



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

AD

August 6, 1984

Docket No. 50-346

LICENSEE: Toledo Edison Company

FACILITY: Davis-Besse, Unit No. 1

SUBJECT: SUMMARY OF MEETING WITH TOLEDO EDISON COMPANY CONCERNING THE
PROGRAM TO CORRECT FIRE PROTECTION DEFICIENCIES AT DAVIS-BESSE
ON JUNE 12, 1984

Introduction

On June 12, 1984, the staff met with Toledo Edison Company (TED) in Bethesda, Maryland to review the status of TED efforts towards correcting deficiencies in plant fire protection features and non-compliance with respect to the requirements of Appendix R to 10 CFR 50. TED had supplied, prior to the meeting, certain draft material for the staff to examine to facilitate the meeting. This material is not attached to this summary because the material, in final form, will be included as part of TED's formal submittals at a later date. The attendees list is shown as Enclosure 1. Enclosure 2 is a copy of the viewgraphs used at the meeting.

Enclosure 3 is a TED listing of material which has been used in this and prior meetings for discussion purposes or which is available for review.

Discussion

By letter of April 16, 1984, TED proposed a revised schedule for completing their evaluations addressing audit findings and reassessment of Appendix R compliance at Davis-Besse. The NRC has withheld comment on the proposed schedule pending this meeting so that the staff can assess the progress being made. A formal response to the TED letter will follow this meeting summary.

TED has not yet proposed a schedule for the actual plant modifications resulting from the reevaluations. The NRC stated that it will be necessary to start discussions on modification schedules well before TED submits its first version of an integrated schedule to the staff. A meeting will be held to discuss this issue late July.

Upon submission of TED's reanalyses, those areas of non-compliance with fire protection requirements will be reviewed to determine interim compensatory measures in place. Depending upon the schedule for implementing corrective action, the NRC may require more stringent interim compensatory measures to be in place.

BB10100309 840806
PDR ADCK 05000346
F PDR

The staff, referring to a Bechtel Corporation letter to TED, questioned if all the fire wraps identified for the component cooling water pump room are in place. TED indicated that they are not all in place because TED is waiting for their consultants to complete the safe shutdown list to determine the best approach.

With respect to conduit embedded in concrete, the staff stated that 8 inches of cover generally has been accepted as a 3-hour fire barrier. TED indicated that they would like to consider such conduit as out of the fire area. If a 3-hour rating cannot be justified something less-such as 2-hours might be acceptable.

The deficiencies with fire wrapping include

- 1) test results
- 2) FCR sign-off vs. actual field condition
- 3) installation of wrap vs. tested configuration

The staff suggested that TED could benefit by submission of wrap test results to the NRC to determine acceptability before TED proceeds with the wrapping program.

At the next review meeting*, TED plans to identify to the staff the requests for exemption expected to be submitted.

Emergency lighting surveys indicated 0 to 3 F.C. Operators were asked to assess if the existing emergency lighting level was sufficient to perform their functions. The staff stated that the 5-10 F.C. guidance will not be enforced unless first approved by CRGR since the rule is not specific. The staff also indicated that areas where manual actions are required for cold shutdown need not meet the 8-hour requirement unless the area is also used for hot shutdown actions. Reliance upon hand-carried lighting will require an exemption.

Albert W. De Agazio

Albert W. De Agazio, Project Manager
Operating Reactors Branch #4, DL

Enclosures:

1. List of Attendees
2. Viewgraphs
3. Listing of Material from
Previous Meetings

cc w/enclosures:

See next page

*Subsequent to this meeting, the NRC and TED agreed that this meeting will not be necessary.

MEETING SUMMARY DISTRIBUTION

Licensee: Toledo Edison Company

*Copies also sent to those people on service (cc) list for subject plant(s).

Docket File
NRC PDR
L PDR
ORB#4 Rdg
Project Manager - ADe Agazio
JStolz
BGrimes (Emerg. Preparedness only)
OELD
NSIC
EJordan, IE
JNGrace, IE
ACRS-10

NRC Meeting Participants:

REberly
NFioravante
CRansey
TWambach

LIST OF ATTENDEES

FIRE PROTECTION REVIEW MEETING

BETHESDA, MARYLAND, JUNE 12, 1984

<u>Name</u>	<u>Organization</u>
A. De Agazio	NRC/DL
R. Eberly	NRC/DE
N. Ficravante	NRC/DSI
C. Ramsey	NRC/Region III
T. Wambach	NRC/DL
D. Arnold	Bechtel Power Corporation
C. Klee	Bechtel Power Corporation
S. Levine	Bechtel Power Corporation
S. Kasturi	Impel Corporation
T. Hart	Toledo Edison Company
J. Haverly	Toledo Edison Company
E. Johnson	Toledo Edison Company
M. Murtha	Toledo Edison Company
R. Peters	Toledo Edison Company

TOLEDO EDISON - NUCLEAR REGULATORY COMMISSION
FIRE PROTECTION PROGRAM STATUS MEETING

JUNE 12, 1984

PHILLIPS BUILDING - ROOM 422

TENTATIVE AGENDA

1. SCHEDULE
2. SUBMITTAL
 - A. INTRODUCTION - BACKGROUND
 - B. FIRE AREAS (TECHNICAL DISCUSSION OF AREAS REVISED FROM BTP 9.5-1, APPENDIX A).
 - C. SAFE SHUTDOWN SYSTEMS (TECHNICAL DISCUSSION OF AREAS AND NON-COMPLIANCES THUS FAR IDENTIFIED).
 - METHODOLOGY
 - RESOLUTION OPTIONS
 - SCHEDULE
 - D. SUPPORT SYSTEMS (TECHNICAL APPROACH FOR SECURITY, COMMUNICATIONS).
 - E. ASSOCIATED CIRCUITS (TECHNICAL DISCUSSION OF ISSUES AND PLANS).
 - F. ALTERNATIVE SHUTDOWN CAPABILITY (TECHNICAL DISCUSSION OF SUBMITTAL INFORMATION AND CONTENT OF SECTION).
 - G. EMERGENCY LIGHTING (TECHNICAL DISCUSSION OF SUBMITTAL INFORMATION AND METHODOLOGY FOR RESOLUTION).
 - H. OIL COLLECTION SYSTEM (RESTATEMENT OF POSITION - STATUS OF EXEMPTION REQUEST).
3. FIRE PROTECTION PROGRAM - NFPA SUBMITTAL STATUS
4. ESTABLISH DATES FOR NEXT MEETING (AT DAVIS-BESSE?)

JSH:NLF

FIRE AREA SUMMARY
(PRELIMINARY STATUS - JUNE 11, 1984)

<u>NO NON-COMPLIANCES</u> (NOTE 1)	<u>EXEMPTION REQUESTS</u>	<u>NON-COMPLIANCES</u>
Y	F	X
AA	B	F
BB	H	B
C	EE	H
II	HH	EE
DIESEL OIL YARD	G	HH
J		G
M		
L		
K		
E		
C (NOTE 2)		
12	6	7

NOTE 1 - (1) DISCUSS NON-COMPLIANCES.

(2) PROCEDURAL NEEDS FOR COLD SHUTDOWN.

NOTE 2 - DISCUSS AREA CC.

JSH:NLF

SUBMITTAL SECTIONS SUMMARY

1. DRAFTS OF SECTIONS 1, 3, 4, AND 5, GIVEN TO NRR ON MAY 31, 1984.
2. MAJOR AREA REDEFINITION DRAFT GIVEN TO NRR ON MAY 31, 1984, SECTION 2 OF THE SUBMITTAL WILL SUMMARIZE THIS.
3. SECTION 6, EMERGENCY LIGHTING SECTION DRAFT GIVEN TO NRR ON JUNE 12, 1984.
4. SECTION 7, ALTERNATE SHUTDOWN SECTION, INCLUDING GENERIC LETTER 81-12 RESPONSES (DEPENDENT ON RESULTS OF SECTION 4).
5. SECTION 8, RCP OIL COLLECTION, SUMMARY OF EXEMPTION REQUEST ONLY.

JSH:NLF

DOCUMENTS GIVEN TO NUCLEAR REACTOR REGULATION (NRR), IN ADDITION TO DOCKETED INFORMATION.

At January 25, 1984 or March 21, 1984 Meetings:

1. Appendix R - Fire Area Checklist (being used during area evaluations).
2. Safe Shutdown Components Listing, Rev. A (draft of listing of all circuits and components being protected for Appendix R purposes).
3. Drafts (2) of Component Location Matrices (samples of listings delineating locations of required components and circuits by Fire Area and Zone).
4. Potential Deficiency Tracking Procedure (procedure to track all identified deficiencies within project, in addition to NCR/AFR method).
5. Discussion and format of all planned submittals.
6. Per Task 1 and 2, September 1, 1984 submittal Table of Contents with proposed sections 3 (Systems), 4 (Area Evaluations, thus far), 5 (Associated Circuits) (given to Tom Wombach for R. Eberly and N. Fioravante on May 31, 1984, in Bethesda).
7. Draft of 10 Fire Area positions, in addition to Appendix A approved Fire Areas (to be submitted on docket within 1-2 weeks), given to Tom Wombach for R. Eberly on May 31, 1984).
8. Format of Information of Task 3 and Task 7 resolution submittal.

Documents Planned to be Forwarded in the Future:

1. All April 16, 1984, Serial No. 1042, to NRC commitments (Tasks 1, 2, 3, 5, 7).
2. Fire Area discussion per item 7 above.

Analyses or Reports Available for In-house Review:

1. Evaluation of PCR's impacting the Fire Hazards Analyses, Revision 6 - Report No. 02-1040-1164, March 2, 1984.
2. Associated Circuit Analyses - Report No. 02-1040-1153 (to be forwarded within Section 5 of September 1, Appendix R submittal).
3. Emergency Lighting Review - Report No. 02-1040-1145, December 6, 1983.

4. Evaluation of Kaowool as a fire resistant barrier - Report No. 01-1040-1262, Revision 1, January, 1984.
5. Fire Protection Staffing Analysis - Report No. 02-1040-1156, Rev. 0, January, 1984.

JSH:nlf
6/8/84



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

MEMORANDUM FOR: William V. Johnston, Assistant Director
Materials & Qualifications Engineering, DE

Thomas Novak, Assistant Director
for Licensing, DL

Gus C. Lainas, Assistant Director
for Operating Reactors, DL

Frank Miraglia, Assistant Director
for Safety Assessment, DL

Lester Rubenstein, Assistant Director
Core and Containment Systems, DST

FROM: Darrell Eisenhut, Director
Division of Licensing

Richard H. Vollmer, Director
Division of Engineering

SUBJECT: COMPLETION OF APPENDIX R EXEMPTIONS
AND SHUTDOWN MODIFICATIONS

NRR is to complete the Appendix R exemption and shutdown modification reviews using the procedure outlined in this memo.

During the technical review of licensees Appendix R exemptions and shutdown reviews by CMEB and ASB, the PM will arrange for the reviewer to get needed information to complete the review. This information should be of the confirmatory or clarification nature on the present submittal. It should not be new or alternate proposals to resolve the problem. This information may be received by telephone or meeting, however, the licensee should document this information within a reasonable period of time, which we define as no later than three weeks from the date of the telephone conversation or the meeting with the licensee.

When the SER documenting the results of the technical reviews is received in DL, a copy of the evaluation of the exemption, as signed by the appropriate A/D in DOE or DSI, should be shown to the licensee as soon as possible. The licensee should be given three weeks to inform the PM of the action he plans to take, i.e., 1) appeal denials to NRR management (R. Vollmer or R. Mattson, as appropriate), only on the results of the technical review; 2) propose another alternative that requires an exemption; or 3) make modifications to meet the specific requirements.

Dec 1
 - 3
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 02

3
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 8

If an appeal meeting to R. Vollmer is requested, it should be arranged within six weeks from the date the evaluation was signed. ~~If, as a result of the appeals meeting, any changes to the evaluation will be made by the reviewer, the revised evaluation will be issued by the A/D within two weeks after the appeals meeting. The PM should prepare the package which will be sent to the licensee no later than eight weeks from the time the A/D in DOE or DSI has signed the initial evaluation.~~

If the licensee does not request an appeal meeting, the Appendix R licensing action should be completed by granting and denying exemptions as recommended in the SER.

If, for denied exemptions, the licensee proposes an alternative which also requires an exemption, they should be filed under the provisions of paragraph 50.12. A separate TAC should be issued when these are received for the technical review of these alternatives.

If, for denied exemptions, the licensee proposed to make modifications, to meet our specific requirements, no additional submittal is necessary.

Darrell Eisenhut, Director
 Division of Licensing

Richard H. Vollmer, Director
 Division of Engineering

cc: H. Denton
 R. Mattson
 V. Benaroya
 O. Parr
 R. Ferguson
 V. Panciera
 T. Sullivan
 S. Pawlicki
 T. Wambach
 D. Crutchfield
 W. Russell
 S. Varga
~~T. Ippolito~~ D. Vassallo.
 R. Clark
 J. Stolz
 J. Youngblood
 A. Schwencer
 F. Miraglia
 E. Adensam
 C. Thomas



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

SUPPORTING AMENDMENT NO. _____ TO FACILITY OPERATING LICENSE NO. DPR-38

AMENDMENT NO. _____ TO FACILITY OPERATING LICENSE NO. DPR-47

AMENDMENT NO. _____ TO FACILITY OPERATING LICENSE NO. DPR-55

DUKE POWER COMPANY

OCONEE NUCLEAR STATION, UNITS NOS. 1, 2 AND 3

DOCKETS NOS. 50-269, 50-270 AND 50-287

1.0 Introduction

By letter dated March 18, 1981, Duke Power Company (DPC) requested that License Condition 3.E. of Facility Operating Licenses DPR-38, DPR-47 and DPR-55 for the Oconee Nuclear Station, Units 1, 2 and 3 (ONS) respectively, be modified to be consistent with the requirements of 10 CFR 50.48. In addition, DPC submitted proposed changes to the common Technical Specifications (TSs) for the ONS by letter dated May 15, 1981, in response to an NRC request dated October 7, 1980.

During a telephone conversation, a number of misunderstandings and interpretation problems related to the August 11, 1978, Fire Protection Safety Evaluation Report (SER) were discussed with the NRC staff. By letter dated May 15, 1981, DPC submitted the results of the review of the SER.

2.0 Discussion and Evaluation

2.1 License Condition 3.E.

On February 17, 1981, Paragraph 50.48(c) of 10 CFR Part 50 became effective. Item (4) of 10 CFR 50.48(c) require, in part, that fire protection modifications related to dedicated shutdown systems be implemented 30 months after NRC approval of final design. License Condition 3.E, which was included in the ONS licenses by License Amendments issued on August 11, 1978, requires detailed design information on shutdown systems to be submitted within 15 months from NRC approval of the system concept. By letter dated March 18, 1981, DPC requested License Condition 3.E. be revised to reflect the requirement of 50.48(c)(4).

The design description of the Oconee Standby Shutdown Facility (SSF) was submitted on March 28, 1980, and is under NRC staff review. The SSF is currently under construction and is expected to be completed within the time required by 10 CFR 50.48(c)(4). We have reviewed the DPC request and find that the proposed revision will clarify NRC requirements and remove any confusion or contradiction of the regulation requirements. Since this change will ensure compliance with a regulation, we conclude that it is acceptable.

2.2 Technical Specifications

In addition to the License Condition mentioned above, the Amendments issued on August 11, 1978, contained a Safety Evaluation Report (SER) related to the completion of certain fire protection related modifications. Section 7 of the SER stated that the TSs would require upgrading upon completion of the modifications to incorporate limiting conditions for operation and surveillance requirements for newly installed equipment. (The TSs governing the previously existing fire protection equipment were issued by License Amendments on February 13, 1978.) By letter dated October 7, 1980, the NRC requested DPC to submit an application for amendment to upgrade the fire protection related TSs to reflect the changes made in this area at the ONS in accordance with our August 11, 1978 SER. We requested that the applicable model TSs be implemented by administrative controls as quickly as possible and that the proposed revisions to the TSs be submitted by January 15, 1981. DPC, by letters dated January 15, March 16, and April 16, 1981, stated that the proposed TSs were being reviewed and presented revised dates for submittal. By letter dated May 15, 1981, DPC submitted proposed, upgraded TSs for the fire protection features installed in the ONS.

We have reviewed the proposed changes and additions to the TSs related to the fire protection features at the ONS and find that they adequately address the NRC concerns and are in substantial agreement with the Standard TSs for B&W reactors, which were provided as guidance for their preparation. The DPC application proposes to include, in the common ONS TSs, the CO₂ fire suppression system for the turbine-generators at the Keowee Hydro Station, a number of fire detectors, sprinkler and spray systems and fire hose stations, which were installed in accordance with the NRC staff's fire protection SER issued on August 11, 1978. Based on the above, we conclude that the proposed additions and revisions to the TSs are acceptable.

2.3 Clarification of August 11, 1978 SER Requirements

As mentioned above, the Fire Protection SER issued by the NRC on August 11, 1978, required DPC to complete stated modifications to enhance the fire protection features at the ONS. As a result of a detailed comparison of the completed fire protection related modifications and the NRC's SER, it was determined that some misunderstandings existed on what was actually required. During a telephone conference between members of the NRC and DPC staffs on May 5, 1981, these misunderstandings were substantially resolved. The areas of confusion were: a) HVAC Room Doors, b) Water Flow Alarms, c) Communication Systems, d) Sprinkler and Spray Systems, and e) Miscellaneous Fire Doors and Hatches. By letter dated May 15, 1981, DPC submitted verification of the statements made during the May 5, 1981, telephone conference. We have reviewed this letter and find the clarification provided to be acceptable for the following reasons.

- a. The doors between the cable spreading rooms and their associated HVAC rooms need not function as fire doors since the HVAC rooms can be included in the fire zone of the cable spreading room.
- b. The water flow alarms need a uniqueness in that an alarm for each system must be provided. It is not our intent that a unique alarm tone be provided. Since separate alarms have been provided, this is acceptable.

FOR: The Commissioners
FROM: William J. Dircks
Executive Director for Operations
SUBJECT: SECY-82-13 - FIRE PROTECTION RULE SCHEDULES AND EXEMPTIONS
(QUARTERLY REPORT NO. 4)

DISCUSSION: In response to the memorandum to me from Mr. Chilk dated February 8, 1982, enclosed are samples of the letters that we are preparing to send to all licensees that have requested a schedular exemption or are proposing or have proposed alternative shutdown capability as a means of meeting Appendix R. A sample exemption is also enclosed. The substance of the exemption and the condition for meeting the exemption are given in the last Section (IV) of the exemption. A sample exemption is presented rather than a generic exemption because the exemptions requested differ. Although most of the discussion given in the sample will be appropriate for all exemptions, each exemption will have to be tailored to fit the request.

In Enclosure 1 to Quarterly Report No. 4 we indicated that 30 days from the date of exemption issuance be allowed as a grace period for those licensees who had already made submittals. Reconsideration has led us to the conclusion that this is insufficient time for a licensee to correct deficiencies in a response. We have, therefore, increased the grace period to 60 days.

Five types of letters are being used. Letter No. 1 is for those licensees requesting an exemption until a date in the future more than 60 days from the date of the exemption issuance. Letter No. 2 is for those licensees requesting an exemption until a date in the future less than 60 days from the date of exemption issuance. Letter No. 3 is for those licensees who requested a date that is already passed. Letter No. 4 is for those licensees who requested no exemption, but whose submittals were incomplete. Letter No. 5 is for those licensees that have requested a submittal date beyond July 1, 1982. It grants the requested exemption in part, i.e., until July 1, 1982. Our basis for not granting the remainder of the time is that it does not appear that the licensee is applying its best effort at resolving and completing this issue, based on the response of the great majority of the industry.

We intend to issue all of the letters concerning exemptions four weeks from today and letter No. 4 to those who did not request exemption but have incomplete submittals two weeks from today. We will proceed on this schedule unless instructed otherwise.

Contact:
T. V. Wambach
Ext. 27072

*44 placed in file
in exemption
25 submittals
in house*

With regard to your instruction to increase our resources applied to this program for review of these submittals, we believe we have sufficient resources, including the contractor personnel at Brookhaven National Laboratory, to complete the review of design descriptions of the alternative shutdown modifications within six months. Since our meeting with you in January, we have increased the number of Fire Protection Engineers in the Chemical Engineering Branch to three and additional personnel within that Branch are also available to assist in the review of exemption requests. Therefore, if the number of exemption requests filed with these delayed submittals is not excessive, we feel that we now have sufficient resources also for the review of the fire protection aspects of exemption requests.

William J. Dircks
Executive Director for Operations

Letter No. 1

Gentlemen:

SUBJECT: EXEMPTION REQUEST - FIRE PROTECTION RULE SCHEDULAR REQUIREMENTS
OF 10 CFR 50.48(c) - (Plant Name)

The Fire Protection Rule, (10 CFR 50.48) published on November 19, 1980, became effective on February 17, 1981, and required the results of certain tasks to be submitted to the Nuclear Regulatory Commission (NRC) by March 19, 1981. By letter dated _____, you applied for exemption from some of these schedular requirements of 10 CFR 50.48(c). The exemption requested related to the time allowed to complete a reassessment of the fire protection features at your plant for conformance to the specific requirements of Section III.G of Appendix R to 10 CFR 50; to evaluate the difference determined for each area; and to design modifications to meet the requirements or provide a justifiable basis by means of a fire hazards analysis for an exemption from such requirements. For reasons as stated in your exemption request, you requested additional time to complete the above reassessments, evaluations and designs. (By letters dated _____, you revised your request.)

The Commission has granted your request as described in the enclosed exemption. The exemption is conditional upon a requirement that the submittal be complete, as defined in the exemption. If the Director of the Office of Nuclear Reactor Regulation should determine that your submittal is not complete, you will be found in violation of 10 CFR 50.48(c). Such a violation will be a continuing one from the date granted by the exemption and a civil penalty may be imposed for 30 day the violation continues.

A copy of this exemption is being filed with the Office of the Federal Register for publication.

Sincerely,

Enclosure:
Exemption

cc w/enclosure:
See next page

Letter 2 - Same as letter 1 except for sentences 3 and 4 of 2nd paragraph.
Exemption to be changed accordingly.

Gentlemen:

SUBJECT: EXEMPTION REQUEST - FIRE PROTECTION RULE SCHEDULAR REQUIREMENTS
OF 10 CFR 50.48(c) - (Plant Name)

The Fire Protection Rule, (10 CFR 50.48) published on November 19, 1980, became effective on February 17, 1981, and required the results of certain tasks to be submitted to the Nuclear Regulatory Commission (NRC) by March 19, 1981. By letter dated _____, you applied for exemption from some of these schedular requirements of 10 CFR 50.48(c). The exemption requested related to the time allowed to complete a reassessment of the fire protection features at your plant for conformance to the specific requirements of Section III.G of Appendix R to 10 CFR 50; to evaluate the difference determined for each area; and to design modifications to meet the requirements or provide a justifiable basis by means of a fire hazards analysis for an exemption from such requirements. For reasons as stated in your exemption request, you requested additional time to complete the above reassessments, evaluations and designs. (By letters dated _____, you revised your request.)

The Commission has granted your request as described in the enclosed exemption. The exemption is conditional upon a requirement that the submittal be complete, as defined in the exemption. Since the submittal date granted by this exemption is within 60 days of the date of this exemption, you are given a grace period of 60 days after your receipt of this exemption to complete your submittal. If the Director of Nuclear Reactor Regulation should determine after the 60 days has elapsed that your submittal is not complete, you will be found in violation of 10 CFR 50.48(c). Such a violation will be a continuing one from the date granted by the exemption and a civil penalty may be imposed for each day the violation continues.

A copy of this exemption is being filed with the Office of the Federal Register for publication.

Sincerely,

Enclosure:
Exemption

cc w/enclosure:
See next page

Letter 3 - Same as letter 1 except for sentences 3 and 4 of 2nd paragraph.
Exemption to be changed accordingly.

Gentlemen:

SUBJECT: EXEMPTION REQUEST - FIRE PROTECTION RULE SCHEDULAR REQUIREMENTS
OF 10 CFR 50.48(c) - (Plant Name)

The Fire Protection Rule, (10 CFR 50.48) published on November 19, 1980, became effective on February 17, 1981, and required the results of certain tasks to be submitted to the Nuclear Regulatory Commission (NRC) by March 19, 1981. By letter dated _____, you applied for exemption from some of these schedular requirements of 10 CFR 50.48(c). The exemption requested related to the time allowed to complete a reassessment of the fire protection features at your plant for conformance to the specific requirements of Section 11.6 of Appendix R to 10 CFR 50; to evaluate the difference determined for each area; and to design modifications to meet the requirements or provide a justifiable basis by means of a fire hazards analysis for an exemption from such requirements. For reasons as stated in your exemption request, you requested additional time to complete the above reassessments, evaluations and designs. (By letters dated _____, you revised your request.)

The Commission has granted your request as described in the enclosed exemption. The exemption is conditional upon a requirement that the submittal be complete, as defined in the exemption. Since the submittal date granted by this exemption has already passed and your submittal has already been made, you are given a grace period of 60 days after your receipt of this exemption to complete your submittal. If the Director of the Office of Nuclear Reactor Regulation should determine after the 60 days has elapsed that your submittal is not complete, you will be found in violation of 10 CFR 50.48(c). Such a violation will be a continuing one from the date granted by the exemption and a civil penalty may be imposed for each day the violation continues.

A copy of this exemption is being filed with the Office of the Federal Register for publication.

Sincerely,

Enclosure:
Exemption

cc w/enclosure:
See next page

Letter 4

Gentlemen:

SUBJECT: FIRE PROTECTION RULE - 10 CFR 50.48(c)(5) - ALTERNATIVE SAFE
SHUTDOWN - SECTION III.G.3 OF APPENDIX R TO 10 CFR 50
(Plant Name)

The Fire Protection Rule (10 CFR 50.48 and Appendix R to 10 CFR 50) became effective on February 17, 1981. Paragraph 50.48(c)(5) required submittal of design descriptions of modifications needed to satisfy Section III.G.3 of Appendix R to 10 CFR 50 by March 19, 1981.

By letter dated _____, you submitted the design description of modifications required to meet Section III.G.3 of Appendix R to 10 CFR 50 for _____ (Plant Name). We have reviewed your submittal and find that additional information is required for us to complete our review. The information required was originally requested from you by letter dated February 20, 1981. The enclosure to this letter indicates what information you have not supplied. Provide a complete response of items indicated in the enclosure within 60 days of receipt of this letter. If your response is not complete at that time, you will be found in violation of 10 CFR 50.48(c)(5). Such a violation will be a continuing one and a civil penalty may be imposed for each day the violation continues.

Sincerely,

Enclosure:
Request for Additional
Information

cc w/enclosure:
See next page

Letter 5 - Same as Letter 1 except for new 2nd paragraph - must be incorporated into Exemption

Gentlemen:

SUBJECT: EXEMPTION REQUEST - FIRE PROTECTION RULE SCHEDULAR REQUIREMENTS
OF 10 CFR 50.48(c) - (Plant Name)

The Fire Protection Rule, (10 CFR 50.48) published on November 19, 1980, became effective on February 17, 1981, and required the results of certain tasks to be submitted to the Nuclear Regulatory Commission (NRC) by March 19, 1981. By letter dated _____, you applied for exemption from some of these schedular requirements of 10 CFR 50.48(c). The exemption requested related to the time allowed to complete a reassessment of the fire protection features at your plant for conformance to the specific requirements of Section III.G of Appendix R to 10 CFR 50; to evaluate the difference determined for each area; and to design modifications to meet the requirements or provide a justifiable basis by means of a fire hazards analysis for an exemption from such requirements. For reasons as stated in your exemption request, you requested additional time to complete the above reassessments, evaluations and designs. (By letters dated _____, you revised your request.)

The Commission has granted your exemption request in part. You requested that the date for submittal be extended until _____. The Commission has granted an extension until July 1, 1982. This date is based upon the response of all the licensees with regard to the time needed to perform the reassessment required and the redesign of plant features if necessary. All but a few licensees indicated submittal dates prior to July 1, 1982, and many have already made their submittals. On this basis, we cannot find that your proposed schedule exhibits your best effort in meeting the requirements of 10 CFR 50.48(c) and Appendix R to 10 CFR 50. Therefore, in the judgment of the Commission, the time elapsed from November 19, 1980, when the Fire Protection Rule was published, until July 1, 1982, allows adequate time for you to complete your ~~requirements~~ *submittal*. If your response is not complete on July 1, 1982, you will be found in violation of 10 CFR 50.48(c)(5). Such a violation will be a continuing one and a civil penalty may be imposed for each day the violation continues.

Sincerely,

Enclosure:
Exemption

cc w/enclosure:
See next page

NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
CAROLINA POWER AND LIGHT) Docket Nos. 50-325 and 50-324
COMPANY)
(Brunswick Steam Electric Plant)
Unit Nos. 1 and 2)

EXEMPTION

I.

The Carolina Power and Light Company (the licensee) is the holder of Facility Operating License Nos. DPR-71 and DPR-62 which authorize operation of the Brunswick Steam Electric Plant (BSEP), Unit Nos. 1 and 2. These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility comprises two boiling water reactors at the licensee's site located in Brunswick County, North Carolina.

II.

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR 50 regarding fire protection features of nuclear power plants (45 F.R. 76602). The revised Section 50.48 and Appendix R became effective on February 17, 1981. Section 50.48(c) established the schedules for satisfying the provisions of Appendix R. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of these fifteen subsections III.G., is the subject of this exemption request. III.G. specifies detailed requirements for fire protection of the equipment used for safe shutdown by means of separation and barriers (III.G.2). If the requirements for separation and barriers could not be met in an area, alternative safe shutdown capability, independent of that area and equipment in that area, was required (III.G.3.).

Section 50.48(c) required completion of all modifications to meet the provisions of Appendix R within a specified time from the effective date of this fire protection rule, February 17, 1981, except for modifications to provide alternative safe shutdown capability. These latter modifications (III.G.3.) require NRC review and approval. Hence, Section 50.48(c) requires their completion within a certain time after NRC approval. The date for submittal of design descriptions of any modifications to provide alternative safe shutdown capability was specified as March 19, 1981.

By letter dated March 6, 1981, as amended September 14, 1981, and January 18, 1982, Carolina Power and Light requested exemptions from 10 CFR 50.48(c) with respect to the requirements of Section III.G of Appendix R as follows:

- (1) Extend from March 19, 1981, to June 30, 1982, the date for submittal of plans and schedules to achieve compliance with III.G.2 required by §50.48(c)(5);
- (2) Extend from March 19, 1981, to June 30, 1982, the date for filing additional exemptions from Section III.G. pursuant to §§50.12(a) and 50.48(c)(6);
- (3) Extend from March 19, 1981, to June 30, 1982, the date for submittal of design descriptions of alternative or dedicated shutdown systems to comply with Section III.G.3., if such are necessary; and
- (4) Extend from February 17, 1981, to June 30, 1982, the date from which the installation schedules established in §50.48(c)(2) and (3) are calculated.

When this Fire Protection Rule was approved by the Commission, it was understood that the time required for each licensee to re-examine those previously-approved configurations at its plant to determine whether they meet the requirements of Section III.G of Appendix R to 10 CFR 50 was not well known and would vary depending upon the degree of conformance. For each item of non-conformance that was found, a fire hazards analysis had to be performed to determine whether the existing configuration provided sufficient fire protection. If it did, a basis had to be formulated for an exemption request. If it did not,

modifications to either meet the requirements of Appendix R or to provide some other acceptable configuration, that could be justified for an exemption, had to be designed. Where fire protection features alone could not ensure protection of safe shutdown capability, alternative safe shutdown capability had to be designed as required by Section III.G.3. of Appendix R. Depending upon the extensiveness and number of the areas involved, the time required for this re-examination, reanalysis and redesign could vary from a few months to a year or more. The Commission decided, however, to require one, short-term date for all licensees in the interest of ensuring a best-effort, expedited completion of compliance with the Fire Protection Rule, recognizing that there would be a number of licensees who could not meet these time restraints but who could then request appropriate relief through the exemption process. Licensees for 44 of the 72 plants to which Appendix R applies (plants with an operating license issued prior to January 1, 1979) have requested such schedular relief.

The licensees for the remaining 28 plants made submittals to meet the schedular requirements of 50.48(c). All of these submittals, however, were deficient in some respects. In general, much of the information requested in a generic letter (81-12) dated February 20, 1981, to the licensees of all 72 plants, was not provided. Therefore, additional time is being used to complete those submittals also.

III.

Prior to the issuance of Appendix R, the Brunswick Units had been reviewed against the criteria of Appendix A to the Branch Technical Position 9.5-1 (BTP 9.5-1). The BTP 9.5-1 was developed to resolve the lessons learned from the fire at Browns Ferry Nuclear Plant. It is broader in scope than Appendix R, formed the nucleus of the criteria developed further in Appendix R

and in its present, revised form constitutes the section of the Standard Review Plan used for the review of applications for construction permits and operating licenses of new plants. The review was completed by the NRC staff and its fire protection consultants and a Fire Protection Safety Evaluation (FPSEER) was issued. A few items remained unresolved. Further discourse between the licensee and the NRC staff resulted in resolution of these items as documented in two supplements to the FPSEER. The FPSEER and its supplements supported the issuance of amendments to the operating licenses of the Brunswick Units^{1/} which required modifications to be made to plant physical features, systems, and administrative controls to meet the criteria of Appendix A to BTP 9.5-1. All of these modifications have been completed. Therefore, the Brunswick Units have have upgraded to a high degree of fire protection already and the extensive reassessment involved in this request for additional time is to quantify, in detail, the differences between what was recently approved and the specific requirements of Section III.G to Appendix R of 10 CFR 50.

The licensee also stated in the request for exemption that all other subsections of Appendix R would be met on the schedules required by 10 CFR 50.48(c). As mentioned earlier there are 14 other subsections which contain criteria for other aspects of fire protection features. One of these, Section III.L., provides the criteria for Alternative Safe Shutdown capability and thus affects the final reassessment and redesign, if necessary, of this feature at the Brunswick Units. Nevertheless, this means that compliance with the remaining applicable sections of Appendix R have been or will be completed on or before the implementation dates required by the Fire Protection Rule.

^{1/} Brunswick Unit 1 - Operating License DPR-71
Amendment 11 supported by FPSEER issued November 22, 1977
Amendment 23 supported by Supplement 1 to FPSEER issued April 6, 1979
Amendment 28 supported by Supplement 2 to FPSEER issued June 11, 1980
Brunswick Unit 2 - Operating License DPR-62
Amendment 37 supported by FPSEER issued November 22, 1977
Amendment 47 supported by FPSEER issued April 6, 1979

Based on the above considerations, we find that the licensee has completed a substantial part of the fire protection features at Brunswick Units 1 and 2 in conformance with the requirements of the Fire Protection Rule and is applying significant effort to complete the reassessment of any remaining modifications which might be necessary for strict conformance with Section III.G. We find that because of the already-completed upgrading of these facilities, there is no undue risk to the health and safety of the public involved with continued operation until the completion of this reassessment on June 30, 1982. Therefore, an exemption should be granted to allow such time for completion. However, because we have found that most submittals of this reanalysis to date from other licensees have not been complete; that is, not all of the information requested by Generic Letter 81-12 dated February 20, 1981, was provided, we are adding a condition to this exemption that requires all such information to be submitted by the date granted.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants the following exemptions with respect to the requirements of Section III.G. of Appendix R to 10 CFR 50:

- (1) The date, March 19, 1981, for submittal of plans and schedules to achieve compliance as required by §50.48(c)(5) is extended to June 30, 1982;
- (2) The date, March 19, 1981 for filing exemption requests pursuant to §50.48(c)(6) which includes a tolling provision is extended to June 30, 1982;
- (3) The date, March 19, 1981, for submittal of design descriptions of alternative or dedicated shutdown systems to comply with Section III.G.3, as required by §50.48(c)(5) is extended to June 30, 1982; and
- (4) The date, February 17, 1981, from which the installation schedules established in §50.48(c)(2) and (3) are calculated, is extended to June 30, 1982;

Provided the following conditions are met:

- 1). Requests for exemption pursuant to §50.48(c)(6) must include:
 - a) A concise statement of the extent of the exemption;
 - b) A concise description of the proposed alternative design features related to assuring post-fire shutdown capability; and
 - c) a sound technical basis that justifies the proposed alternative in terms of protection afforded to post-fire shutdown capability, degree of enhancement in fire safety by full compliance with III.G requirements, or the detriment to plant safety incurred by full compliance with III.G. A simple statement that the feature for which the exemption is requested was previously approved by the staff is not sufficient. A simple assertion that in the licensee's judgment the feature for which the exemption is requested is adequate fire protection is not sufficient.

- 2). The design descriptions of alternative or decicated shutdown systems to comply with Section III.G.3., as required by §50.48(c)(5) shall include a point-by-point response to each item in Section 8 of Enclosure 1 to generic letter 81-12 dated February 20, 1981, and to each item in Enclosure 2 to Generic Letter 81-12, dated February 20, 1981.

If the licensee does not meet the above conditions, the licensee will be found in violation of 10 CFR 50.48(c) even though the submittal may be made within the time limit granted by the exemption. If such a violation occurs, imposition of a civil penalty will be considered under Section 234 of the Atomic Energy Act, as amended. Such a violation will be a continuing one beginning with the date set in the exemption for submittal and terminating when all inadequacies are corrected.

A delay in the determination of inadequacy by the staff, caused by the workload associated with reviewing all of the submittals falling due near the same time, will not relieve the licensee of the responsibility for completeness of the submittal, nor will such delay cause any penalty that may be imposed to be mitigated.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

FOR THE NUCLEAR REGULATORY COMMISSION

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland
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