



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
PARKWAY CENTRAL PLAZA BUILDING
611 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

NOV 14 1984

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MEMORANDUM FOR: Victor Stello, Jr., Deputy Executive Director for
Regional Operations & Generic Requirements

FROM: R. D. Martin, Regional Administrator

SUBJECT: RECOMMENDED FIRE PROTECTION POLICY AND PROGRAM ACTIONS

This is in response to your subject memorandum of October 26, 1984.

I, and members of my staff, appreciate the opportunity to provide the following comments on the Fire Protection Program Policy Steering Committee report.

1. Region IV was planning to conduct two reviews during FY 1985 at a total cost of .2 FTE. We were prepared to squeeze this out of existing resources since these time-consuming reviews are not included in our budget. Under the proposed program from the Steering Committee, Region IV would be required to supply resources for 12 reviews. For half of these the Region IV inspector would be the team leader. By our conservative calculation this is a cost of 1.25 FTE.

Since this is an unbudgeted expenditure, we recommend that this cost be considered in implementing the program.

2. Item 2(d) - "A referee will be established to promptly resolve significant differences between the inspection teams and licensees."

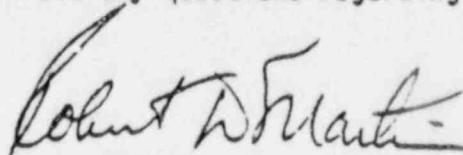
This appears to be an unacceptable approach. A review team or "referee" should be used to look at the requirements and establish the minimum acceptable conditions where differences between the licensee and inspection teams are concerned. The central point of contact for issues described in item 3(d) should be utilized to resolve differences. This should not be a "referee," but rather a team of experts to provide interpretation of the NRC requirements.

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The important aspects of this approach include a) the full development of the acceptance criteria; b) the provision of an inspection procedure; c) the training of inspection team members; and d) the quick resolution of issues utilizing a technical review team and standard enforcement practices.

3. It would be helpful if the enforcement guidance set forth in Enclosure 4 addressed the appropriateness of the variety of enforcement actions taken to date. It would also be helpful to provide guidance on how to respond to questions regarding the appropriateness of enforcement action being held in abeyance pending further clarification of related requirements.

Please do not hesitate to call me if you have any questions regarding our comments.



R. D. Martin
Regional Administrator

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(As I, II, III, V
R. C. DeYoung, IE
H. R. Denton, NRR
G. Cunningham, ELD
W. J. Dircks, EDO
✓ R. H. Vollmer, NRR



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

Vallman
N.R.P.

November 14, 1984

MEMORANDUM FOR: Victor Stello, Jr., Deputy Executive Director for Regional
Operations and Generic Requirements, EDO

FROM: James G. Keppler, Regional Administrator, Region III

SUBJECT: RECOMMENDED FIRE PROTECTION POLICY AND PROGRAM ACTIONS

In response to Mr. Dircks' memorandum of November 2, 1984, I have the following comments on the recommendations provided by the Fire Protection Steering Committee in their memorandum to Mr. Dircks dated October 26, 1984:

1. I believe the Steering Committee did a commendable job in dealing with the myriad of views on fire protection and recommending a course of action. The recommendations, in my view, are generally reasonable and ones which should provide a logical approach to bring about a consistent response by industry to the fire protection problem.
2. One area that does trouble me is the enforcement guidance which suggests that violations of fire protection requirements will only be Severity Level III or above when the ability to proceed to safe shutdown is impaired. If we had a major fire (e.g., cable spreading room), would we only classify the violations as Severity Level IV if we could shutdown the plant from outside the control room?
3. Since the Steering Committee recommendations represent a compromise of sorts, I would not expect total support within the agency staff for the recommendations. Since the Commission is aware of differing staff views on fire protection I think it would be beneficial to seek the views of all staff members involved in fire protection on the Steering Committee's report --- and then provide in our report to the Commission, as appropriate, the rationale for not endorsing these views.
4. I support the proposal for conducting fire protection inspections; however, I am concerned that the resource impact may have been underestimated. If so, we may have to modify this effort.

A. Bert Davis

for James G. Keppler
Regional Administrator

cc: See attached distribution.

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Victor Stello, Jr.

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11/14/84

cc: W. J. Dircks, EDO
R. C. DeYoung, IE
H. R. Denton, NRR
G. Cunningham, ELD
T. E. Murley, RI
J. P. O'Reilly, RII
R. Martin, RIV
J. B. Martin, RV
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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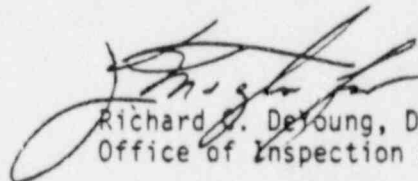
NOV 15 1984

MEMORANDUM FOR: Victor Stello, Jr., Deputy Executive Director
for Regional Operations and Generic Requirements
Office of the Executive Director for Operations

FROM: Richard C. DeYoung, Director
Office of Inspection and Enforcement

SUBJECT: RECOMMENDED FIRE PROTECTION POLICY AND
PROGRAM ACTIONS

I have reviewed the subject recommendations from the report of the Fire Protection Policy Steering Committee and support the general thrust of the proposed actions as an effective means to expedite implementation of Fire Protection Requirements. Enclosed are my comments on the report. I believe my comments can be addressed without impedance to timely initiation of the Steering Committee's recommended actions. As noted in my first comment, implementation of the increased pace of Appendix R inspections will somewhat impact other IE programs in the Regions. We will provide further details of the impact after we develop the schedules and inspection plans with the Regions.


Richard C. DeYoung, Director
Office of Inspection and Enforcement

Enclosure:
Comments on Recommended Fire
Protection Policy and Program
Actions

cc: R. H. Vollmer, NRR

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Comments on Recommended Fire Protection Policy and
Program Actions

1. While we support the recommendation for expedited inspection of licensee compliance to fire protection safe shutdown requirements, the inspections will impact the inspection program. My staff has consulted with Regions I, II and III regarding specific resource requirements and program impacts associated with the expedited inspection effort, and based on preliminary information, it appears that approximately ten (10) total regional FTE will have to be redirected from other activities to perform the inspections. It appears that approximately one-half (5 FTE) of these resources will come from resources designated for routine fire protection inspections and the remaining resources (5 FTE) will be reprogrammed by the Regions from other inspection efforts primarily in the engineering area. IE Headquarters will make every effort to further increase contractor support to the Regions in the area of fire protection in order to reduce these program impacts. The resource impact will also be felt in years beyond CY 1985 in that followup inspections will be required.
2. The report does not address inspection plans beyond CY 1985. It is our understanding and plan to support fire protection safe shutdown inspections at all facilities. The results of the expedited inspection effort for CY 1985 will provide necessary feedback on the timing of these inspections for years after CY 1985.
3. The steering committee recommends that the Generic Letter inform licensees that quality assurance applicable to fire protection systems is that required by GDC-1 of Appendix A to 10 CFR Part 50. Based on our experience in the development of QA requirements for ATWS equipment, additional guidance may be required for application of GDC-1 to fire protection systems. Perhaps the "quality assurance" desired could better be termed "assurance of quality" to differentiate it from the concept of an independent QA organization.
4. The report indicates that a referee will be established to promptly resolve significant differences between the inspection teams and licensees. (Recommendation 2). The role of the referee needs to be more clearly defined. For example, will he or she be resolving disputes about whether violations occurred? The effect of this on the enforcement process is unclear.
5. The report recommends that a standard fire protection condition be placed in each operating license. This would be particularly useful from an enforcement standpoint to ensure that a standardized requirement exists against which enforcement action can be taken. However, consistency of enforcement will still be difficult to achieve unless the approved programs to which the condition refers are reasonably consistent.

6. More guidance needs to be developed with respect to implementation of the recommendation that extensions to 50.48(c) schedules will no longer be granted and that when a licensee's schedule expires, appropriate enforcement action will be taken. For example, does this mean that pending scheduler exemption requests will be denied? If so, many licensees will be in noncompliance and the agency must decide what, if any, enforcement action will be taken for such noncompliance. In addition, the letter seems to be internally inconsistent in that it suggests that licensees in noncompliance can submit and justify minimum schedules for completion of fire protection modifications and, in the footnote on page 2, that fire protection modifications will be incorporated into "living schedules." An approach to schedule requirements and exemptions needs to be developed that considers enforcement for failure to meet the deadlines.
7. The Generic Letter states on page 2 that "a showing of good faith attempt to complete implementation of schedule may mitigate enforcement action for noncompliance with NRC requirements." We view the schedule question as key in light of other actions to deny schedule exemptions. To the extent that "good faith" applies to other than schedule implementation problems, the statement suggests that only willful violations (bad faith) will lead to enforcement action. This sends the wrong message to licensees regarding the importance the NRC placed on compliance with the fire protection requirements.
8. The Generic Letter and the proposed Enforcement Guidance indicate that "Failure to have such an evaluation available for an area where compliance with Appendix R is not readily demonstrated will be taken as prima facie evidence that the area does not comply with NRC requirements, and may result in enforcement action." The term "prima facie" is a legal term with many different meanings and should not be used here. The phrase "an indication" can be substituted without a change in the intended meaning. In addition, the concept of "adequacy" of the analysis should be included and defined. We recommend that the sentence both in the Generic Letter and in the Enforcement Guidance be changed to read, "Failure to have an adequate written evaluation available for an area where compliance with Appendix R is not apparent will be taken as an indication that the area does not comply with NRC requirements and may result in enforcement action."