



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

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MAY 30 1984

MEMORANDUM FOR: Commissioner Victor Gilinsky
FROM: Gregory Harrison, Project Manager
Licensing Branch #2
Division of Licensing
SUBJECT: DIFFERING PROFESSIONAL OPINION - "INTERPRETATIONS
OF APPENDIX R" DATED MAY 2, 1984, EBERLY, et al.

In your speech before the College of Natural Science Alumni Association, Michigan State University, on April 9, 1981, you stated in part, the following:

- "...the revival of nuclear power's prospects now depends also on our ability to control accident risks both to people and to their pocket books, and to do it convincingly."
- "...it seems obvious that the nuclear industry ought to pay more attention to safety..."
- "The nuclear power plant safety problem stems fundamentally from the lack of a healthy respect on the part of owners and regulators alike for the vulnerability of these machines."
- "There is for example, a sequel to the 1975 Browns Ferry fire. That accident led NRC to conclude that fire protection systems were vital to nuclear safety. New fire protection requirements were issued. The Browns Ferry fire is said to have cost a billion dollars in plant damage, power replacement and the like. Yet this year NRC staff was obliged to propose a \$50,000 fine as a result (of) TVA's failure to meet the basic requirements for fire protection -- requirements drawn up in consequence of the devastating fire in that very plant. How is one to explain an attitude towards safety on the part of the plant supervisors that this reflects?"
- "...the public still depends on the nuclear regulators for protection... that the NRC needs to be less defensive about doing its job."

The context of the above remarks is not made explicit here and it does not have to be. Your remarks stand on their own quite well.

Now, I submit that there is a sequel to the sequel of Browns Ferry, VIZ., that:

- a. certain utilities have banded together (Fire Protection Utility Group) post - Appendix R and sought to resist, delay and fudge the fire protection requirements

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- b. additionally, these utilities have repeatedly tried to water-down the Appendix R requirements and, eventually, these utilities gained an audience with upper NRR management
- c. one result has been the formation of "Interpretations of Appendix R" which I now understand has acceptance by R. Vollmer, V. Stello, ELD, et. al.
- d. further, these interpretations are against the specific recommendations by the NRR fire protection staff. In fact, I understand that the staff fire protection engineers were not utilized in the formation of the "interpretations." This is incredible and illustrates a flagrant disregard of fire safety by upper NRR management. Obviously, the NRC fire protection staff agrees because they issued the subject DPO and it is signed by no less than five NRC FPEs!
- e. D. C. Cook simply chose the "do nothing" alternative when faced with the requirements of Appendix R and a directive by DL to analyze their plant for conformance to same, this plant was found to be in gross violation of Appendix R requirements
- f. other operating plants to varying degrees have taken advantage of the fact that the Appendix R review process, in effect, "rewards" those who do little, nothing, or simply keep requesting exemption requests
- g. on the other hand, other plants, e.g., Calvert Cliffs, understood Appendix R and implemented the requirements to the staffs' satisfaction - why cannot the fire protection utility group grasp the problem? (Answer: they are using the shield for ambiguity and legal folie to stall)

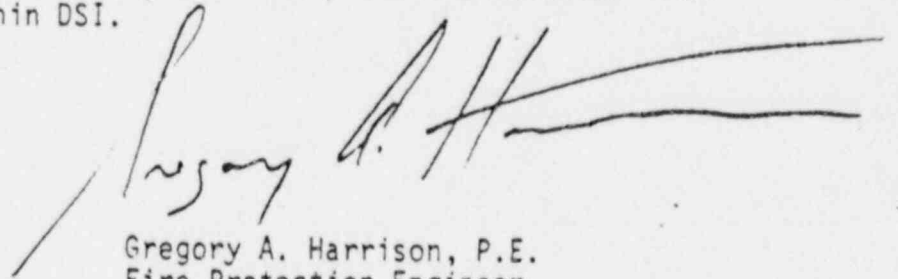
It is almost a decade since the Browns Ferry fire and we are still mired down in our own bureaucracy regarding Appendix R. Appendix R was supposedly developed to expedite the fire protection review of operations plants and to close open issues which could not be resolved. Appendix R represents a boil down of the NRC position(s) on many fire protection issues and can be viewed as the "bottom line." Why is it that we cannot implement these simple requirements and process exemption requests in a timely manner?

What should we do now? As stated in the subject DPO, we should proceed as we have been, e.g., review exemption requests and eventually followup each plant with an I&E audit inspection. Violations should be dealt with on a case-by-case basis and, when appropriate, substantial (six digits) fines should be levied. I have one suggestion however, and that is to have the Commission:

- charge the CMEB staff to identify, as we did with D.C. Cook, ten operating plants most likely to have a deficient fire protection program and/or flawed exemption requests - this effort can be done in one afternoon meeting of "brain storming" by Ferguson, et al.

- direct CMEB to transmit these results, without a written basis and without NRR concurrence, to the Commission by June 8, 1984
- then direct I&E to audit these plants to the requirements of Appendix R using, in part, NRR fire protection engineers and ASB engineers; this effort could be completed by September 15, 1984
- direct I&E to prepare for the Commission a brief and concise summary report on the findings with the objective of making it explicit as to how these plants stacked up against Appendix R
- direct I&E to aggressively followup deficiencies in a manner similar to that of D.C. Cook

The above actions can be undertaken with the spirit of an audit. Also, because of the weight of the evidence before us now, e.g., D.C. Cook et al., Browns Ferry fine, the subject DPO, etc., we do not have to be defensive. In other words, let's look at the bottom of the barrel now. I urge you to support the thrust of the subject DPO and, further, to inspire the Commission to take actions such that an attitude adjustment is effected on those utilities that are still resisting our fire safety requirements. Finally, I urge the Commission to consider surgically removing the fire protection section from CMEB/DE and to transplant it within DSI.



Gregory A. Harrison, P.E.
Fire Protection Engineer

cc:

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| Commissioner Palladino | R. Eberly |
| Commissioner Roberts | D. Kubicki |
| Commissioner Aselstine | J. Stang |
| Commissioner Bernthal | C. Ramsey |
| W. Dircks | J. Ulie |
| V. Stello | T. Wambach |
| H. Denton | S. Trubatch |
| E. Case | W. Shields |
| R. Mattson | V. Benaroya |
| L. Rubenstern | R. Ferguson |
| D. Eisenhut | F. Rosa |
| R. Vollmer | J. Conrad |
| | L. Rubenstein |

May 30th

Commissioner Gilinsky:

om! Greg Harrison

Here is a copy of my DPO
and R. Ferguson's DPO on Haddam Neck.

Note dates - I don't believe NRC has
tried to resolve this in a timely manner.
We are talking firesafety which is vital
to nuclear safety. The Haddam Neck SER
attached is of the "pre-Appendix R vintage"
and represents a giant step backwards.
Faust Rosa (PSB, X27141) was charged by Denton
to resolve both DPOs. I checked with him
this a.m. and he does not have a final
written opinion - but, he said that the
bottom line is that he will side with the
staff.

This DPO on Haddam Neck is actually identical
to the broad DPO issued by NRC fire
protection engineers, dated May 2 '84, in that
it is against the departure from min. requirements
in Appendix R. My opinion is that the OME's
staff has had its arm twisted and has
been brow beaten by mg't. Obviously,
something is wrong - why? Just
look at the record -

- ① Bob Ferguson has a DPO
- ② Harrison has a DPO
- ③ Five FPE's have DPO
on the whole subject!

NRC Firesafety needs your support now - please. 9 H