

NOTATION VOTE

RESPONSE SHEET

RELEASED TO THE PDR
7/8/94
Date initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER REMICK

SUBJECT: SECY-94-127 - OPTIONS FOR RESOLVING THE THERMO-LAG FIRE BARRIER ISSUES


APPROVED ^{In part w/ comment} DISAPPROVED ^{In part} ABSTAIN
NOT PARTICIPATING REQUEST DISCUSSION

COMMENTS:

Please see attached comments

9407120363 940526
PDR COMMS NRCC
CORRESPONDENCE PDR

120000


SIGNATURE

RELEASE VOTE . 26 May 99
DATE

WITHHOLD VOTE

ENTERED ON "AS" YES No

DF02

Commissioner Remick's comments on SECY-94-127:

I approve in part, and disapprove in part, the staff's proposed resolution for the Thermo-Lag fire barrier issues.

I approve staff's continued use of Option 1, which requires compliance with existing NRC requirements and permits plant-specific exemptions where justified. As in the past, any plant-specific exemptions should be based on the technical merits of the application and result in reasonable assurance that the public health and safety criteria will continue to be met. New or improved methodologies may provide valuable insights which could be useful in the evaluation of exemption requests. Therefore, I believe that the Commission should not restrict the staff's consideration of requests for exemptions which would be permitted by the current regulations, at least not without following the rulemaking process.

I approve the staff's evaluation of the technical feasibility of developing new guidance for rating fire barriers on the basis of representative plant fire hazards (i.e., Option 2).

I disapprove the staff's recommendation not to proceed further with Option 3, which would evaluate the use of performance-based methods, including fire models and probabilistic assessments. The use of fire models, which are a part of Option 2, and probabilistic assessments, which are a part of Option 4, can provide valuable insights for use in evaluating exemption requests, and in evaluating the feasibility of ultimately developing a performance- and risk-based fire protection rule.

Promulgation of the present Appendix R resulted from the Browns Ferry fire. The rule incorporated what was believed at that time to be bounding and acceptable fire standards. However, those fire standards, under certain plant configurations, have been shown to be unnecessarily conservative and unduly prescriptive. This prescriptive rule has led to the granting of approximately 1500 exemptions, presumably without compromising safety. It is time to revisit the agency's fire protection requirements, and to base them on current knowledge, experience, methodologies and insights.

Therefore, I approve the staff's recommendation to proceed as planned with Option 4 to develop a performance- and risk-based fire protection rule. As the staff points out, this rulemaking was not precipitated in any way by Thermo-Lag issues, though it could help resolve those issues.

I believe that the approach I am approving is consistent with the Commission's Principles of Good Regulation, especially those Principles which say that NRC regulation should be efficient, clear, and reliable.