

DUKE POWER COMPANY

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September 4, 1984

✓ Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: Ms. E. G. Adensam, Chief
Licensing Branch No. 4

Subject: McGuire Nuclear Station
Docket Nos. 50-369 and 50-370

Dear Mr. Denton:

Duke Power has recently received verbal communication from staff fire protection reviewers in ONRR and Region II relative to 10 CFR 50, Appendix R, Section III.G.3. This section states, in part, that "In addition, fire detection and fixed suppression system shall be installed in the area, room or zone under consideration". The NRC staff asserts that this has not been adequately reviewed at McGuire and they believe that exemptions to the present interpretation of this regulation may be required.

Duke considers that this section of Appendix R has been reviewed properly and that a specific exemption request is not required. This is based on the fact that detailed reviews of the fire suppression capabilities at McGuire have been conducted in light of the specific license conditions for McGuire.

As background, the initial Fire Hazard Analysis for McGuire was issued in September 1977 and updated in 1979, and safety evaluation reports were issued in March 1979 and April 1981 concerning the fire protection system. Appendix R became effective in February 1981. Appendix R, Section III.G was made a part of the license condition for McGuire since Appendix R applies to plants with OL prior to January 1979. The detailed review of the Standby Shutdown System was conducted by NRC with a Safety Evaluation Report issued in February 1983. This review included a knowledge of those areas that had fire detection and suppression. The hazard analysis and safety evaluation reports provided detailed listings of where suppression is provided and numerous questions were answered concerning the extent of this coverage during the review process.

Concurrent with these activities, Duke received a copy of Generic Letter 81-12, "To All Power Reactor Licensees with Plants Licensed Prior to January 1, 1979." For Oconee Nuclear Station Duke was required to submit a comparison of the (then) ongoing design and construction of the Standby Shutdown System and related fire protection modifications to provisions

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of the rule. These Modifications included construction of a fire rated wall to separate East and West Penetration rooms. Duke originally understood "area, room or zone under consideration", to be the penetration rooms and requested exemption from the requirement to provide fixed suppression throughout penetration rooms. The Staff reviewed the exemption request and responded that an exemption was not required for penetration rooms but would be required for the Control Room. Duke then understood that "area, room or zone," meant the location where normal control function occurred. This was reasonable because the Staff reviewers with whom Duke was interfacing, were aware that the Standby Shutdown System was provided as an assured means of shutdown for loss of function basically throughout the Station (i.e. all fire areas). At that time, the only required exemption was for the Control Rooms. The current interpretation of "area, room or zone under consideration" is a new interpretation of an existing staff position.

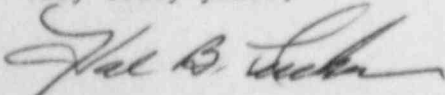
Supplement 6 of the Safety Evaluation Report issued in February 1983 states that McGuire meets Appendix R, Section III.G. This SER also states where suppression and detection are provided. Based on these reviews and resulting SER's, we concluded that no additional actions on our part were required to meet Appendix R, Section III.G.

Since the McGuire design incorporates fire detection and suppression systems which the NRC staff has previously found to be acceptable, the requirement that Duke file an exemption request to a new staff interpretation of a regulation lays the groundwork for potential additional plant modifications to meet this new interpretation. Duke considers that this is a potential backfit and the requirements of 10 CFR 50.109, Generic Letter 84-08, and NRC Manual Chapter 0514 should be considered. In this particular instance, it has not been demonstrated that this new interpretation will provide a significant improvement in safety over the previous Staff position.

Duke requests that the proposed requirement be submitted to NRC management for approval, in accordance with the Office of Nuclear Reactor Regulation (NRR) procedure for management of plant specific backfitting, prior to transmittal as a licensing requirement.

Unless informed to the contrary, Duke will take no further action in response to these informal staff requests.

Very truly yours,



Hal B. Tucker

RLG:slb

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cc: Mr. James P. O'Reilly, Regional Administrator
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McGuire Nuclear Station