reason the system ended up saying, yes, you have to have a  
25 hearing before that can be put into the license amendment,



1 then I would imagine the licensee could very well say, hey,  
2 wait, if I am going down this path and implementing this, if  
3 there are any things that aren't reversible and if the board  
4 might decide I have to do more, I just won't do this either  
5 and I will just wait and see what the board says.

6 COMMISSIONER GILINSKY: Well, the staff is always  
7 free to issue orders if it thinks that safety is not being  
8 adequately taken account of. It is conceivable, although  
9 pretty unlikely, that the licensee himself may come and say,  
10 yes, I have agreed to do these things but I don't want it in  
11 the license. But in the meantime it would be part of the  
12 regulatory framework under which he lives.

13 COMMISSIONER BRADFORD: Am I wrong in thinking  
14 that the doctrine of which I am not very fond, but may work  
15 to an advantage in this case, namely the Point Beach  
16 business, would restrict the scope of the hearing in any  
17 case as to whether or not the proposed changes were a  
18 detriment to safety?

19 CHAIRMAN HENDRIE: I have no idea.

20 MR. BICKWIT: It would restrict standing to those  
21 who contested the implementation of this action.

22 COMMISSIONER BRADFORD: On the basis that it did  
23 decrease safety?

24 MR. BICKWIT: Yes. That if somebody were  
25 complaining about the action not taken, that he would not be

1 able to ---

2 COMMISSIONER AHEARNE: Wait a minute. This is a  
3 license amendment.

4 MR. BICKWIT: I am not clear that you need a  
5 license amendment here. That is the point I am trying to  
6 make. If it is acceptable for this licensee to do it  
7 voluntarily without amending his license, then he can be  
8 ordered to do it without it.

9 *Commissioner Bradford:*  
~~MR. BICKWIT:~~ But the point is whether it is a  
10 good idea to have these things in the licenses because then  
11 I&E inspects against them and they become enforceable and  
12 have to be maintained out into the future.

13 MR. BICKWIT: That is right. If you want it in  
14 the license you are going to have to amend the license.

15 COMMISSIONER AHEARNE: My only question, Len, was  
16 your answer on Marble Hill I didn't think was consistent  
17 with the position that your office is taking on license  
18 amendments.

19 MR. BICKWIT: No, it is. If the complaint is with  
20 respect to the action not taken, the Marble Hill rationale  
21 would apply.

22 COMMISSIONER AHEARNE: Except that the scope of  
23 what that hearing encompasses is not strictly the amendment  
24 described.

25 MR. BICKWIT: No, it would be. It would be.

1           COMMISSIONER AHEARNE: Your Dresden opinion  
2 doesn't track that.

3           MR. BICKWIT: If the complaint is that the  
4 amendment does not go far enough, the Marble Hill rationale  
5 applies.

6           COMMISSIONER AHEARNE: That is not what Dresden  
7 says. That is not what your Dresden paper said.

8           MR. BICKWIT: I just don't read it that way.

9           COMMISSIONER AHEARNE: RGC has a license amendment  
10 paper up at Dresden.

11          MR. BICKWIT: I just don't read it as you do.

12          CHAIRMAN HENDRIE: It seems to me what you are  
13 saying, Vic, is that you want to amend the license to these  
14 two plants.

15          COMMISSIONER GILINSKY: Yes. And I guess the  
16 reason I would like to go back is simply that I find it odd  
17 to have 70 plants covered in one way or another by rules and  
18 two not. It seems like an odd situation.

19          Now, it doesn't seem to me as if there is a legal  
20 problem.

21          CHAIRMAN HENDRIE: Why are the 70 covered?

22          COMMISSIONER BRADFORD: Well, they are not covered  
23 by this rule but they are covered by ---

24          COMMISSIONER AHEARNE: The order.

25          MR. BICKWIT: The previous rule.

1 CHAIRMAN HENDRIE: The previous rule covered  
2 plants up through '79, right?

3 MR. BICKWIT: That is right.

4 CHAIRMAN HENDRIE: We are in the process of  
5 devising a rule which will cover plants from then on.

6 COMMISSIONER BRADFORD: Right.

7 COMMISSIONER GILINSKY: I should have said by a  
8 rule or a license condition.

9 CHAIRMAN HENDRIE: Once that rule is in place, it  
10 is necessary for all this stuff to be in the licenses?

11 MR. BICKWIT: No, it is not necessary.

12 CHAIRMAN HENDRIE: Furthermore, once this rule is  
13 in place, you know, we won't put it in new licenses and it  
14 becomes in effect obsolete although probably still operable  
15 in the licenses that it was put into, right?

16 MR. BICKWIT: Right.

17 COMMISSIONER BRADFORD: How will that apply to  
18 Sequoyah and North Anna?

19 MR. BICKWIT: If they are covered by the rule,  
20 then the rule will apply. If they are not and you want to  
21 amend those licenses, then you will have to go through the  
22 amendment procedure. If a finding of no significant hazards  
23 consideration can be made, then there is an after-the-fact  
24 hearing.

25 COMMISSIONER BRADFORD: The point is they aren't

1 in fact covered by the rule.

2 CHAIRMAN HENDRIE: Because the rule would just  
3 cover from its effective date forward.

4 MR. BICKWIT: This is your proposal.

5 CHAIRMAN HENDRIE: I see. So for all time you  
6 would have a group of 70 plants covered by Rule A, a little  
7 group of three or four in the middle ---

8 COMMISSIONER BRADFORD: Two I hope.

9 CHAIRMAN HENDRIE: --- and then a whole batch  
10 covered by Rule B.

11 COMMISSIONER AHEARNE: Whose proposal was it that  
12 the rule would only cover from now on?

13 MR. BICKWIT: Isn't that your proposal that the  
14 rule covers from now on and you want to amend the licenses  
15 for the excluded middle here?

16 COMMISSIONER BRADFORD: Isn't that?

17 COMMISSIONER AHEARNE: We don't even have the rule.

18 COMMISSIONER GILINSKY: It is the requirement that  
19 from now on the licenses include the conditions on fire  
20 protection which this staff has imposed.

21 MR. BICKWIT: And how do you want to impose that ,  
22 requirement?

23 CHAIRMAN HENDRIE: In licenses from now on?

24 MR. BICKWIT: Yes.

25 COMMISSIONER GILINSKY: Until we come to a point

1 where there is a rule and the rule will apply to all  
2 subsequent plants.

3 MR. BICKWIT: If you want to do that by a legally  
4 enforceable mechanism you either have to do it by rule or  
5 amend the license or by order.

6 COMMISSIONER GILINSKY: Well, you are not amending  
7 prospective licenses because they haven't been issued. So  
8 this only becomes part of a license. So the only place  
9 where you are talking about amending a license is in those  
10 two cases because the other two have already been covered.

11 It just doesn't seem to me that there is a legal  
12 problem. What could happen is that someone could ask for a  
13 hearing and there may be a hearing, although it seems to me  
14 unlikely, but nevertheless that could happen.

15 Now, I don't think that hearing would have any  
16 effect on the plant during the conduct of the hearing.

17 MR. BICKWIT: It wouldn't if it is an  
18 after-the-fact hearing.

19 COMMISSIONER GILINSKY: Well, it seems to me that  
20 it wouldn't either if it is a before-the-fact hearing  
21 because the fact is really ---

22 MR. BICKWIT: It would if it is a before-the-fact  
23 hearing if the fact is the implementation of the amendment,  
24 but I don't envision that happening.

25 COMMISSIONER AHEARNE: I would support Vic's

1 proposal.

2 CHAIRMAN HENDRIE: You would go ahead and take the  
3 hearing liability?

4 COMMISSIONER AHEARNE: I would run the risk of  
5 that.

6 COMMISSIONER GILINSKY: It doesn't seem to me that  
7 the liability is more than the possibility of a hearing.  
8 Now, I am giving you free legal advice.

9 (Laughter.)

10 COMMISSIONER AHEARNE: Our legal adviser is saying  
11 that that is not necessarily clear.

12 CHAIRMAN HENDRIE: It is clear that it is of not  
13 significant hazards consideration?

14 MR. BICKWIT: It strikes me as clear.

15 COMMISSIONER BRADFORD: Have you ever made that  
16 determination before?

17 (Laughter.)

18 COMMISSIONER BRADFORD: I will support Vic's  
19 proposal.

20 COMMISSIONER AHEARNE: Let's put it this way. If  
21 it were to lead to a prehearing, then we really know our  
22 system is ---

23 COMMISSIONER BRADFORD: I owe you a vote on the  
24 scope of that hearing.

25 (Laughter.)

1 MR. BICKWIT: It were to lead to a prehearing,  
2 then probably as a matter of law it should lead to one even  
3 if you don't insist on amendment.

4 COMMISSIONER AHEARNE: But a matter of law and a  
5 matter of right are two different issues.

6 COMMISSIONER GILINSKY: Certainly the way no  
7 significant hazards has been interpreted in the past, it  
8 should lead to a finding of no significant hazards because  
9 the question is whether the action increases the safety of  
10 the plant and obviously it does not. But then that is up to  
11 Ed case and not me.

12 (Laughter.)

13 MR. BICKWIT: When would it be proposed that these  
14 changes would be made?

15 COMMISSIONER BRADFORD: You mean the physical  
16 changes in the plant?

17 MR. BICKWIT: Yes. How quickly would they be made?

18 COMMISSIONER AHEARNE: Well, some of them were  
19 being made.

20 COMMISSIONER BRADFORD: That is right.

21 COMMISSIONER AHEARNE: There are commitments the  
22 licensee has made that he can do these things.

23 MR. BICKWIT: Right. I guess my point is if the  
24 amendment to the license takes place beyond denial of  
25 certiorari then you conceivably have no problem.



1           COMMISSIONER AHEARNE: Are you talking about the  
2 Sholly Mandate?

3           MR. BICKWIT: Yes.

4           COMMISSIONER BRADFORD: It is better amended  
5 sooner than later.

6           MR. BICKWIT: Yes.

7           COMMISSIONER BRADFORD: It would be very hard to  
8 find significant hazards consideration in an amendment that  
9 simply confirmed what a board had done, but I think you are  
10 right it makes more sense to do it sooner.

11          CHAIRMAN HENDRIE: Did the staff ever indicate,  
12 Vic, any opinion?

13          COMMISSIONER BRADFORD: Well, I think the staff  
14 opinion is that they see no difficulty in that.

15          COMMISSIONER GILINSKY: I am not sure that we  
16 asked them.

17          COMMISSIONER BRADFORD: We did.

18          COMMISSIONER GILINSKY: Did we, John?

19          MR. AUSTIN: Yes. I talked to several members of  
20 the staff asking them if they had a problem backfitting.  
21 The response was that they prefer to go with the proposal  
22 and there would be no major problem if it were backfitted.  
23 No major problem was the way they characterized it.

24          COMMISSIONER GILINSKY: Was there any problem?

25          MR. AUSTIN: It is going back and finding what the

1 commitments were and writing up tech specs.

2 COMMISSIONER BRADFORD: But it is not a problem in  
3 the plant then but it is a paperwork problem.

4 COMMISSIONER AHEARNE: An administrative problem.

5 MR. AUSTIN: They have already agreed. I mean it  
6 is a fait accompli.

7 COMMISSIONER GILINSKY: So it is really the bother  
8 of doing it.

9 Well, it just seemed odd to have this funny little  
10 exception.

11 CHAIRMAN HENDRIE: Let's do it. If it turns out  
12 that this thing heads down a hearing line though, why ---

13 COMMISSIONER GILINSKY: We will know who is to  
14 blame.

15 (Laughter.)

16 CHAIRMAN HENDRIE: --- we will march right back in  
17 here and ask for a reversal on the thing.

18 COMMISSIONER AHEARNE: I would like to talk to  
19 you, Len, later about Dresden because we really do disagree.

20 MR. CHILK: The Commission has unanimously  
21 approved adoption of Alternative 3 of <sup>80-546</sup>~~85-46~~/81-114 with a  
22 modification proposed by Commissioner Gilinsky.

23 Would you please affirm your votes.

24 (Chrous of Ayes.)

25 CHAIRMAN HENDRIE: So ordered.

1 Thank you very much.

2 (Whereupon, at 4:50 p.m., the affirmation session  
3 concluded.)

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NUCLEAR REGULATORY COMMISSION

This is to certify that the attached proceedings before the  
COMMISSION MEETING

in the matter of: Affirmation, Discussion and Vote: 91-16

Date of Proceeding: April 23, 1981

Docket Number: \_\_\_\_\_

Place of Proceeding: Washington, D. C.

were held as herein appears, and that this is the original transcript  
thereof for the file of the Commission.

Mary C. Simons

Official Reporter (Typed)

Mary C. Simons

Official Reporter (Signature)

February 19, 1981



SECY-81-114

## RULEMAKING ISSUE

For: The Commissioner (Affirmation)  
From: Executive Director for Operations  
Subject: FIRE PROTECTION RULE FOR FUTURE PLANTS

Discussion: SECY-80-546 was developed in response to the Commission's request for staff discussion on the "development of requirements and the level of detail to be included in the Rule for Future Plants" (see memorandum from Chilk to Dircks, dated November 3, 1980). The staff recommended in SECY-80-546 that the Commission adopt Alternative 3 which would 1) result in a fire protection rule containing well defined requirements in those areas which are generic and applicable to most plants, while leaving plant dependent features to staff evaluation under more general requirements, and 2) direct the staff to issue such a fire protection rule for public comment by July 1, 1982.

Enclosure 2 to SECY-80-546 contained a sample rule typifying the option recommended. The sample rule stated that it would be applicable to nuclear power electric generating stations whose construction permit applications were docketed after January 1, 1982. Left silent in the sample rule and in the staff written and oral discussion with the Commission was the treatment of plants between Appendix R to 10 CFR Part 50 and the new rule, since in previous discussions with the Commission the staff had indicated it would apply the BTP and Appendix R to such plants, starting with the NTOL's.

A differing professional opinion relating to the development, timing, and application of the new fire protection rule was received by memoranda dated January 5 and January 26, 1981. This matter, handled in accordance with the Commission procedure for differing professional opinions, has been resolved in a manner which requires amendment of SECY-80-546. Correspondence related to this resolution is included as Enclosure 1. The elements of the resolution, which include a partial reiteration of the staff position in SECY-80-546, are as follows:

1. The staff will require licensees to identify and describe differences between the BTP and Appendix R and the design and procedural methods proposed for the plant for those CL's scheduled to be issued after September 30, 1981.

Contact: R. Vollmer  
X27207

SECY NOTE: This paper supplements SECY-80-546. Inasmuch as it contains an amendment to the original recommendation, Commissioners who have previously voted are requested to submit new response sheets.

*dupe of 8103100019* **DUPLICATE**

2. The staff will take the necessary time to develop a new rule which would implement both generic and plant-specific fire protection requirements as discussed SECY-80-546, with a target date of July 1982.
3. The new rule will be applied to both future CP's and OL's on a reasonable schedule, and consideration be given to backfitting some or all of the new rule on all plants when its provisions are developed.

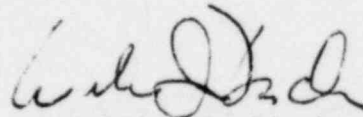
As a result, the following should be added to the staff recommendation on page 5 of SECY-80-546:

"In the interim, licensees will be required to identify and describe differences between the BTP and Appendix R and the design and procedural methods proposed for the plant for those OL's scheduled to be issued after September 30, 1981. The new rule will be applied to CP's and OL's on a reasonable schedule, and consideration will be given to backfitting some or all its provisions on all plants."

In addition, the first page of Enclosure 2 of SECY-80-546 should be replaced by Enclosure 2.

DISTRIBUTION

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William J. Dircks  
Executive Director  
for Operations

Enclosures:

1. Memo to H. Denton from R. Vollmer, dated February 12, 1981
2. Sample Rule on Fire Protection for Future Plants

Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Friday, March 6, 1981.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT February 27, 1981, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open Meeting during the Week of March 16, 1981. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

Enclosure 1



Encl 1

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

FEB 12 1981

MEMORANDUM FOR: Harold R. Denton, Director  
Office of Nuclear Reactor Regulation

FROM: Richard H. Vollmer, Director  
Division of Engineering

SUBJECT: RECOMMENDED RESOLUTION OF DIFFERING PROFESSIONAL OPINION ON  
FIRE PROTECTION RULE

Reference:

- 1) Memorandum to V. Benaroya, Chief, Chemical Engineering Branch, DE from Robert L. Ferguson, Section Leader, Chemical Engineering Branch dtd January 5, 1981
- 2) Memorandum to V. Benaroya, Chief, Chemical Engineering Branch, DE from R. Ferguson, Chemical Engineering Branch, DE dated January 26, 1981
- 3) Memorandum to R. Ferguson, Chemical Engineering Branch, DE from V. Benaroya, Chief, Chemical Engineering Branch, DE dated January 26, 1981
- 4) Memorandum to R. H. Vollmer, Director, Division of Engineering from Vincent S. Noonan, Assistant Director, Materials & Qualifications Engineering, DE dated February 2, 1981
- 5) Memorandum to R. Ferguson, Chemical Engineering Branch, DE from Richard H. Vollmer, Director, Division of Engineering dated February 4, 1981
- 5) Memorandum to Richard Vollmer, Director, Division of Engineering from R. Ferguson, Chemical Engineering Branch, DE dated February 6, 1981

Robert L. Ferguson, Section Leader of the Fire Protection Section, Division of Engineering tendered a differing professional opinion by his memoranda of January 5 and 26, 1981 (references 1 and 2). These memoranda were answered by memoranda from the Branch Chief, Assistant Director, and Director in Mr. Ferguson's immediate chain of command dated January 26, February 2, and February 4, 1981 respectively (references 3, 4, and 5). Finally, by a memorandum dated February 6, 1981, Mr. Ferguson restated his proposed course of action.

I have completed my evaluation of this differing professional opinion and the purpose of this memo is to give you my recommendation for resolution. The differing opinion is not of a technical nature. It concerns policy, specifically, the development,

dupe of 8143160925  
**DUPLICATE**



FEB 12 1981

Harold R. Denton

- 2 -

timing, and application of a new fire protection rule which would contain the elements of the Branch Technical Position (BTP) and Appendix R to 10 CFR Part 50 (Appendix R).

During its consideration of Appendix R, the Commission decided not to apply Appendix R to future plants pending development of a new fire protection rule and requested the staff's timely proposal of a fire protection rule for future plants. The staff responded with SECY 80-546. The staff recommended alternative in this Commission paper concerning the technical content was prepared and strongly endorsed by Mr. Ferguson throughout its development. Mr. Ferguson did not participate in preparing the recommended schedule for development and implementation of the proposed rule however.

In the course of the Commission's consideration of Appendix R, the staff informed the Commission that current and future OL's would meet the backfit items contained in Appendix R. This, along with the previous practice of conducting the staff review in accordance with the BTP criteria, assures that the OL review is already in accordance with the recently published rule. The staff has been implementing this commitment on current OL's.

Mr. Ferguson would, based on his latest memo:

1. Require all plants licensed to operate after January 1, 1979, to meet Appendix R on the same basis as those licensed before that date.
2. Require all plants licensed to operate to meet a new rule which would be issued for public comment on or about July 1981. This would be applied to new CP applications and OL applications on a reasonable schedule. The new rule would consist of the present BTP and Appendix R criteria.
3. Add other requirements to the new rule annually or as they are developed, whichever is longer.

In attempting to resolve this differing opinion, I have considered the objectives of the fire protection review, the criteria currently being applied, and available staff resources. I also had a discussion with Mr. Ferguson on this matter. As a result, I proposed in reference 5 that:

1. The staff require licensees to identify and describe differences from the BTP and Appendix R for those OL's scheduled to be issued beyond September 30, 1981.
2. The staff take the necessary time to develop a new rule which would implement both generic and plant-specific fire protection requirements as discussed in SECY 80-546 with a target date of July 1982.

FEB 12 1981

Harold R. Denton

- 3 -

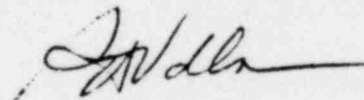
3. The new rule be applied to future CP's and OL's on a reasonable schedule and consideration be given to backfitting on all plants.

I believe that this would assure that no oversight of important deviations from staff fire protection criteria would occur for future OL's and that appropriate backfitting consideration would be given to any new important features of a new fire protection rule. It would also allow that deliberate consideration be given to the development of a new rule. Based on the current level of, and criteria for, the staff's fire protection review on OL's, I do not believe that it would be productive or an enhancement of plant safety to alter the methods of conducting our review except as identified in item 1 immediately above.

Therefore, I recommend that the steps 1-3 above be adopted as a suitable resolution of the differing professional opinion. If you concur with this resolution, we need to so inform Mr. Ferguson. In addition, I will prepare an addendum to SECY 80-546 to inform the Commission of our intent to apply the forthcoming rule to OL applications on a reasonable schedule in addition to all CP applications and that consideration will be given to backfitting selected issues on all plants.

I will also forward Mr. Ferguson's dissent and resolution thereof to the Commission for their information.

If you wish additional information or discussion on this matter, I would be happy to set up a meeting between you and any or all of the participants.



Richard H. Vollmer, Director  
Division of Engineering

Enclosures:

1. Memo to V. Benaroya  
fr R. Ferguson dtd 1/5/81
2. Memo to V. Benaroya  
from R. Ferguson dtd 1/26/81
3. Memo to R. Ferguson  
fr V. Benaroya dtd 1/26/81
4. Memo to R. Vollmer  
fr V. Noonan dtd 2/2/81
5. Memo to R. Ferguson  
fr R. Vollmer dtd 2/4/81
6. Memo to R. Vollmer  
fr R. Ferguson dtd 2/6/81

cc: E. Case  
V. Noonan  
V. Benaroya  
R. Ferguson



December 23, 1980

SECY-80-546

## RULEMAKING ISSUE (Affirmation)

For: The Commissioners

From: Executive Director for Operations

Subject: FIRE PROTECTION RULE FOR FUTURE PLANTS

Purpose: Discussion on alternative levels of detail to be included in a fire protection rule for future plants.

Category: This paper covers minor policy questions.

Issue: The desirable level of detail for an NRC fire protection rule for future plants

### Decision

#### Criteria:

1. Will application of the alternative result in a fire protection rule which will assure a level of fire protection for new nuclear plants adequate to protect the public health and safety?
2. Will application of the alternative furnish an applicant sufficient criteria to permit adequate design and installation of fire protection features and permit efficient staff reviews?
3. Is it necessary or desirable to permit different solutions for specific fire protection problems at any given nuclear plant? If yes, then does the alternative provide the proper balance of specific requirements and freedom to develop innovative solutions for plant specific problems?
4. Is the expenditure of NRC resources commensurate with the benefit?

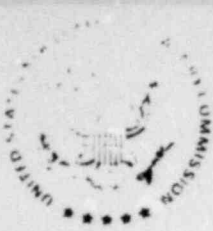
#### Alternatives:

1. Publish for comment a proposed fire protection rule for future plants which specifies the minimum fire protection requirements, in performance-goal oriented language.
2. Publish for comment a proposed fire protection rule that contains very precise and specific fire protection criteria that, taken as a whole, completely define a total fire protection program of design, material, procedural, and administrative requirements.

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Contact: V. Benaroya  
X28057

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20545



JAN 05 1981

MEMORANDUM FOR: Victor Benaroya, Chief  
Chemical Engineering Branch  
Division of Engineering

FROM: Robert L. Ferguson, Section Leader  
Fire Protection Section  
Chemical Engineering Branch  
Division of Engineering

SUBJECT: DIFFERING PROFESSIONAL OPINION - FIRE PROTECTION RULE

1. Present Management Position

Fire protection requirements for plants licensed to operate after January 1, 1979 should not be specified by regulation other than Criterion 3 of Appendix A to 10 CFR Part 50. Guidelines for the implementation of Criterion 3 are provided in other staff documents.

2. Originator's Opinion

Fire protection requirements for plants licensed to operate after January 1, 1979 should be specified by regulation.

This position differs from the present management position in that it places most of the burden of providing an adequate fire protection program on the licensee rather than on the staff reviewer.

At present, the licensee describes his fire protection program to meet NRC guidelines, and the staff reviewer reviews this description and visits the plant to determine whether NRC guidelines will be met and whether the features provided to meet the guidelines provide an adequate fire protection program. Our site visit is after the plant is 80-90% complete so that the actual configurations of protection can be examined. Usually our multi-discipline review teams find that the licensees have not established adequate programs in spite of all the guidance given in Branch Technical Positions, Regulatory Guides and Staff Positions forwarded by letter. In those instances if the staff reviewer is not thorough and persuasive, the fire protection for systems important to safety may not meet NRC requirements.

The fire protection features that protect public health and safety, and the safety margin in such protection, are determined by NRC policy decisions. These decisions determine the systems important to safety that must survive a fire and the fire protection features are necessary to assure that such

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systems survive. These features include post-fire capability for reactor coolant injection, reactivity and inventory control, decay heat removal, and process monitoring as well as the fire barriers or physical separation which assures this post-fire capability. These features will not be determined by the designers using general criteria. Regulations are required to assure that appropriate design features are installed to assure post-fire shutdown capability in a timely manner.

The requirements which implement NRC policy on fire protection must be stated in the Regulations so that the designers and operators are aware of the requirements early in the design and throughout the life of the plant. If new information dictates a change in requirements, such a change could be implemented at all operating plants in a timely, efficient manner by an amendment to the Regulations. All concerned parties: Licensees, Applicants, Designers, Reviewers, Inspectors and the public would have a clear understanding of our requirements. It is important to have an efficient method for determining if modifications are necessary in operating plants and, if so, to implement them within a reasonable time.

The statement of the requirement in the Regulations must be specific enough to preclude inadequate fire protection without restricting the range of acceptable alternatives.

For example, the level of specification such as "It shall be possible to safely shutdown the reactor" does not assure that adequate reactor coolant makeup capability survives fire. One licensee may provide only 20 gpm to accommodate normal leakage, another may provide 150 gpm to accommodate leakage of a power operated relief valve that fails to reclose completely, and another may provide a complete train of high and low pressure injection to accommodate open relief valves. Obviously, the margin of protection to the public afforded by these alternatives are very different. One or more of these alternatives may not be acceptable to the Commission; and must be precluded by specific language of the requirement.

This opinion does not take issue with NRC technical requirements. It only recommends that such requirements cover all plants licensed to operate after January 1, 1979, be specified by Regulations, and be made effective as soon as possible after the SRP Section 9.5-1 is revised.

### 3. Originators Assessment of Non-Adoption

Fire protection programs in operating plants will vary significantly because of the strong dependence on the staff review and the audit nature of such review.

Plant modifications will continue to be required late in the licensing process. Such modifications will provide acceptable configurations but will

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not have the same margin of safety of designs which have 3 hour fire barrier separation between all safety systems in all areas of the plant.

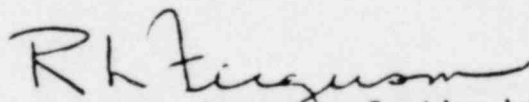
Considerable industry and staff resources will be wasted on repetitive discussions of generic issues that should be resolved by NRC policy decisions. Considerable industry and staff resources will be consumed in developing criteria which do not define NRC fire protection policy sufficiently to improve the licensing process.

The NRC policy for fire protection programs will not be defined by an appropriate level of specification to assure adequate fire protection programs in operating plants.

The ultimate consequence of an inadequate fire protection in an operating plant could be sufficient fire induced damage to systems important to safety such that significant core damage occurs and fission products are released from the containment.

#### 4. Status of Related Efforts

At present the Commission is considering: (1) the need for a fire protection rule, (2) the plants to be covered by the rule, (3) the level of specification in the rule, and (4) the schedule for completing such a rule.



Robert L. Ferguson, Section Leader  
Fire Protection Section  
Chemical Engineering Branch  
Division of Engineering

JAN 26 1981

MEMORANDUM FOR: V. Benaroya, Chief  
Chemical Engineering Branch  
Division of Engineering

FROM: R. Ferguson, Section Leader  
Fire Protection Section  
Chemical Engineering Branch  
Division of Engineering

SUBJECT: DIFFERING PROFESSIONAL OPINION - FIRE PROTECTION  
RULE SUPPLEMENT 1

This memorandum is in response to the request of V. Noonan on January 19, 1981 that I indicate how the EDO's recommendations stated in SECY-80-546 dated December 23, 1980 affect the subject differing professional opinion. Two recommendations are contained in SECY-80-546. My comments on them are as follows:

EDO Recommendation #1:

A fire protection rule, with well defined requirements for generic items applicable to most plants, and general requirements for plant dependent features, should be issued for public comment by July 1, 1982.

Originator's Opinion

I agree with the EDO recommendations regarding technical content and level of specification (as reflected by Enclosure 2 to SECY-80-546); however I do not agree with the schedule for implementation. Because SD has assisted in drafting a revision to SRP 9.5-1 in the format of a proposed appendix to 10 CFR Part 50, I believe SD could have a proposed rule issued for public comment within 2 - 4 months if the Commission directed the issuance of the proposed rule on such a schedule.

At the present time, we are evaluating several CL applications per year. The prompt issuance of a proposed rule which states current comprehensive requirements will be helpful to both the applicants and the staff in completing these evaluations expeditiously and with a minimum of backfit problems.

EDO Recommendation #2:

The fire protection rule for future plants should apply to nuclear power electric generating stations whose construction permits were docketed after January 1, 1982. (See Enclosure 2 SECY-80-546).

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**DUPLICATE POOR ORIGINAL**

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

JAN 26 1981

MEMORANDUM FOR: Robert Ferguson, Section Leader  
Fire Protection Section  
Chemical Engineering Branch  
Division of Engineering

FROM: Victor Benaroya, Chief  
Chemical Engineering Branch  
Division of Engineering

SUBJECT: DIFFERING PROFESSIONAL OPINION - FIRE PROTECTION: RULE

By memorandum from you to me of January 5, 1981, you commented on a) you disagreed with the management position on the amount of detail a rule for fire protection requirements for plants licensed to operate after January 1, 1979 should contain; and b) the specified regulations be made effective as soon as possible after the SRP Section 9.5-1 is revised.

The present management recommendation on the new rule is enunciated in SECY-80-546, "Fire Protection Rule for Future Plants" dated December 23, 1980. In my opinion, the position you recommend on the amount of detail and the one in SECY-80-546 are consistent, therefore, it should not be considered a differing professional opinion.

As to the date the fire protection rule should be made applicable, I cannot agree that the revised SRP Section 9.5-1 will not require considerable work before it can be issued as a new rule. Let me quote from SECY-80-546:

Recommendation: It is recommended that the Commission adopt Alternative 3 and direct the staff to issue a fire protection rule for public comment by July 1, 1982. This date is consistent with the available staff resources, considering that the limited staff fire protection expertise can be better used in expeditiously upgrading existing facilities. It should be noted that new applications are not expected to be numerous in the near future.

As you well know, the Commissioners have not acted on the rule on fire protection for new plants. The Commissioners have been informed that there are differing staff opinions. You will be informed on the decisions taken by the Commissioners.

For the record, I received your memo on January 19, 1981.

*PR Matthews*  
for Victor Benaroya, Chief  
Chemical Engineering Branch  
Division of Engineering

cc: Next page

DUPLICATE

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Robert Ferguson

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JAN 2 1961

cc: H. Denton  
R. Vollmer  
V. Noonan



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

FEB 2 1981

MEMORANDUM FOR: Richard H. Vollmer, Director  
Division of Engineering

FROM: Vincent S. Noonan, Assistant Director  
Materials & Qualifications Engineering

SUBJECT: DIFFERING PROFESSIONAL OPINION ON FIRE PROTECTION RULE

By this memorandum I am forwarding to you three enclosures on the above subject. Enclosures 1 and 2, dated January 5 and January 26, are Robert Ferguson's differing professional opinion on fire protection rule and Enclosure 3, dated January 26, is Victor Benaroya's response to Mr. Ferguson as required by the NRC policy on differing professional opinions. Mr. Benaroya is Mr. Ferguson's immediate supervisor.

I personally met with Mr. Ferguson and Mr. Benaroya on this subject to help me better understand the exact nature of Mr. Ferguson's concerns and to offer a proposal addressing his concerns which I felt would satisfy his objections.

At the present time all safety evaluations on fire protection are requiring the licensee to be in full compliance with the General Criterion 3 of Appendix A to 10 CFR Part 50, the Branch Technical Position (BTP) and Appendix R. In addition, I would also propose that we request from the licensee, in writing, any deviations from the BTP and Appendix R for their particular plant. This list of deviations could also be made as a condition that, prior to full power operation, the licensee would state that no deviations exist or submit to the staff the list of deviations for the staff's review and concurrence.

In summary, I do not believe Mr. Ferguson or myself are really in disagreement but we probably do not fully agree on the method of implementation of the new fire protection rule which is scheduled for completion July 1, 1982. Until the rule is drafted and published I believe my proposal on handling the plants that we license prior to issuance of the rule would give the staff reasonable assurance regarding the licensee's compliance to the fire protection issue.

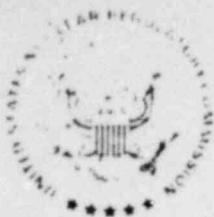
Vincent S. Noonan, Assistant Director  
Materials & Qualifications Engineering  
Division of Engineering

Enclosures:  
As stated

cc: H. Denton  
E. Case  
V. Benaroya  
R. Ferguson

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

Enclosure

February 4, 1981

MEMORANDUM FOR: Robert Ferguson, Section Leader  
Fire Protection Section  
Chemical Engineering Branch, MQE, DE

FROM: Richard H. Vollmer, Director  
Division of Engineering

SUBJECT: DIFFERING PROFESSIONAL OPINION ON FIRE PROTECTION RULE

As a result of our recent meeting and a review of your January 5th and January 26th memoranda on the same subject, and Mr. Benaroya's response also dated January 26, I would like to propose a resolution of your differing professional opinion. This resolution is based on my belief that we are all trying to accomplish the same objectives but our approaches, although somewhat different, are sufficiently close to allow compromise. Where differences currently exist they appear to be on the level or amount of required staff review, the time required to get a new fire protection rule out for public comment, and the effective date for application of that rule to OLs and CPs.

Speaking first to the level of staff review required, our regulatory practice is one of audit rather than detailed analysis of all aspects of the licensee design. As such, you point out that a burden is put on the staff of knowing whether or not the licensee intends to meet all aspects of the Branch Technical Position and Appendix R and to what extent. You also state that if these "requirements" were part of a regulation that their impact on the licensee and his response to them would be different than if these "requirements" are only regulatory guidance. While it could be argued that both of these methods of approach should result in the same end product, I suggest that we could accomplish the same objectives if the licensees were requested to identify in writing deviations from the BTP and Appendix R for those plants currently being licensed. The staff could then review these deviations and make judgments on their acceptability. You will recall that the Commission plans to implement a similar procedure some time in the future such that all licensees will be required to address deviations from current Standard Review Plans. However, as an interim position for fire protection, I would recommend that this identification be required for all OLs scheduled to be issued beyond September 30, 1981. I do not believe that it is necessary or an effective use of NRR resources to re-review fire protection for plants currently being licensed as long as the staff can conclude that the BTP and Appendix R are met.

Concerning the amount of time needed for getting the fire protection rule out for comment, you have stated that SD could have a proposed rule issued within 2-4 months if the Commission so directed. In our discussions, wherein I stated

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**DUPLICATE**

my belief that the new rule should not just be an assemblage of current practices but one where the staff thinks in more detail about both the generic and plant-specific items to be considered in the rule, we agreed that a much longer time would be required to develop such a rule. In fact, I think we agreed that July of '82 was not unreasonable. I feel this is indeed appropriate and in consideration of the total context of this memorandum would request you concur in this view.

Lastly, you believe that the implementation of the new rule should include those plants licensed for operation after January 1st, 1979. This is based on your belief that there may have been fire protection requirements included in the new rule which could significantly affect plants which fit between the implementation dates of Appendix R and the new rule. I concur with this possibility and point out that perhaps plants licensed prior to January 1st, 1979, might also be in this position. Therefore, I propose that when the new rule is issued for comment that specific consideration be given to backfitting for all plants. Further, I propose that this new rule not only be applicable to future construction permits but also be applied to licensing actions on OLs on a reasonable schedule yet to be determined.

In summary, I propose that we require licensees to identify deviations from the BTP and Appendix R for staff review for those OLs scheduled to be issued beyond September 30, 1981. In addition, I propose we take the necessary time to develop a new rule which will implement the generic and plant-specific fire protection requirements as discussed in SECY-80-546 with a target date of July 1982. Finally, I propose that when the new rule is developed it be applied not only to future plants and future OLs on a reasonable schedule and consideration be given to backfitting on all plants. I would appreciate your concurrence or further discussion of these proposals by February 5th.



Richard H. Vollmer, Director  
Division of Engineering

cc: H. Denton  
E. Case  
V. Noonan

UNITED STATES  
 NUCLEAR REGULATORY COMMISSION  
 WASHINGTON, D. C. 20555

FEB 06 1981

MEMORANDUM FOR: Richard H. Vollmer, Director  
 Division of Engineering

FROM: Robert Ferguson, Section Leader  
 Fire Protection Section  
 Chemical Engineering Branch  
 Division Engineering

SUBJECT: DIFFERING PROFESSIONAL OPINION - FIRE PROTECTION RULE  
 SUPPLEMENT 2

Your memorandum to me, dated February 4, 1981, on this subject requested my concurrence or comments on the following proposals:

1. All plants now scheduled to be licensed to operate after September 30, 1981 would be required to identify deviations from NRC fire protection acceptance criteria. Such deviations would be specifically evaluated in the staff SER prior to licensing.
2. All plants licensed to operate between January 1, 1979 and September 30, 1981 would not be required to identify such deviations as long as the staff can conclude that the acceptance criteria have been met.
3. All plants licensed to operate would be required to meet a new rule which we plan to issue for comment on or about July 1982. This rule would contain the assemblage of present acceptance criteria in the form of requirements. The requirements would be applied to new CP applications and to OL applications on a reasonable schedule. Consideration would be given to backfitting on all operating plants.

To identify the issues, I propose a course of action to achieve the same goal, i.e., a rule which states NRC fire protection requirements for all operating plants, as follows:

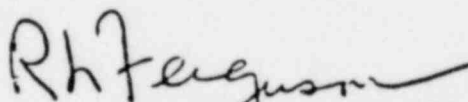
- A. All plants licensed to operate after January 1, 1979 would be required to meet the requirements of Appendix R to 10 CFR Part 50 on the same basis as those licensed before that date.
- B. All plants licensed to operate would be required to meet a new rule (Appendix R) which we plan to issue for comment on or about July 1981. This rule would contain the assemblage of present acceptance criteria in the form of requirements. The requirements would be applied to new CP applications and to OL applications on a reasonable schedule. Further backfitting would not be necessary because it has already been accomplished under A above.

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- C. If the NRC determines that other requirements are necessary, they would be added to Appendix R<sup>1</sup> to 10 CFR 50 annually or as they are developed, whichever is longer.

From the above, it appears that there is concurrence on the end goal. The issue concerns the method used to achieve the goal. I recommend my method because:

- . All licensees and applicants are given early notice of our requirements with a minimum of staff effort.
- . This early notice allows applicants to meet the requirements with a minimum of effort because they know the requirements early in the design. By providing better separation at this time, they can reduce the need for some automatic suppression systems and extra barriers and also assure the survival of more shutdown systems for any fire.
- . Fewer modifications will be required late in construction when they are more costly and usually do not provide as much margin as original design features.
- . The burden of providing adequate fire protection is placed on the licensees and can be readily checked and assured by the NRC Inspectors with a minimum of effort.
- . It is easier for the staff to accomplish since we still have the personnel that are familiar with our fire protection requirements and the rulemaking procedures. If we wait until July 1982, we may have new personnel. Using new personnel with little or no experience in dealing with the problems encountered over the past several years, I doubt that the proposed schedule of July 1982 could be met.



Robert L. Ferguson, Section Leader  
Fire Protection Section  
Chemical Engineering Branch  
Division of Engineering

cc: H. Denton  
E. Case  
V. Noonan ✓  
V. Benaroya

Enclosure 2

ENCLOSURE 2

SAMPLE RULE ON FIRE PROTECTION FOR FUTURE PLANTS ( )

I. INTRODUCTION AND SCOPE

all CP and OL applications for  
This Appendix applies to nuclear power electric generating  
stations on a schedule yet to be determined.

With respect to certain generic issues for such  
facilities, it sets forth fire protection features required to  
satisfy Criterion 3 of Appendix A to this part.

Criterion 3 of Appendix A to this part specifies that "Structures,  
systems, and components important to safety shall be designed and located  
to minimize, consistent with other safety requirements, the probability  
and effect of fires and explosions."

When considering the effects of fire, those systems associated with  
achieving and maintaining safe shutdown conditions assume major importance  
to safety because damage to them can lead to core damage resulting from  
loss of coolant through boiloff.

The phrases "important to safety," or "safety-related," will be used  
throughout this Appendix R as applying to all safety functions. The phrase  
"safe shutdown" will be used throughout this Appendix R as applying to  
both hot and cold shutdown functions.

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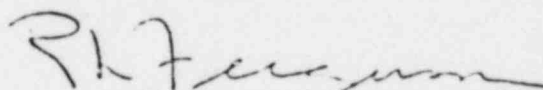
Originator's Opinion

The fire protection rule should apply to plants licensed to operate after January 1, 1979. These plants are of present concern to the staff, industry and public. The present Appendix R to 10 CFR Part 50 applies to plants licensed to operate prior to January 1, 1979. The EDO's recommendation would have an Appendix to 10 CFR Part 50 for plants licensed to operate after January 1992 (assuming a 10 year construction schedule). Therefore, the many plants to be licensed to operate between 1979 and 1992 would not be covered by the regulations. This gap would probably give rise to a host of backfit problems. Such problems can be avoided by having all plants covered by the regulation from January 1, 1979.

SECY-80-546 states that:

The main purpose of issuing a fire protection rule for new plants at this time is to amplify in the regulations those fire protection features necessary for plant safety and to codify the NRC policy for the level of fire protection. Further, such a rule would standardize the requirements, aid applicants early in the design stage, improve the efficiency of regulatory review and maintain consistency. These factors would likely enhance that level of safety provided by fire protection features.

This purpose is best accomplished by promptly issuing a fire protection rule that applies to plants licensed to operate after January 1, 1979.



R. L. Ferguson, Section Leader  
Fire Protection Section  
Chemical Engineering Branch  
Division of Engineering

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