



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS
WASHINGTON, D. C. 20555

October 14, 1980

Honorable John F. Ahearne
Chairman
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

SUBJECT: PROPOSED RULE MAKING ON FIRE PROTECTION - SECY-80-438A

Dear Dr. Ahearne:

During its 246th meeting, October 9-11, 1980, the Advisory Committee on Reactor Safeguards considered the proposed Rule on fire protection as submitted to the Commission with SECY-80-438A. Fire protection for nuclear plants has been considered by the ACRS and its subcommittees on a number of occasions since the Browns Ferry fire. This has involved Branch Technical Position (BTP) APCSB 9.5-1, Appendix A to that BTP, and a proposed Regulatory Guide based on that BTP.

The proposed Rule consists of a new Section 50.48 and a new Appendix R to 10 CFR Part 50. Appendix R provides detailed requirements for fire protection for those plants operating prior to January 1, 1979. Appendix R includes seventeen items from the much longer list in Appendix A of BTP 9.5-1. Some of these are further amplified or explained in Appendix R, and in three cases, more restrictive interpretations are proposed in the light of new information or new perceptions.

We have never disagreed with the need for greatly improved measures for fire protection or with the criteria embodied in BTP 9.5-1. Nor have we disagreed, in most cases, with the NRC Staff's interpretation of the criteria or with the implementation of the requirements of BTP 9.5-1.

However, we still do not believe that the extremely prescriptive requirements of BTP 9.5-1 provide the best means to ensure safety. This view was expressed by an ACRS Subcommittee in its review and disapproval of proposed Regulatory Guide 1.120. We are even more concerned about the proposal to incorporate the prescriptive criteria of BTP 9.5-1 into the Rules, either directly (for seventeen items) or by footnote reference.

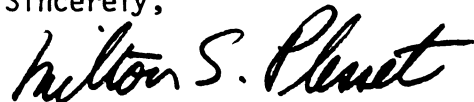
We are aware of the several instances of technical disagreement between the NRC Staff and certain licensees regarding the implementation of the criteria in BTP 9.5-1. Although the adoption of the proposed Rule, including Appendix R, may accelerate the resolution of these disagreements by requiring strict compliance with the NRC Staff's position, we believe that the issuance of compliance orders would be more likely to provide optimized and integrated installation of these backfitted features for fire protection.

Although we do not favor the issuance of this Rule, if the Commission decides that its adoption is necessary or preferable, we urge strongly that the provisions of Sections 50.48(b) and 50.48(c) be adopted as proposed in the revised Rule.

Section 50.48(b) exempts from the provisions of Appendix R those fire protection features that have previously been accepted by the NRC Staff as meeting the provisions of Appendix A to BTP 9.5-1 as reflected in Staff fire protection Safety Evaluation Reports already issued, or those features accepted by the Staff in comprehensive fire protection Safety Evaluation Reports issued before Appendix A to BTP 9.5-1 was published in August 1976. We believe that such exemptions are justified subject to the NRC Staff's assurance that all such approved features provide protection equivalent to that prescribed in the BTP.

Section 50.48(c) provides a more relaxed, and substantially more realistic and reasonable, implementation schedule than that in the original version of the proposed Rule. The ACRS believes that this schedule is needed in order to assure that time is available for proper engineering design and proper installation of the required fire protection features. We believe that any additional risk to the public resulting from this delayed implementation will be small and will be more than offset by the decrease in risk resulting from properly engineered and installed fire protection features.

Sincerely,

A handwritten signature in black ink, reading "Milton S. Plesset". The signature is written in a cursive, flowing style.

Milton S. Plesset
Chairman