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2 UNITED STATES OF AMERICA
3 NUCLEAR REGULATORY COMMISSION
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6 In the Matter of:

7 DISCUSSION OF APPENDIX R (Fire Protection)
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3 United States Nuclear Regulatory Commission held on
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1 UNITED STATES OF AMERICA

2 NUCLEAR REGULATORY COMMISSION

3 DISCUSSION OF APPENDIX R (FIRE PROTECTION)

4 PUBLIC MEETING

5
6 Nuclear Regulatory Commission
7 1717 H Street, N. W.
8 Room 1130
9 Washington D. C.

10 Wednesday, May 30, 1984

11 The Commission met, prusuant to notice at
12 2:00 p.m.

13 COMMISSIONERS PRESENT:

14 NUNZIO PALLADINO Chairman of the Commission
15 VICTOR GILINSKY Commissioner
16 THOMAS ROBERTS, Commissioner
17 JAMES ASSELSTINE, Commissioner
18 FREDERICK BERNTHAL, Commisssioner

19 STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

20 R. Eberly
21 D. Kubicki
22 J. Stang Jr.
23 R. Vollmer
24 E. Case
25 J. Zerbel
S. Trubatch
S. Chilk

P R O C E E D I N G S

1
2 CHAIRMAN PALLADINO: The Commission is meeting this
3 afternoon with the staff to discuss the status of the imple-
4 mentation of Fire Protection Requirements. The fire protec-
5 tion rule which is composed of 10CFR 50.48 and Appendix R,
6 subpart 50, was issued in 1980. The rule imposed new re-
7 quirements on operating plants beyond those which had been
8 originally adopted by the staff in 1976 and incorporated
9 into a Branch technical position.

10 It is my understanding that the staff position
11 and the branch technical position has been largely incor-
12 porated into operating plants at the time of the issuance
13 of the rule.

14 In 1984, nine years since the parcipitating event
15 at Browns Ferry, the fire protection requirements still
16 appear to be involved in it.

17 The history of events leads me to ask the staff to
18 discuss the extent to which the evolutionary process itself
19 is contributing to a less then full compliance, with the
20 lessons learned from Browns Ferry.

21 I'd also appreciate knowing under what circums-
22 tances full compliance with Appendix R is sought by the
23 staff and under what circumstances compliance with the in-
24 tent of Appendix R is sufficent as the staff said was the
25 case at Susquhenna Two.

In addition I would appreciate disscussion of

1 differing professional opinions of some staff Fire Protect-
2 ion Engineers and Staff comments on Sheldon Trubatch's memo
3 of 5/29/84. Are there any additional remarks by other
4 Commissioners before we begin?

5 COMMISSIONER ASSELSTINE: Just a couple. My in-
6 terest in, in having this meeting really focused on the
7 guidance documents that we received in, in March, and my,
8 my concern at the time particularly as I began to look
9 through it was whether some of those things were going be-
10 yond just interpretation or implementation to actually
11 making some modifications to Appendix R, that might better
12 be dealt with in a different way than with a guidance docu-
13 ment.

14 I have some of the same concerns the Chairman
15 mentioned about the, the differing professional opinions,
16 in the items that were highlighted in the memo that we got
17 yesterday from Sheldon. So that's the area that I'd be
18 particularly interested in hearing from the staff on.

19 CHAIRMAN PALLADINO: Okay, any other comments?
20 Well then I'll turn the meeting over to Mr. Vollmer.

21 MR. VOLLMER: Okay, what I'd thought I'd do if I
22 may is go briefly the items and the slides because they do
23 constitute a little bit of a historical background since
24 a number of the Commissioners were not really involved in
25 Appendix R and the preceding work that went into it.

1 So I thought I'd take just a few minutes to do
2 that, it will answer I think, or at least partially answer
3 the questions, and then we can be more specific, will that
4 be alright.

5 The slides you have before you, the first one
6 dealing with the history of fire protection for nuclear
7 power plants. As the Chairman indicated the precipitating
8 event was the March '75 Browns Ferry fire. Following which
9 a task force was assembled to put together recommendations
10 on fire protection for nuclear power plants based on the
11 lessons learned at the Browns Ferry fire.

12 In May of 1976 the Branch Technical Position,
13 951, which basically were staff guidelines for fire protec-
14 tion for nuclear power plants, basically more of a forward
15 looking document was issued and that was followed in August
16 of '76 Appendix A, to that document which was meant to deal
17 with the operating plants and represented more of a fall
18 back position, then the Branch Technical Position itself,
19 and the reason for that, of course, is the plants that we
20 were dealing with at that time, had not been designed and
21 constructed in conformance with what, at that time felt, were
22 appropriate guidelines, and while it's easy back fit such
23 things as putting in sprinklers and fire detection systems
24 it's not easy to back fit the more important ingredients and
25 that is separation of the electrical cables and conduits and

1 so on that are needed to provide safe shutdown. And this
2 is really the key to the, to Appendix R itself, and to the
3 fire protection in it's essence is to protect redundant
4 systems that are necessary to achieve safe shut down, and
5 you'll see as we develop this thing, that is the, the
6 direction that the rule itself heads.

7 In 1977, through 1980 all plants, all those oper-
8 ating plants were evaluated in, to Appendix A, and the
9 Branch Technical Position, five fire protection teams were
10 formed, each operating plant was visited, and the plants
11 were all reviewed and SCR's written in accordance with,
12 with the teams evaluation of the plant vis a vis that guid-
13 ance.

14 Following that particular time frame, there were
15 a number of open items that the staff was unable to come
16 to agreement with licensees and get the licensees to imple-
17 ment the specific provisions the staff review teams felt
18 were necessary to meet the, the then current guidance.

19 We considered the possibility of issuing orders
20 on specific plants or issuing a generic rule. The choice
21 was made to issue a rule and so a rule was constituted,
22 basically of a number of open items, I think something like
23 15 open items that, that dealt with about 20 or 25 plants
24 that the staff was unable to reach resolution in the fire
25 protection guidelines.

1 COMMISSIONER GILINSKY: When did the utilities
2 take us to court was that pre-Appendix R?

3 MR. CASE: After.

4 COMMISSIONER GILINSKY: After Appendix R. That
5 was over Appendix R.

6 MR. CASE: It was over Appendix R.

7 COMMISSIONER GILINSKY: Now in that preceeding
8 period, there was an area of a great deal of controversy, as
9 I recall the commission, you might say jacked up the. It
10 was really pre-appendix R though wasn't it?

11 MR. CASE: It was in the process.

12 MR. VOLLMER: In the process of Appendix R, so
13 the Appendix R was developed, the 5048 was basically a rule
14 that says all nuclear power plants need to have a fire pro-
15 tection program, to meet certain requirements, and the re-
16 quirements are -- criteria three at least, and in specific
17 those plants that were operating, having an operating license
18 pre-January 1st, 1979 had to meet the provisions of Appendix
19 R, which was specific technical requirements.

20 Now where a plant, except for three items, but
21 where a plant met already the staff guidance on issues that
22 were identified in Appendix R, they did not have to imple-
23 ment that specific provision of Appendix R. Except that all
24 plants had to go back, whether the staff had achieved reso -
25 lution on the issue or not, the staff, or the utility had to

1 go back and re-review and back fit, in accordance with Appen-
2 dix R on issues three G, J, and O.

3 Three G is a fire protection of an alternate safe
4 shutdown, or I'm sorry, fire protection of safe shutdown
5 systems. 3J, is emergency lighting, and 3O, is oil collec-
6 tion for reactor coolant pump.

7 MR. CASE: And that was the back fitting of those
8 3 sections was the commission did, as distinguished from
9 the staff proposals.

10 COMMISSIONER GILINSKY: I thought even before we
11 got to Appendix R, we went through several rounds where the
12 feeling was that there had been some relaxation in the Branch
13 position on the way they interpreted the.

14 MR. CASE: I think it was over several meetings
15 on Appendix R, a few of those subjects were discussed, but
16 I don't believe there was any commission-staff interaction
17 pre Appendix R.

18 COMMISSIONER GILINSKY: Well it came in because of
19 the lack of compliance on the part a number of utilities.

20 MR. CASE: Well it was more, I would of character-
21 ized it as a changing degree of compliance over the years.
22 The earlier plants.

23 COMMISSIONER GILINSKY: Well I remember you arguing
24 for Appendix R, saying we're just not getting what we need.
25 We got to have this rule.

1 MR. CASE; Right, right, and that was because of
2 issues that we couldn't reach agreement with the industry.
3 We needed the rule to get it done, the size of the fire
4 brigade and things like that.

5 That was the original purpose of the rule and then
6 the commission added to that, even where the staff is satis-
7 fied to go back and backfit three J, three G.

8 CHAIRMAN PALLADINO: G, J, and O.

9 MR. CASE: G, J, and O, because of the varying de-
10 gress of interpretation that were put to that over the years,
11 starting out rather more relaxed than the plants towards the
12 end, and the commission wanted to bring them all up to the
13 same standards, in those three areas and that's why they
14 required that they backfit on all plants, regardless of pre-
15 vious staff approval. All operating plants.

16 CHAIRMAN PALLADINO: G, J, and O, also applied
17 to the future did it not?

18 MR. VOLLMER: Not by the rule, the rule. Appendix
19 R, the requirements G, J and O are specifically according to
20 regulations to be applied to those plants that have operating
21 license before January 1st, 1979, in a few slides I'll get
22 to how we have applied that to future plants, because we
23 and the commission both felt that it didn't make sense to,
24 have a higher level of protection in the older operating
25 plants, than the current plants, and the staff did develop

1 a mechanism to accomplish the same degree of fire protection
2 review and compliance.

3 COMMISSIONER ASSELSTINE: In fact Dick, wasn't
4 the rationale at the time that we only needed a rule with
5 the exsisting plants because as a practical matter the
6 agency and the staff had the power and the authority it need-
7 ed in looking at a new application to insist upon what you
8 wanted, whether it's Appendix R, or whatever, you had all the
9 authority you needed for the new plants anyway.

10 MR. VOLLMER: That's correct.

11 CHAIRMAN PALLADINO: So you weren't implying that
12 the new plants didn't have to meet the same requirements?

13 MR. CASE: No not at all, we just, we just didn't
14 need a rule to achieve that purpose, and the rule was specifi-
15 cially looking back at the plants that we couldn't achieve
16 compliance with before.

17 MR. VOLLMER: On the next time frame, May '81 to
18 present roughly, we've evaluated the modifications for alter-
19 nate safe shut down capability at all but five plants, and
20 we've evaluated the exemptions approximately 600 exemption
21 requests from the utilities of which about 400 were granted.

22 Now the rule recognized, and we recognized and
23 the commission recognized at the time, that we were talking
24 about plants that had various degrees of compliance, and
25 various degrees of age, and even to this day, no plant, to

1 my recollection, would specifically meet the requirements of
2 Appendix R, without any exemption or specific modification.

3 Because the requirements of Appendix R deal with
4 certain line items, for example, protection of safe shut down
5 it talks about fire barriers, or 20 foot separation, or one
6 hour and sprinklers, or an alternate path.

7 So without, just by design, even for those plants
8 that, that are fairly recent in their design vintage, and
9 basically have cables coming out of the control room and
10 going in opposite directions, and achieve good separation
11 after that there still are some control room separations
12 problems that need to be looked at, and recognized under the
13 fire protection rule itself.

14 So it's a rule that everybody recognized would
15 would need the, need exemptions for older plants, and cer-
16 tainly that they would need to make modification to, as well
17 as exemptions to achieve compliance.

18 COMMISSIONER GILINSKY: What's their status of
19 compliance right now?

20 MR. VOLLMER: I'll, it's hard to answer that. If
21 I could develop a little bit more and then go back to that.

22 CHAIRMAN PALLADINO: Could you answer maybe a more
23 general question, the new plants must be in compliance with
24 this fire protection rule?

25 MR. VOLLMER: No the current standard review plant

1 has all the, the elements of the original branch technical
2 position which has been upgraded and includes all of the
3 provisions of Appendix R. But where there is a specific
4 area, that, that does not meet the literal requirements of
5 the rule, then the licensee would have to demonstrate that
6 he has achieved a technically acceptable resolution to that
7 by other means. And those other means are, in some cases
8 for example, the other means would be a demonstration that
9 physically the configuration is such, and the loading of
10 combustibles in that area is such, that the staff would not
11 have to meet the literal requirements of the rule, or alter-
12 nate provisions are taken.

13 Let's say he has a 19 foot separation, and no
14 intervening combustibles, it doesn't meet the 20 foot, but
15 if the configuration is such that the staff judges it's in
16 an acceptably technical conformance with the rule, then it
17 would grant, in the case of an, a plant being licensed, it
18 would write up in the SCR that they don't meet that but the
19 staff's reviewed it and finds it to be acceptable.

20 In an operating plant, we would have to grant an
21 exemption, on the same basis.

22 MR. CASE: So the technical requirements are the
23 same, in the operating plant you grant an exemption, in a
24 new plant you accept a deviation.

25 MR. VOLLMER: From the license and put it in the

1 SCR, so it's part of the record. It's identified in the SCR,
2 yes.

3 COMMISSIONER GILINSKY: They have more flexibility.

4 COMMISSIONER ASSELSTINE: Or a different approach.

5 MR. VOLLMER: Different approach I think I would
6 ask, -- the fire protection is there, how much more flexi-
7 bility I guess. We have more flexibility but I think in
8 general, it would be my view from discussion of the staff
9 that the newer plants have, overall better fire protection,
10 they have more fire protection in the basic design, like
11 some of them the cables part as soon as they leave the con-
12 trol room, and there's real reasonable separation. And in
13 some of the older plants, safe shut down systems, redundant
14 systems were intertwined in many parts of the plant, it was
15 very difficult to achieve rational separation and protection.

16 COMMISSIONER GILINSKY: Is a fire suppression
17 system an acceptable way of treating the point where?

18 MR. VOLLMER: Not by itself no, not by itself.

19 COMMISSIONER BERNTHAL: Let me ask a question, in
20 the last bullet, you say evaluate and modifications for al-
21 ternative safe shut down capability in all but five plants,
22 made the evaluation but are the evaluations acceptable to the
23 NRC Staff?

24 MR. VOLLMER: Oh yes.

25 COMMISSIONER BERNTHAL: Mean all the modifications

1 are acceptable.

2 MR. VOLLMER: We, we have evaluated the modifica-
3 tions of all but five plants and found them to be acceptable.
4 Now by the rule, they have a timing provision in the rule
5 which would say they would then have to implement those mod-
6 ifications by a certain date, as prescribed under 5048.

7 In some cases they aren't able to do that and we
8 have to, they request schedule exemptions but the meaning
9 of that is, that sets the clock for the licensee in which
10 he has to, he should achieve compliance.

11 CHAIRMAN PALLADINO: When you talk about all but
12 five plants, are you talking about operating plants?

13 MR. VOLLMER: Operating plants, this is yes.

14 COMMISSIONER BERNTHAL: Are you in disagreement on
15 the five or is it just a matter of getting it going?

16 MR. VOLLMER: Just a matter of, well in some cases
17 it's been a long process, some of the five plants, for ex-
18 ample have, in some cases they felt they already met Appen-
19 dix R, so didn't until more recently put in for modifica-
20 tions, for alternate safe shut down capability.

21 But I don't think in any plant there is a lack of
22 a way to meet compliance, the staff just has to hammer it
23 out and achieve that, and that hasn't been that big a prob-
24 lem.

25 CHAIRMAN PALLADINO: Before you leave that page,

1 is Appendix A of the Branch Technical Position still in
2 force?

3 MR. VOLLMER: No, I guess really that, that was
4 the least, that was developed, in recognition a lot of opera-
5 ting could not meet the provisions of the Branch Technical
6 Position which was more forward looking so it was sort of
7 the least acceptable position the staff could take.

8 Some plants, some elements of some plants were
9 accepted in accordance with Appendix A, and those are living
10 in the plants today. However since the Commission wished
11 to back fit the more important item, namely the protection
12 of safe shut down capability no matter what was achieved un-
13 der appendix A, that's no longer effective, the rule itself
14 takes over and the plant would have to be re-evaluated and
15 modified to meet the rule itself.

16 So it's effective in the sense it's not being
17 used in the review process anymore, but at, in some cases
18 plants were reviewed to it, and changes they might have made
19 still might exist in those plants.

20 CHAIRMAN PALLADINO: So it was used from some
21 plants but it's not being used for new plants beginning when?

22 MR. VOLLMER: That's right.

23 CHAIRMAN PALLADINO: Beginning when?

24 MR. VOLLMER: January of '82, again, again all of
25 these, we shouldn't concentrate perhaps on the documents the

1 concentration should be on the staff has tried. We have
2 plant with a myriad of configurations, a myriad of cables
3 intertwining, types of separations, combustible loadings
4 and all that, that staff has as it's goal has tried to
5 achieve a sort of a uniform level of protection for fire
6 and in particular has concentrated on protecting redundant
7 past cold shutdowns so. By whatever means we get that the
8 emphasis was not on specifically the, perhaps the documen-
9 tation on the criteria but the goal of achieving protection
10 of that redundant shut down capability which is the key to
11 whole thing.

12 On the next slide, again, we started inspections
13 again in 1982, and the inspections were geared to take a
14 look at those plants that felt that they met Appendix R,
15 and we had started out with the inspection of DC Cook, which
16 I think you're familiar with. They felt they met Appendix R,
17 and related to the staff that they did.

18 We also inspected Trojan, Fort Calhoun, Davis --,
19 Vermont Yankee, Fort -- and Salem One and Two, and to a
20 greater or larger extent these, these plants had multiple
21 violations and citations because of the fire protection
22 problems that they had.

23 Industry said, at that time, and had said previous
24 to that, of course with the court case and dialogue with
25 the staff, with the industry's nuclear fire protection

1 utility group, that the reason the inspections were, the
2 reasons the plants were found lacking during inspection was
3 because the staff had never given adequate clarification of
4 the rule, or what we felt was needed by the rule, and as a
5 result of that we put our generic letter 83-33, which were
6 staff positions on the various Appendix R requirements, and
7 we didn't really pick these out of the hat, we had dialogue
8 with industry, and they told us these were the issues that
9 were fairly important to them, and ones which they needed
10 additional guidance.

11 CHAIRMAN PALLADINO: Was this reviewed by the
12 Commission, or doesn't it represent the change in Appendix
13 R requirements?

14 MR. VOLLMER: The generic letter was not reviewed
15 by the Commission, and it was again it, the staff.

16 MR. CASE: It was no more than the staff writing
17 down the position it had taken in various cases, it was a.

18 CHAIRMAN PALLADINO: Did it represent a change
19 from the rule?

20 MR. VOLLMER: In the staff's view it didn't perhaps
21 in industry's view since they were implementing things dif-
22 ferently, and we realize that by inspections it did. Let
23 me give you an example of that, which I think will help a
24 little bit. Appendix R requires that fire detectors and
25 an automatic fire suppression system be installed in any

1 fire area, the key word is in. To satisfy this requirement
2 the fire detectors and automatic suppression systems, in the
3 staff view, and this is based on going back and reviewing
4 staff practice, but more importantly national fire protection
5 standards. The staff interpreted this word in, to mean
6 throughout the fire area, and so were industry used the word
7 in, and they put a, you have a room this size with cables
8 here, and a couple of pumps there, and nothing there, in-
9 dustry, in some cases, would put them over what they felt
10 was important but would ignore the other, and the staff view
11 was that the operative meaning of that word in was through-
12 out, unless the utility came back and asked for an exemption
13 which the staff would grant if there was reason, because
14 there's nothing back there to burn, we didn't feel that they
15 need to put suppression and detectors back there.

16 CHAIRMAN PALLADINO: That's for all plants?

17 MR. VOLLMER: That's for all plants, and so we
18 felt, staff felt and had been operating in this means that
19 an exemption would be required, because of the word, we
20 operated saying the word in, meant throughout.

21 COMMISSIONER GILINSKY: Now, on the whole, Appendix
22 R is pretty explicit isn't it?

23 MR. VOLLMER: It's pretty explicit, but here's an
24 example, a very easy example of where.

25 COMMISSIONER GILINSKY: No, I understand but it was

1 meant to be, it was.

2 MR. VOLLMER: It was meant to be.

3 COMMISSIONER GILINSKY: It was a very prescriptive
4 rule, it was meant to plug a number of holes.

5 MR. VOLLMER: That's right and I think, I think
6 it did.

7 MR. CASE: Ambiguity in it, this was one, so in
8 a generic letter we said, in our view in means throughout,
9 if you don't intend to put your sprinkling system through-
10 out you must apply for an exemption, and we must grant that
11 exemption.

12 MR. VOLLMER: If it's technically justifiable we
13 would grant it, and in fact we did grant 400 exemptions out
14 of 600 that were applied, so.

15 CHAIRMAN PALLADINO: Necessarily interpret in to
16 mean throughout under the circumstances where there was
17 nothing to burn.

18 MR. VOLLMER: That's right, but the point was, who
19 should make the decision, should they come in and ask us,
20 through the exemption process to agree with them, that they
21 didn't need sprinklers throughout the fire area, but only
22 where there was stuff. Or should they make the decision
23 and they decide how far their coverage should extend. That's
24 really the crux of it, and that was the end result.

25 COMMISSIONER GILINSKY: And that was cleared up

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1 in this Generic letter?

2 MR. VOLLMER: Well the generic letter cleared it
3 up by saying that the staff believes that in meant through-
4 out and if they didn't put it throughout they had to come
5 in and get an exemption. Now clearly in some of the in-
6 spection the licensees hadn't done that, and so that was the
7 point of the clarification in the generic letter.

8 Shortly after that the staff the regions, IE, NR,
9 met with Mr. Dircks to discuss perhaps some of the reasons
10 for the bad results that we were having on the inspections
11 and the inspections again I might emphasize.

12 COMMISSIONER GILINSKY: Who called that meeting?

13 MR. VOLLMER: Mr. Dircks.

14 COMMISSIONER GILINSKY: On the basis of what?

15 MR. VOLLMER: On the basis of I think a number of
16 comments from the regions and I & E perhaps, I'm not speak-
17 ing for them. It was clear that they weren't able for what
18 ever reason, the inspection seemed to, weren't going along
19 swimmingly well.

20 COMMISSIONER GILINSKY: Well the reason I ask was
21 it comes a month after the generic letter, which was supposed
22 to cure the problem of interpretation.

23 MR. VOLLMER: Well a month in, in fire protection
24 time is nothing. Unfortunately, and nobody had a chance to
25 react to that letter, but I think Mr. Dircks reaction was

1 symptomatic of seeing one of the results of the inspections.

2 - MR. CASE: Yeah, I think that was his problems,
3 we'd inspected six plants.

4 MR. VOLLMER: Who said they met Appendix R.

5 MR. CASE: And none of them did.

6 COMMISSIONER GILINSKY: Reminds me of my arrival
7 at Cal Tech as a starting graduate student, and I asked one
8 of the students in the basement how long he'd been, how many
9 years he'd been there, and he turned to me and he said a year
10 was not a practical unit of time, my heart sank.

11 MR. VOLLMER: So at this meeting we dicussed the
12 problems and again each region was represented, and then all
13 of us who have been in it for a while were represented.

14 MR. CASE: Well, it's fair to say, those in head-
15 quarters were most familar with the regulation were arguing
16 that we felt it was very clear, and everybody knew, should
17 know what ought to be done. Those in the region who were
18 closer to the licensee and were farther from the day by day
19 interpretation, didn't think it was that clear, is that
20 a fair.

21 MR. VOLLMER: That's a fair statement.

22 COMMISSIONER GILINSKY: Well were the regional
23 people complaining to Bill, or what?

24 MR. CASE: Well they were trying to, why they
25 thought plants weren't coming into compliance that quickly

1 COMMISSIONER GILINSKY: But the must of read the
2 generic letter by this time, and felt that that this wasn't
3 going to do the trick or what?

4 MR. VOLLMER: I don't recall if that was really
5 entered into it, I was being sort of historical here, and
6 -- the generic.

7 COMMISSIONER GILINSKY: Okay, this reflected
8 complaints that had been going on.

9 MR. VOLLMER: Yeah, I think, I think that if the
10 generic letter had not been issued there, the November
11 meeting still would have taken place and still have the same
12 rough agenda.

13 But we did decide at that point in time to hold a
14 regional workshop.

15 COMMISSIONER GILINSKY: Well let's see why wasn't
16 the answer to whatever question that was being asked at that
17 point, that we have turned out the generic letter and that's
18 goin to solve the problem?

19 MR. CASE: Well that was one of the answers, we
20 submitted it.

21 COMMISSIONER GILINSKY: Well why not?

22 MR. CASE: Well, they throught that we were just
23 to close to the problem, then.

24 COMMISSIONER GILINSKY: Who is they?

25 MR. CASE: Dirck.

1 COMMISSIONER GILINSKY: For one?

2 MR. CASE: Yeah for one, that we'd been talking
3 so much to ourself that we convinced ourself that it
4 was absolutely clear. And that propably the people in the
5 region had a more objective view of the situation.

6 MR. VOLLMER: I think 'cause they went through the
7 plant and maybe we ought to call on Jim Taylor to answer
8 that question.

9 COMMISSIONER GILINSKY: Let me ask, had the regions
10 been complaining about having to inspect against these
11 requirements.

12 MR. CASE: I think that meeting grew out of we
13 were continuing to find, we inspect only on a sample basis,
14 as we sent the groups out, we were continuing to find cases
15 where licenesse clearly didn't comply, particulary in the
16 seperation area, and the redundant and the suppression sep-
17 eration, the so called 3G area, I believe at this meeting,
18 Ed you, I'm recollecting, but I believe at this meeting we
19 we talked about the results and the inspections with all the
20 regional folks, people began to say, well why isn't it
21 clear, you know, if it's clear to us on the staff why isn't
22 it clear to the folks responsible out in the plants.

23 and I believe we did get the idea at that meeting
24 that maybe we ought have some workshops, and I think Dick
25 will now lead into that, that was one of the outgrowths of.

1 COMMISSIONER GILINSKY: But why, the natural an-
2 swer it seems to me, having just produced this generic
3 letter which responded to whatever uncertainties there had
4 been previously, the natural answer would have been to say
5 well we're got this generic letter, and this is the answer.

6 MR. CASE: And the answer to that was go out and
7 preach the gospel.

8 MR. VOLLMER: Interactive mode with the licensee
9 and their consultants and there's a bunch of consultants,
10 involved in this.

11 COMMISSIONER GILINSKY: So the licensee's had
12 been complaining but on the other hand they hadn't seen the
13 generic letter, at least for very long at that point.

14 MR. VOLLMER: And the generic letter again, was
15 developed in dialogue with nuclear utility fire protection
16 group, that didn't represent all the utilities, but they
17 felt that this was, these were the items they needed guidance
18 on so we felt the generic letter was was good, but again I
19 it was an emphasis on need to do as much as we possible could
20 to go the last yard to try to get out there and listen to
21 what their problems were on a one to one basis, and say
22 preach the gospel, and try to answer questions.

23 COMMISSIONER GILINSKY: But there would not at
24 this point yet have been complaint about the generic letter,
25 would there?

1 MR. VOLLMER: No, no I don't think so. No.

2 COMMISSIONER GILINSKY: They barely read it?

3 MR. VOLLMER: They barely read it. Okay so as
4 that was coming off the Nuclear utility fire protection
5 group, was developing a seminar of their own and we had a
6 meeting with them somewhat after the EDO meeting and we in-
7 dicated that we were going to go out and have these workshops
8 and we were going to solicit from them before the workshop
9 the questions that they felt needed answering.

10 COMMISSIONER GILINSKY: And who is we at this
11 point?

12 MR. VOLLMER: At this point in time, I was taking
13 the lead on that, and I & E was taking the lead on develop-
14 ing the workshops, setting up the logistics.

15 COMMISSIONER GILINSKY: Were fire protection
16 professional involved in this? I'll tell you why I ask, my
17 time is short so I have to be blunter with you than I would
18 have been other wise, I get some sense that they were not
19 cut it, that this was handled at a higher level?

20 MR. VOLLMER: I think you're thinking of something
21 different, the, and we'll get to that, but I think you're
22 talking about this interpretation of Appendix R, which were
23 handled at a higher level. In this thing, we weren't really
24 doing anything, we said we're going to agree with industry
25 we'd like to solicit questions from you, issues, tell us

1 what you want tell us what problems you have, tell us what
2 questions you want answered. And this developed into a
3 fairly thick package, and all of the fire protection engineer
4 were involved in writing the responses to those questions, so
5 they were all cut in to that particular activity. It's the
6 interpretations of Appendix R which I'll get to in a minute
7 that is the issue.

8 COMMISSIONER GILINSKY: But weren't you interpret-
9 ing Appendix R at that point and responding to questions?

10 MR. VOLLMER: Well yes we were, but for example
11 the interpretation of Appendix R there were a couple of
12 issues, and I'm getting a little bit ahead of myself, which
13 industry felt besides the answers to the questions, they
14 felt there were a few issues that they would characterize as
15 follows, that did not, they were issues that staff guidance
16 were not part of the rule itself, in other words that they
17 could have interpretations different then for example in,
18 meaning, in the fire area, meaning throughout the fire area.
19 They felt that industry should be able to interpret the rule
20 and analyze and decide themselves where fire suppression
21 needed to be in the room, and then put down that analysis
22 have it for posterity and then when they come get inspected
23 that the burden would be on them to say this is why we put
24 fire suppression here and didn't need it there.

25 The staff on the other hand felt, and I'm talking

1 about the fire protection staff, the individuals, and we're
2 getting into DPO now, felt that that the licensee analysis
3 should be sent in to the NRC for our review and on that
4 basis we would grant an exemption, to relieve the utility
5 from requiring fire suppression totally throughout the area.
6 If it was so justified technically.

7 COMMISSIONER ASSELETINE: Was it fair to say that
8 when they read your generic letter they didn't like it.
9 Industry read it you clarified the areas that they were un-
10 certain about but they didn't like it.

11 MR. CASE: In a few respects.

12 COMMISSIONER ASSELETINE: They objected to your
13 interpretation.

14 MR. CASE: They objected to the interpretation
15 that throughout, that in means throughout.

16 CHAIRMAN PALLADINO: Yeah, well I would of also.

17 MR. CASE: Well it's fair to say, and I must say
18 at this point, that our lawyer who has been most familiar
19 with our side working on this case, said he could support
20 either interpretation..

21 MR. VOLLMER: And to be fair the fire protection
22 people feel that if you go back to the fire protection stan-
23 dards and things like that, that it's clear in there, that
24 what is meant by these words.

25 COMMISSIONER GILINSKY: Well obviously what that

1 means somewhere, and it has to cover the problem.

2 CHAIRMAN PALLADINO: But that's what, they were
3 doint that, they were putting it in somewhere, but let's
4 not go into that too far the generic letter cleared that
5 up.

6 MR. VOLLMER: The generic letter 83-33 told in-
7 dustry, inthese, in these particular areas that they were
8 interested in, what the staff felt was required, what the
9 staff was doind and the fact that the staff felt that you
10 would need an exemption if you didn't do it this way.

11 COMMISSIONER GILINSKY: Who was the highest level
12 person who signed off on the generic letter? Did that go
13 through CRGR?

14 MR. VOLLMER: No, I don't think that went there.

15 MR. CASE: It did not, it was no more then a com-
16 pilation of.

17 MR. VOLLMER: Of some staff activity.

18 COMMISSIONER GILINSKY: Who signed off on it?

19 MR. VOLLMER: It was signed off, as all generic
20 letter by the Division of Licensing, approved by myself.

21 MR. CASE: We infomred the commission in a SECY
22 paper that this was the position that we were taking on
23 these.

24 MR. VOLLMER: July 5th, '83 Secy, 83-269. Okay.

25 COMMISSIONER GILINSKY: Incidentally are we going

1 to hear from some of the other people who are, somewhere
2 along the way?

3 MR. VOLLMER: Yes, they're all.

4 CHAIRMAN PALLADINO: Why don't we let him go on
5 because I think we have a number of interesting questions.

6 MR. VOLLMER: Okay, now, let me just complete
7 the historical basis here. So industry had it's so industry
8 decided they wanted to get people together to hold their
9 own seminar to sort of develop the issues there and they
10 would provide the staff with a long list of questions that
11 we need to answer.

12 So they had a seminar on the 14th of February.

13 COMMISSIONER ROBERTS: Who's they now?

14 MR. VOLLMER: The industry, it was set up by the
15 Nuclear Utility Fire Protection group, I think it was some-
16 thing like 250 people at the hotel, the Sheridan I think,
17 and I spoke there, and Jim Taylor spoke, Mr. Dircks was
18 there Mr. Stella was there, and several of the staff people
19 it basically was industry's meeting, we just gave a few pep
20 talks, as I saw it from the regulatory side, and Jim as he
21 saw it from the inspection side, and the main thrust of it,
22 they went into workshop to try to develop problems and
23 issues that they could give to us so we could deal with them
24 in the workshop.

25 CHAIRMAN PALLADINO: Can I ask you a question,

1 when earlier you said that you referred to the first generic
2 letter, is there another generic letter and when?

3 MR. CASE: There's one generic letter.

4 MR. VOLLMER: Yeah, there was just the one generic
5 letter. Okay, Between the industry seminar and our regional
6 workshops.

7 MR. CASE: There's a generic letter to come to,
8 but we'll get to that.

9 MR. VOLLMER: Yeah, in the between the industry
10 seminar in February and our regional workshops then industry
11 representative came into basically appeal items in the 83-33
12 and suggesting that, that staff positions on certain require-
13 ments of Appendix R could be modified in their view to ex-
14 celerate the process of compliance make it easier for in-
15 dustry to implement the rule, and get the same, avoid a
16 number of exemptions but achieve the overall level of tech-
17 nical compliance with the rule.

18 COMMISSIONER GILINSKY: What form did this appeal
19 take?

20 MR. VOLLMER: The appeal took the form of a de-
21 velopement or appeal?

22 COMMISSIONER GILINSKY: Is there a piece of paper
23 submitted to the NRC?

24 MR. VOLLMER: I think it was in the form of meet-
25 ings I don't think it, there was a piece of paper that I

1 can recall. It all happened in a fairly short time frame.

2 COMMISSIONER GILIN : Did you get any letter
3 complaining or appealing or?

4 MR. VOLLMER: Well there have been a number of
5 letters saying we're doing, you know, there's a history of
6 letter.

7 COMMISSIONER GILINSKY: Well you say industry re-
8 presentative appeal, did they come and talk to you or did
9 they put something down on paper?

10 MR. VOLLMER: Bob Ferguson indicated that there
11 was a letter indicating that they wanted interpretations on
12 some of these items so I guess I can construe that as a
13 start. I think the nuclear protection, the nuclear industry
14 fire protection group, yeah. So they came to see us and
15 they wanted we revolved down to six items, I think the most,
16 which I indicated were the, you need the suppression, pro-
17 tection in or throughout the fire area, and also the defin-
18 ition of how you deal with the fire areas, how they're
19 defined, because if you, depending on how you define a fire
20 area, if you arbitrarily define it down the middle of this
21 room, and your redundant systems are on either side, then
22 you have the so called fire area division, then they're
23 essentially taken out of the analysis, so if you were clever
24 about defining fire areas you could almost circumvent the
25 rule itself, and I'm not suggesting that that was, was what's

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1 being done, but there were a number of ways of defining fire
2 areas which met less the Appendix R criteria. For example
3 a three hour fire barrier or a 20 foot separation, and the
4 staff was concerned that perhaps these interpretations would
5 not develop into full technical compliance with the rule,
6 and in fact the industry proposed that basically the latitude
7 be given in this area, that the fire areas be defined, and
8 that again these be, the licensing go forward on the basis
9 of their interpretation of the fire areas and that the ana-
10 lysis generated by their technical review be put in their
11 files and so when we went out for a fire protection inspec-
12 tion and they didn't we didn't see something that was quite
13 cricket, we could come back and we could take a look at their
14 analysis, and they say well gee this is why we did it this
15 way, then the staff could disagree well that's not enough,
16 and argue about the interpretation or the adequacy of the
17 evaluation at that time.

18 MR. CASE: But the generic letter.

19 MR. VOLLMER: But the generic letter said, oh
20 contrae, that you would have to get an exemption, that you
21 have to come in to the staff on the evaluation.

22 COMMISSIONER BERNTHAL: That's French.

23 COMMISSIONER GILINSKY: Sounds like to many foreign
24 trips.

25 MR. VOLLMER: Well, yeah, so finally on the region-

1 al workshops, we visited each region, I would, I don't have
2 an accurate count but my estimate, six, seven hundred people,
3 total in attendance at these regional workshops, they were
4 very well attended, very knowledgeable people with the
5 utilities, the consultants, and.

6 COMMISSIONER GILINSKY: These were our workshops?

7 MR. VOLLMER: These were our workshops.

8 COMMISSIONER GILINSKY: What was the sense of
9 it, were we explaining in our letter, the generic letter.

10 MR. VOLLMER: Okay, what we did in the workshops
11 is we discussed the interpretation package, which was
12 developed over a rather short time frame.

13 COMMISSIONER GILINSKY: What is the interpretation
14 package?

15 MR. VOLLMER: The interpretation are those six
16 issues, the two most important ones that I mentioned.

17 COMMISSIONER GILINSKY: Was this something beyond
18 the generic letter?

19 MR. VOLLMER: These are interpretations of the
20 generic letter, if you will.

21 COMMISSIONER GILINSKY: What is the date of that?

22 MR. VOLLMER: The date of that, well it's not
23 really a final document, the interpretations.

24 COMMISSIONER GILINSKY: This is the thing we have?

25 MR. VOLLMER: That's the thing you have.

1 COMMISSIONER GILINSKY: Who prepared this?

2 MR. VOLLMER: The interpretation package was, was
3 primarily developed with, by Bill Johnson, the Assistant
4 Director who works for me, and Vick Benoroya, and some people
5 from EDO, and the Nuclear Utility Representative.

6 COMMISSIONER GILINSKY: As distinct from the fire
7 protection.

8 MR. VOLLMER: As distinct from the fire protection
9 staff, and these interpretation plus the rather thick pack-
10 age of questions which were all worked on by the fire pro-
11 tection staff.

12 COMMISSIONER GILINSKY: Well isn't it rather un-
13 usually to follow this process, obviously there's something
14 behind the scenes there. .

15 MR. VOLLMER: Well I don't think so, I think these
16 were meant to be more legalistic and whether or not the
17 licensee procedure, or whether or not the licensee had to
18 come in and had to get a legal exemption to do it this way
19 whether he had to meet 83-33 in the sense of exempting him-
20 self legally where he didn't meet it, or whether or not he
21 could go out, the licensee could go out and decide on his own
22 what it meant in the rule, or what it meant throughout.

23 COMMISSIONER GILINSKY: Well the fact that you
24 didn't involve, say working level people suggests to me that
25 somehow you feel they dug themselves in hard on a position

1 that you don't want to go along with, and they developed
2 a separate interpretation. Leaving aside who's right or not.

3 MR. VOLLMER: I really don't see it that way, I
4 don't see it that way. The way I see it, and I think again
5 the example that I used the in or throughout is an easy one
6 I think that the real issue is whether or not the licensee
7 should be allowed to determine the extent of compliance
8 with that specific provision for the rule, and go out and
9 take the change when it gets inspected he'll get hit with
10 it at that time or whether he has to come in and get a staff
11 interpretation of the adequacy of his analysis. It's
12 clear that he knows.

13 MR. CASE: It's a legal/policy question as distin-
14 guished from a technical question.

15 CHAIRMAN PALLADINO: Well but the interpretation
16 seems to touch on technical questions. You interpret the
17 say that well if he's got something going through the wall,
18 he don't have to seal it, we don't have to go all the way up
19 to the ceiling.

20 MR. CASE: But we've granted exemptions just on
21 those points so.

22 CHAIRMAN PALLADINO: But if you have to interpret
23 and the interpretation comes out different from what the
24 rules seems to say then I wonder if we haven't changed the
25 rule and.

1 MR. CASE: That's why we had the lawyers involved
2 to ask them that question and they said no.

3 COMMISSIONER GILINSKY: But it sounds a little
4 odd to me you know if you're the, yeah but.

5 MR. CASE: Because our legal advice was that we
6 hadn't changed the rule.

7 COMMISSIONER GILINSKY: Higher level people and
8 I beleive you said together with industry representatives,
9 coming up with a document apart from the Fire protection
10 professionals, which in so far as I can see, relaxes the
11 requirient and the rule.

12 MR. VOLLMER: If we had set down the criteria
13 by which you make the decision of hwere you need fire sup-
14 pression and where you don't then I'd agree with you. But
15 we did not set down technical criteria, in any way shape
16 or form about, you need fire suppression here because you
17 have this fire loading but you don't need it here because
18 you don't have any more then such.

19 MR. CASE: I believe there are merits to both
20 arguements, it's a very difficult question.

21 COMMISSIONER GILINSKY: Well you didn't involve
22 the.

23 MR. CASE: Well part of the reason why timing.

24 COMMISSIONER ASSELSTINE: This was turned around
25 in about two weeks.

1 COMMISSIONER GILINSKY: Yeah, but you wouldn't
2 do that in another area, you wouldn't do that in Core physic
3 or any of ther. Now maybe you're right, and they're wrong
4 but it seems very odd that they were not involved in that
5 process.

6 MR. CASE: Well as Dick said, you won't try to
7 develope technical, as to when, how far the wall had to
8 go or how.

9 COMMISSIONER GILINSKY: Well, you know you have
10 me at a disadvantage on the details I'm not been through
11 them but I have talked to people have and some written
12 documents on this and the feeling is that it's substantial
13 bakcing off from Appendix R.

14 MR. CASE: I agree with you and we have there,
15 DPO's under consideration.

16 COMMISSIONER GILINSKY: I'm not talking about that
17 I'm talking about people you know where at our own staff.

18 MR. CASE: I don't know how the issues going to
19 be finally resolved. Remember these dicussions that we had
20 at the regional meetings were on draft criteria, to get
21 input on those criteria inclucing input from our own staff.
22 So we are not in a final position on this yet, we are taking
23 into account comments we expect to get from the regional
24 administrator, from the industry and from the staff.

25 COMMISSIONER ASSELSTINE: You know Ed I would

1 also say, I think you mentioned the point that you thought
2 these were basically procedural changes. It also strikes
3 me though that one element of this of the approach that's
4 taken here though is the question of when you can expect to
5 see compliance particularly, the question of which alterna-
6 tive is the acceptable one, waits going around and doing
7 inspections and then deciding at that point whether you
8 agree or disagree as opposed to the exemption. It seems to
9 me, you get beyond procedure if, if the practical consequences
10 to, defer even farther.

11 MR. CASE: I'm not sure that the practical con-
12 sequences are any different, 'cause if you follow the ex-
13 emption route they can keep asking for exemptions, as soon
14 as you turn one down they're submit more information, and ask
15 for a farther exemption. That too has the, you can abuse
16 that process. So as I told the people when we met to discuss
17 the subject we're both speculating as to which one's the
18 better one, and it's hard to tell. It is very hard to tell.

19 CHAIRMAN PALLADINO: Some of the questions are in
20 Sheldon's documents and I want them to comment on the
21 Sheldon document, Sheldon Trubatch's document.

22 COMMISSIONER GILINSKY: Well just to read one
23 sentence from his document, staffs interpretation of appen-
24 dix R, would substantially undue much of what the commis-
25 sion wanted to accomplish by promulgating appendix R.

1 MR. CASE: I submit that it's his opinion.

2 COMMISSIONER GILINSKY: Well that's why I returned
3 to the process that's involved ultimately what we're doing
4 here, is in confidence, and we can't deal with all the
5 details.

6 MR. CASE: First of all the lawyers are involved
7 because it is an interpretation of the rule, that's an im-
8 portant aspect. And then the policy makers from the Branch
9 Chief up were involved in the discussion.

10 COMMISSIONER GILINSKY: Yeah, but this is not the
11 way you would do it in other areas. You would deal with
12 the guys who work in, on this day in and day out. Now
13 you might overrule them which is another matter. But it
14 does seem odd to me that they were, they were not involved
15 in this.

16 MR. CASE: It was, I continue to say, not a
17 technical discussion.

18 CHAIRMAN PALLADINO: But there were technical
19 matters. That were interpreted, and I think that some of
20 them were in the form of lesser requirements.

21 MR. VOLLMER: Well, I don't think there was
22 any intent, and I hate to use that word after what we heard
23 about it but to lessen any technical requirements. The
24 technical requirements were to be achieved in a different
25 way. Putting more burden on the licensee to do them because

1 the licensee to them because the licensee and the.

2 CHAIRMAN PALLADINO: But you don't require walls
3 to go all the way up to the ceiling do you?

4 MR. CASE: We didn't before, we granted exemptions
5 on many of these things.

6 CHAIRMAN PALLADINO: I heard, I'm sorry, but I
7 heard "severe condemnation of a licensee who didn't do that.

8 MR. CASE: He didn't do an analysis to show.

9 CHAIRMAN PALLADINO: There was a criticism because
10 there was a gap around some pipe that went through the wall.
11 And there were no seals, now apparently you allow that, and
12 I'm sort of surprised.

13 MR. VOLLMER: There was no intent to allow anything
14 different then we had allowed before.

15 CHAIRMAN PALLADINO: But it sounds different from
16 the rule.

17 MR. VOLLMER: In all of these area we had granted
18 exemptions for good technical cause and the point the licensee
19 the industry said we'll do, we'll do fire protection to your
20 technical requirements but we want to get out from the exem-
21 ptionf process, we'll do the analysis and again the way,
22 there was no thought behind this to lessen the technical
23 requirement, that was not the point it was a proedural way.

24 MR. TRUBATCH: In essence was it backing off on
25 the requirement that the utility would have to do the anaylsis
submit it for an exemption, obtain an approval for an

1 exemption, that approach?

2 MR. VOLLMER: Not backing off from doing the
3 analysis, but in doing it for the exemption.

4 MR. CASE: Well he would do the analysis, but he
5 kept it at the site for anybody to look at if they wanted
6 to.

7 COMMISSIONER ASSELSTINE: So it wouldn't be review-
8 ed by the fire protection staff.

9 CHAIRMAN PALLADINO: But in another part, and this
10 is from Sheldon's now, where part 50 was promulgated, when
11 part 50 was promulgated the commission was concerned about
12 fire about fire suppression agents, that fire suppression
13 agents should not disable, shut down equipment, the proposed
14 interpretation does not share that concern.

15 MR. VOLLMER: I'm sorry I just got Sheldon's
16 document so I can't comment on it, sorry.

17 CHAIRMAN PALLADINO: Well he's talking about the
18 fact that the suppression agent should not disable the
19 shut down equipment, and that's no longer the interpretation
20 it doesn't appear to.

21 MR. VOLLMER: Where's that?

22 CHAIRMAN PALLADINO: That's on page five, the sec-
23 ond paragraph. I'm just trying to, you say their were not
24 technical interpretations, in fact there were.

25 MR. VOLLMER: I catagorically do not agree with

1 that statement.

2 MR. CASE: You know I must, Joe.

3 MR. VOLLMER: But the intent was to keep the same
4 technical requirements. Absolutely, to achieve the same
5 level of compliance.

6 CHAIRMAN PALLADINO: Well you know the point about
7 the sequence of events and left up to the licensee and in-
8 spected and, does it have to go through the NRC is not a
9 trival point because you're dealing there.

10 MR. CASE: I agree.

11 MR. VOLLMER: I agree absolutely.

12 MR. CASE: If I had guidance on this it would
13 make my job easier.

14 CHAIRMAN PALLADINO: Well let me just make my
15 point that in this area there has been I'll agree a certain
16 amount of confusion, but also a certain amount of just sheer
17 recalcitrance. People just out there digging in their heels
18 and not complying. And there fore it makes a whole lot of
19 difference whether you sort of let them go and then eventual-
20 ly try and catch up with them, and so on.

21 MR. CASE: Well another -- is to require them to
22 send inthe analysis when they did them.

23 COMMISSIONER GILINSKY: Well but we have one
24 problem, when you see a changin set of requirements you
25 don't put a lot of money in trying to fix it untill you

1 see some stability in the requirements.

2 MR. CASE: There was no change in technical re-
3 quirements, there is change in procedural requirements, but
4 no technical change.

5 CHAIRMAN PALLADINO: Well Fred Bernthall had a
6 comment so.

7 COMMISSIONER BERNTHAL: Oh I think's it's probably
8 past appropriatness. I was just going to say that I think
9 it's unfair to drop a, in a memo, with all due respect to
10 the OGC on this matter, on these people, and have them try
11 to reply on the spot, the day of the meeting, I think it's
12 simply not something we can do today.

13 CHAIRMAN PALLADINO: The point is not, that the
14 obviously haven't had time to look at this, and neither have
15 I frankly, but that at least to some observers this thing
16 looks very different then represented by the staff, in other
17 words it looks like a whole lot bigger change, and a bigger
18 substantive change then has beensuggested to us here.

19 COMMISSIONER BERNTHAL: Yeah, I understand that
20 it's on the narrow point that I'm making that we shouldn't
21 expect them to respond in detail.

22 CHAIRMAN PALLADINO: No I wasn't all I was trying
23 to use the memo for was to show them there were technical
24 issues involved, at least in certain areas.

25 COMMISSIONER ASSELSTINE: And in fairness the

1 questions may the technical questions may have to do with
2 the basis for some of the exemptions too. It may be broader
3 then just just the guidance document I mean to the extent
4 that there are questions about whether there exemptions
5 themselves are consistent with what the commission had in
6 mind.

7 MR. VOLLMER: And I think that's an issue that
8 one of our Secy papers talked about the type of exemptions
9 that we were giving, and I think industry obviously new the
10 type of exemptions we were giving, and felt that, that they
11 could conform to the criteria under which we granted those
12 exemptions themselves, and same time and implementation and
13 so on, and doing it that way, and the legal staff.

14 COMMISSIONER GILINSKY: It's a fair arguement
15 but I'm uncomfortable about the way this whole thing was
16 handled, had it been handled differently I might have a
17 different feeling about it, also having agreed that it's
18 unfair to sock you with stuff out of Sheltons memo.

19 MR. CASE: Whether they were consulted in advance
20 or not they are now being consulted on the subject.

21 COMMISSIONER GILINSKY: We just should not be in
22 a situation where the people who are directly involved, are
23 professionals are in here with different professional op-
24 inions.

25 CHAIRMAN PALLADINO: Why don't we stipulate that

1 you have a good point there and. But we've been on that
2 subject for quite a while, but go ahead and read one more
3 sentence.

4 COMMISSIONER GILINSKY: Well he just talks about
5 one more aspect of this, he says that.

6 MR. VOLLMER: Where is that Sir?

7 COMMISSIONER GILINSKY: Page 4. I'm just reading
8 from my yellow marked version, I never read the whole thing.
9 He says thus this interpretation is arguably a major modi-
10 fication of Appendix R which any require notice and comment
11 before adoption, which without getting into any detail
12 suggests to me that we're not talking about trivial changes.

13 CHAIRMAN PALLADINO: I don't know that that part
14 is as significant as some of the others.

15 MR. SHIELDS: I don't think I'll respond to this
16 particularly I haven't had time to read to read this as well,
17 what let me tell you the general legal approach. The
18 negotiations that we undertook by direction of the executive
19 Director, my instructions were to look at the rule with an
20 open mind, and consider the suggestions that were made by
21 the utilities, the utility group in particular for areas
22 in which the rule was admittedly soft in language and was
23 subject to some interpretation. And I took that as my
24 direction. The areas that we discuss in interpretation of
25 appendix R, are admittedly a few areas of the rule which are

1 not as specific as others. There are clearly most areas of
2 the rule are highly prescriptive. The areas that we under
3 took to negotiate concerning with the utilities, were areas
4 where the rule is not very specific, and in some cases it's
5 difficult to match one portion of the rule with another
6 portion of the rule, which purports to talk about the same
7 subject.

8 If you all recall even the rule itself was develo-
9 ped over a period of time and a number of changes were made
10 rather rapidly before it was promulgated as a final rule.
11 So these, these problems are not surprising. The intent
12 then was to arrive at interpretations which were acceptable
13 from the legal standpoint which is to say they were not
14 in conflict with the words of the rule and none the less
15 carried out what was thought to be the objective of the
16 executive directive, and the objective of the utilities,
17 that were asking for some of these interpretations.

18 COMMISSIONER GILINSKY: Yeah, but you're talking
19 about you, you're a lawyer, you're talking about the execu-
20 tive director who's not a fire protection specialist, you're
21 talking about the industry that has certain interests, and
22 where are the guys who are the professionals, that, that
23 really bothers me, because had they been involved in the
24 process, and overrules, I wouldn't be making this comment.
25 But it does bother me.

1 MR. SHIELDS: I guess the point that I'm trying
2 to make in response to you Commissioner Gilinsky, is that
3 the interpretations we were making here, certainly from my
4 standpoint were not intended to change the approach to the
5 technical criteria.

6 CHAIRMAN PALLADINO: Have we, have we gone over
7 this enough, unless theres some action you think we ought
8 to take right now. I think they have got the point. I even
9 agreed to stipulate your point, and now maybe there's a point
10 in the proceeding where we want to do something about it.

11 (End of Tape 1)

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1 : -- involved, maybe there
2 is a point in the proceeding where we want to do something
3 about it, but I would like to see us go on.

4 COMMISSIONER ASSELSTINE: And I guess I agree with
5 Fred's comment. I think it's fair to also now, to give the
6 staff a chance to take a look at Sheldon's memo. It does
7 seem to me he raised us a number of fairly significant ques-
8 tions and give them an opportunity to come back with a re-
9 sponse on it rather than ask me to try and react off the cuff.

10 MR. VOLLMER: Ok, as much as I'd like to move off
11 this page I have one more comment to make. That is, it would
12 be regional workshops at Region I, we had just a week or so
13 before that Region I Workshop, the inspection of the Calvert
14 Cliffs plant was conducted for Appendix R and this inspection
15 went very well and, effectively, Calvert Cliffs was, indeed,
16 in compliance with it and at that Regional Workshop I asked
17 a gentleman there from Baltimore Gas and Electric if he would
18 share with the rest of the audience why BG&E managed to meet
19 the rule and nobody else had and he gave some very interest-
20 ing comments which, of course, were transcribed at the meet-
21 ing. But, basically, I think what he said was that the util-
22 ity, without the aid of consultants, put together a team of
23 fire protection and electrical and systems engineers and read
24 the rule, decided that it was for the protection of safe
25 shutdown system and systematically tracked through their plant

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1 and they just sort of followed the systems and, where they
2 needed protection because they didn't meet the rule, they
3 either protected them in accordance with the rule or finally
4 found a way to wire around it. And, gee, it seems to me they
5 turned out very well. So I think it's not all bad.

6 CHAIRMAN PALLADINO: I thought earlier you said no
7 plant --

8 MR. VOLLMER: I said no plant would meet the liter-
9 al provisions of the rule itself without exemption.

10 CHAIRMAN PALLADINO: They had exemptions?

11 MR. VOLLMER: They had exemptions, yeah.

12 COMMISSIONER ASSELSTINE: So I take it far fewer or
13 far less significance than other plants?

14 MR. VOLLMER: Well, I don't know the answer to that.
15 Bob, do you know how many exemptions might have been granted
16 for Calvert Cliffs?

17 MR. FERGUSON: I'd say they only had a few exemp-
18 tions.

19 MR. : They made a lot of modifications.

20 COMMISSIONER ASSELSTINE: But you say, so they did
21 you know, a combination of modifications and wiring around
22 a problem area?

23 MR. CASE: All that really showed to us that we've
24 been right all along, that the rule wasn't that --

25 COMMISSIONER ASSELSTINE: Somebody could follow it.

1 COMMISSIONER GILINSKY: Well, it's also true that
2 because, for good reasons and bad, that because of a certain
3 amount of back of forth on the way - on our requirements and
4 the way we interpreted requirements some utilities simply
5 decided the best thing to do was just try and sit it out as
6 long as they could.

7 COMMISSIONER BERNTHAL: But that's because there
8 was this foot in the door that there was considerable leeway
9 for reasonable people to disagree on exactly what was in
10 Appendix R. That is the problem.

11 CHAIRMAN PALLADINO: The fact that there are so
12 many exemptions in effect -- The fact that there are so many
13 exemptions and the fact that we have needed so many workshops
14 and the fact that you only have one that turns out to have
15 been in compliance --

16 MR. : I suggest that there was some --

17 COMMISSIONER ROBERTS: Wait a minute, I don't think
18 he said that.

19 CHAIRMAN PALLADINO: He said --

20 CHAIRMAN PALLADION: Well, Calvert Cliffs was in
21 compliance. Anybody else?

22 MR. CASE: Well, units 1 and 2, yes.

23 COMMISSIONER GILINSKY: Well, we've also got a sys-
24 tem which rewards the companies that drag things out for the
25 longest time.

1 : Well, that's why it's important to
2 to get our situation straightened out.

3 : Well, we haven't done that
4 deliberately.

5 MR. CASE : Well, we have to operate with-
6 in the rules too. People ask for exemptions we have to con-
7 sider them.

8 COMMISSIONER PALLADINO: Well, why don't we go on?
9 We'll try -- once more?

10 MR. VOLLMER: The next slide was very briefly to
11 set down sort of parse out the requirements. Of course,
12 General Design, Criteria 3, which is very broad, says struc-
13 ture systems and components important to safety need to be
14 designed and located so that you have low probability in the
15 effects of fire and that, of course, applies to all plants.
16 And 50.48 itself also applies to all plants in the general
17 sense that fire - all plants need to have a fire protection
18 program and it references specifically the branch technical
19 position as specific staff guidance on how to achieve those
20 programs. Now, Appendix R is for pre-1979 plants and I put
21 a dash under NTOL's and future CP's because if you go back
22 on the plants that were evaluated shortly after Appendix R
23 was issued, you'll recall we met with the Commission at that
24 time and the question came up just what should you be doing
25 on NTOL's and we responded that we will ask each NTOL

1 licensee to review Appendix R and point out in his plant
2 where he does not meet the literal requirements of Appendix
3 R and the staff will review those and handle those basically
4 as licensing issues. And so, in that way, we did factor in
5 the provisions of Appendix R on plants that were being lic-
6 ensed in the time frame -- 1980-81 and then in Jul, of '81
7 the standard review plan was issued, including Appendix R,
8 so those have - all those plants that have been reviewed up
9 to this point in time have very specifically taken into
10 effect the provisions of Appedix R, but, of course, it's not
11 - they're not covered by the rule so rather than needing
12 exemptions for deficiencies they have to point out to the
13 staff technical justification for not meeting Appendix R
14 and we review that just as we review a licensee against any
15 of our regulatory guide requirements or standard review plan
16 requirements.

17 CHAIRMAN PALLADING: But the fact that you have a
18 dash at the NTOL's doesn't mean they don't have to comply
19 with Appendix R?

20 MR. VOLLMER: That's right, but they are - by the
21 rule they don't have to comply with them. Ok, the next --

22 CHAIRMAN PALLADING: I guess the same thing would
23 apply to future CP's?

24 MR. VOLLMER: Future CP's, yes, we have another re-
25 vision of the standard review plan in process, which we

1 discussed in our last major Commission paper on the fire
2 protection. We aren't putting that - it's sort of on a back
3 burner since we have nothing before us at this point in time.
4 But the direction I might indicate for that would be to try
5 to get as much passive - in other words, three hour barriers
6 between redundant systems to - the staff is pointing in that
7 direction and licensees in the later plants, some of them
8 have gone to that by rerouting cables away from one another
9 right out of the control room and keeping, well, protecting
10 their safe shutdown systems.

11 The next one, I just wanted to very briefly review
12 the status of our Appendix R reviews. And now these are re-
13 views rather than Appendix, rather than status of implemen-
14 tation at the plants themselves. For the original exemption
15 requests we have all but 9 units completed. We've actually
16 gone through SER's for every operating plant.

17 CHAIRMAN PALLADINO: Did you turn the page?

18 MR. VOLLMER: Yes, I did, sir. We have basically
19 written a staff review document on exemption requests for all
20 plants, but there are a number of plants which are still in
21 appeal process or process pending whereby they have not -
22 we haven't really reached agreement on exemptions.

23 COMMISSIONER GILINSKY: How many plants are you
24 talking about?

25 MR. VOLLMER: We're talking about 9 plants here.

1 COMMISSIONER GILINSKY: So is this interpretation
2 just for these 9 plants?

3 MR. VOLLMER: No, no the interpretation is somewhat
4 separate because that, again, is so recent and it's not out
5 in final, so nobody would really utilize those interpreta-
6 tions.

7 COMMISSIONER GILINSKY: No, but I mean what is the
8 intended use of it?

9 MR. VOLLMER: The intended use of the interpretation
10 would be for plants that - well, two things I think. One is
11 under 8333, a number of plants may have read that and say,
12 gee, the way we've been doing it isn't quite right. We have-
13 n't been asking for exemptions in prior areas and things
14 like that. So the interpretations would, perhaps, alleviate
15 some plants who found that they weren't doing it in accord-
16 ance with 8333 to allow them to back out if that became
17 final.

18 COMMISSIONER GILINSKY: Well, let's see, wouldn't
19 we know 8333 is October, '83.

20 MR. VOLLMER: Yes.

21 COMMISSIONER GILINSKY: And have you gotten the
22 information from these various utilities --

23 MR. VOLLMER: The fourth bullet down there says the
24 result of 8333, several units have filed additional exemp-
25 tion requests. So some units have read that and said, gee,

1 we didn't do it that way the first time around. We're going
2 to have to file some exemption requests.

3 COMMISSIONER GILINSKY: So is it a matter of kind
4 of letting them, you know, handling that problem, the ones
5 that really didn't comply with 8333? Or Appendix R as in-
6 terpreted in 8333? What is the purpose of this guidance?
7 I guess, --

8 MR. VOLLMER: The interpretations?

9 COMMISSIONER GILINSKY: Well, whatever you call it.

10 MR. VOLLMER: Those 6 points?

11 COMMISSIONER GILINSKY: Well, this document that we
12 were talking about earlier.

13 MR. VOLLMER: The purpose of that was industry's
14 request that this would accelerate the process for compliance.
15 They've - this would eliminate the exemption process and
16 would accelerate their evaluation and implementation of the
17 rule. That was the basis on which we went forward.

18 COMMISSIONER GILINSKY: But for how many plants are
19 we talking about?

20 MR. VOLLMER: Well, I would say that it could affect
21 no more, in my view, 1/3 of the plants out there because we-
22 've gone through --

23 COMMISSIONER GILINSKY: So, 9 of the plants --

24 MR. VOLLMER: Unless they came back and backed off
25 on agreements they had already made with the staff and the

1 staff had written off on. But let me ask Bob Ferguson if
2 that's a reasonable number. The question was, how many plants
3 might this interpretation document really affect? How many
4 plants out there would --

5 MR. FERGUSON: I think all of them would be --

6 : And what would they do with it?

7 MR. VOLLEMR : Because you're saying
8 they would back off. We've already approved exemptions and
9 done the analysis for many plants.

10 CHAIRMAN PALLADINO: Aren't these interpretations
11 documents going to be used to guide inspectors as well and
12 that plus the exemptions --

13 : Yes.

14 MR. CASE: But I don't see why a utility would back
15 off. He's already gotten the exemption.

16 COMMISSIONER GILINSKY: Well, unless they haven't
17 really complied with those previous requests. This is an
18 opportunity not to have to meet those previous requirements.

19 MR. VOLLMER: They could be backed off on 8333,
20 right.

21 COMMISSIONER GILINSKY: And it sounds like, if it
22 is true that all or many of them would use it, that there is
23 a substantial degree of lack of compliance with at least what
24 the staff interpretation of Appendix R was.

25 MR. VOLLMER: I don't think we know the answer to

1 that probably. .

2 COMMISSIONER GILINSKY: Why do we not know the ans-
3 wer to it at this late date?

4 MR. VOLLMER: Because we have reviewed and accepted
5 and acted on all the exemptions that they have put forward
6 and until we go out and inspect a plant we don't --

7 COMMISSIONER GILINSKY: Haven't we inspected the
8 plants?

9 MR. CASE: No.

10 COMMISSIONER GILINSKY: We have not inspected again-
11 st Appendix R?

12 ; Just a handful, right?

13 : Just a handful .

14 : Just the plants that he's
15 mentioned.

16 COMMISSIONER GILINSKY: And what did that turn up?
17 I mean --

18 MR. : The 6 in 1983 showed numbers --

19 COMMISSIONER GILINSKY: Aren't we continuing that
20 process?

21 MR. : And we just finished Calvert Cliffs
22 and that inspection was good. We are continuing to schedule
23 plants.

24 COMMISSIONER GILINSKY: But don't we have just sort
25 of a general sense from the residents, generally speaking,

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-- we ask them things like this?

MR. : No, because this takes systems engineers and fire protections engineers. It takes us about a week per plant digging in, and we still do it on the sample basis, we really have to understand the licensee's redundant shutdown trains and what is necessary to get the hot shutdown. This is a rather complicated inspection process. We have also not wanted to inspect where exemption requests are outstanding or where licensee's are making modifications to protect their shutdown capability thinking it was better to wait till they had taken these steps before using inspection resources to go into those plants. So really we've tried to phase our inspections as licensees, the exemption process is done, the modifications that they have had to get approved by NRR have been approved and they've been implemented.

COMMISSIONER ASSELSTINE: So you've only really done inspections at those plants where either the exemption process has been completed or --

MR. : Essentially, complete. There may be one or two odds and ends hanging up, but that's --

COMMISSIONER ASSELSTINE: Or where a utility argued that it complied --

MR. : They give us the signal that they think they're there.

COMMISSIONER GILINSKY: And there is no feeling from

1 residents - I mean I realize there wouldn't be a comprehen-
2 sive review, but still --

3 MR. : I can't give you feelings, sir.
4 I haven't really tried and we haven't directed --

5 COMMISSIONER GILINSKY: Because I don't think we
6 have much confidence in what they told us.

7 MR. : Yeah, because it does take a lot
8 of study. There is a lot of preparation to do this inspec-
9 tion. It is not --

10 COMMISSIONER GILINSKY: So why are we backing off
11 now?

12 MR. : Vic, I don't - backing off on the
13 inspections?

14 CHAIRMAN PALLADINO: What do you mean by backing
15 off?

16 COMMISSIONER GILINSKY: Well, I mean on the require-
17 ments.

18 CHAIRMAN PALLADINO: They claim they're not backing
19 off. They say, they're claiming they're not backing off,
20 they're just recording what they've been using as their in-
21 terpretation. Well, whatever, -- try to go on.

22 MR. VOLLMER: I might mention that, as you all know,
23 the issue is complex --

24 CHAIRMAN PALLADINO: I'm not sure I know what that
25 first bullet means? Original exemption request - all but 9

1 units completed.

2 MR. VOLLMER: Ok, we had requests from all of the 70
3 or most of the operating plants. Of those, we've completed
4 all but 9. Many of those have been completed, but there are
5 outstanding issues. Some of them are on appeal, some of them
6 are involved in differing professional opinions and so on,
7 so they just -- out, it's just trying to keep book on it.
8 I might indicate, for example, on the Calvert Cliffs plant
9 that the extent of fire protection modifications, when you
10 count the analysis and the modifications they made, you're
11 talking on those 2 units about 25 to 30 million dollars that
12 they've spent, so you're talking about a lot of engineering,
13 a lot of money spent and a lot of analytical time. It's not
14 a trivial process and --

15 MR. CASE: Nor a simple process --

16 MR. VOLLMER: Nor a simple process. It's very diffi-
17 cult.

18 MR. CASE : If I seem to be fighting
19 you, I'm trying to find simple problems, simple solutions
20 because it won't work here. It's a complicated problem and
21 there are complicated standards that have to be applied.

22 MR. : Yeah, I brought that up to
23 make a comment that at least one plant that we had achieved
24 what we thought was complete agreement on, we reviewed the
25 exemptions, we reviewed their alternate safe shutdown system

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1 and everything was wrapped up in a nice package and all they
2 had to do was implement it and now I understand they're com-
3 ing in with a new package. They've gone back and taken a
4 look and gone through the engineering and decided they don't
5 want to do it that way. They want to do it differently and
6 so we're going to get a package from that utility and say,
7 take a look at these new, I don't know, exemptions, new al-
8 ternate safe shutdown and start the ball all over again and
9 meanwhile, give me a schedule exemption.

10 MR. VOLLMER: Are there any deadlines in Appendix R?

11 MR. : Yes, sir, there are.

12 MR. VOLLMER: Well, the deadlines were specifically
13 the deadlines are that a certain time after the staff ap-
14 proved their alternate safe shutdown modifications that they
15 have to have them implemented. I think, in fact, I imagine
16 that most plants, even that try to conform to that, are going
17 to come in for one reason or another and I know I've talked
18 to a number of them and they're going to request to be put
19 on a living schedule because of other high priority safety
20 items.

21 COMMISSIONER GILINSKY: So the deadlines really
22 aren't operative now, so to speak?

23 MR. VOLLMER: Well, the deadlines are operative.
24 They would have to come in for a schedule exemption. We
25 have granted some schedule exemptions.

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1 COMMISSIONER GILINSKY: But it sounds like you have-
2 n't reviewed those plans and since the schedule is tied to
3 our review --

4 MR. : In some cases that's true.

5 MR. VOLLMER: We've passed several different dead-
6 lines over a period of time.

7 MR. CASE: There are some deadlines we've tied to
8 our approval. There are some deadlines that they had to do
9 if - all by themselves without our approval.

10 MR. VOLLMER: Those we presume would be done. The
11 only way you check on those are by inspection.

12 MR. : This is a complicated im-
13 plementation schedule.

14 COMMISSIONER GILINSKY: You know when you get into
15 these details it really gets complicated, but, you know, here
16 we are 10 years after Brown's Ferry and that's a hell of a
17 way to do business.

18 MR. CASE: I'll agree with you.

19 COMMISSIONER GILINSKY: I mean, I don't mean the
20 way that you're -- here, I mean, when we go around this table,
21 but --

22 CHAIRMAN PALLADINO: We raise the question, is
23 the evolutionary process really contributing to less than
24 full compliance in a number of cases --

25 MR. CASE: Probably it does.

1 MR. VOLLMER: Maybe if we had done this a month af-
2 ter Appendix R was issued and hauled everybody in and gone
3 through this routine --

4 CHAIRMAN PALLADINO: Well, you probably didn't know
5 enough.

6 MR. VOLLMER: That's right. We didn't, that's very
7 true.

8 COMMISSIONER ASSELSTINE: But even at this point
9 why aren't we better off by just saying, you have 8333,
10 that's it?

11 MR. CASE: That's certainly an approach.

12 MR. : That's a good possibility.

13 CHAIRMAN PALLADINO: But, do you think that these
14 interpretation documents - we should give some other name --

15 COMMISSIONER ASSELSTINE: Well, that's the way it's
16 titled, sir, I mean, unfortunately.

17 : The new draft generic letter,
18 right?

19 CHAIRMAN PALLADINO: Yeah, I think it is.

20 : Is it going to help?

21 CHAIRMAN PALLADINO: Do you think it's going to
22 help? Does the industry think it's going to help?

23 (CHATTER.)

24 MR. : -- helped write it, obviously they are
25 going to like it.

1 MR. CASE: Well, for the first time, at least, some
2 segments of the industry have said, give us this guidance,
3 we're going to no longer claim that we haven't complied be-
4 cause we are confused over the requirements. Now that's a
5 very substantial gain for putting out that guidance, I think.

6 COMMISSIONER ASSELSTINE: Depending upon what effect
7 the guidance has on Appendix R to start with.

8 CHAIRMAN PALLADINO: Well, why don't you try to go
9 down the rest of the items on that page?

10 MR. VOLLMER: Ok, well these are just to bring you
11 up-to-date again. The original safe shutdown modifications,
12 those that the licensees have proposed, those have all gone
13 through and those are primarily electrical reviews. Those
14 have all been completed. Here is an indication, because of
15 the inspections, 6 of the plants have filed new exemption
16 requests and 3 are submitting modifications for safe shut-
17 down which all this means is after inspection they realize
18 that they have to do more for compliance, so they're coming
19 in, in some cases, with exemption requests, in some cases
20 with modifications. And I presume that --

21 COMMISSIONER ROBERTS: So - I'm trying to remember
22 the numbers, so, with the exception of Calvert Cliffs, every
23 plant that was inspected for compliance --

24 MR. VOLLMER: Yes, so far, yes.

25 COMMISSIONER ASSELSTINE: It seems to me, the

1 impression I get --

2 COMMISSIONER ROBERTS: There were 6 plants inspected
3 for conformance with Appendix R and all 6 have filed new ex-
4 emption requests and 3 of the 6 are submitting new modifica-
5 tions for alternate safe shutdown.

6 COMMISSIONER ASSELSTINE: Except for Calvert Cliffs.

7 COMMISSIONER ROBERTS: Except for Calvert Cliffs.

8 MR. VOLLMER: We ought to bring them in and give
9 them a medal. It may be positive incentive --

10 : -- the fact that those
11 plants, our inspections have pointed out deficiencies that
12 they either have to rectify by requesting an exemption,
13 which they didn't do, and it may be granted, it may be per-
14 fectly legitimate or make a modification or - and/or make a
15 modification to alternate safe shutdown.

16 COMMISSIONER GILINSKY; It sounds to me from what
17 you've said also that the utilities must sense at the top of
18 the organization a willingness to make accomodations and so
19 they're rather freer with asking for exemptions.

20 MR. CASE: I don't see any basis for that because
21 the exemptions are worked on by the technical staff and they
22 turn them loose.

23 COMMISSIONER GILINSKY: Well, but the way the process
24 has gone, what your lawyer has said, I must say gives me
25 that impression.

1 MR. CASE: But, you know, exemptions play the key
2 role in this rule. It was only because of the --

3 COMMISSIONER BILINSKY: Well, I'm not saying that
4 there shouldn't be any exemptions.

5 MR. CASE: -- that it stood up in court.

6 COMMISSIONER GILINSKY: I'm not saying there should-
7 n't be exemptions and I'm not even making any comment on the
8 you know, on the rightness or wrongness of the various in-
9 terpretations, which I've not gone through myself in detail.
10 But, from what you tell me about how the process went, it's
11 pretty clear that that's the sense they must have gotten.
12 I mean, here are your top people, sitting down with them,
13 writing the new interpretation, apart from the professionals
14 - it's, you know, it's clear that they sense rather more
15 forthcoming attitude on the part of the people at the top
16 of the organization. Now, you know, I don't know whether
17 it's substantively they're right or the other people are right
18 I just don't know. But it wouldn't be the way I'd have done
19 it.

20 CHAIRMAN PALLADINO: Well, do you care to go on?

21 MR. VOLLMER: We covered the next bullet.

22 CHAIRMAN PALLADINO: Which one are you on?

23 MR. VOLLMER: 8333, because of that some units
24 have filed additional exemption requests which only means
25 that before that they were interpreting the rule on staff

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1 guidance incorrectly, so they found they better ask for some
2 additional exemptions.

3 COMMISSIONER ASSELSTINE: Do you think there are
4 more out there? If 8333 stands, do you think there are more
5 out there where they just haven't filed exemption requests
6 yet?

7 MR. VOLLMER: Yeah, yeah.

8 MR. CASE: Or haven't realized that they have to.

9 MR. VOLLMER: Yeah, yeah.

10 COMMISSIONER BERNTHAL: Let me ask a more general
11 question here. If I found maybe not an, a team of people
12 who are really expert on prior protection and went through
13 one of these plants, would I or would I not be likely to re-
14 ceive advice that exemptions from the literal requirements
15 of Appendix R made sense?

16 MR. CASE: You'd get a lot of - I think a lot of
17 that.

18 COMMISSIONER BERNTHAL: Thank you.

19 : In some areas.

20 COMMISSIONER BERNTHAL: But the point is that in
21 almost any plant you're saying, if I found whatever expert
22 team I wanted to to go through the plant, they would agree
23 that exemptions from Appendix R made good sense in some
24 cases. Is the answer no or yes?

25 COMMISSIONER GILINSKY: Well, suppose it's yes,

1 where does that take you?

2 COMMISSIONER BERNTHAL: Well, the point is that
3 we're leaving the impression here that exemptions from Appen-
4 dix R are somehow a relaxation of safety and that is not the
5 impression that should be left.

6 COMMISSIONER GILINSKY: The question is not - I
7 gather from the conversation of how you go about doing these
8 things and let me tell you, the result is very different
9 depending on who has the burden, so to speak, the burden of
10 proof.

11 COMMISSIONER BERNTHAL: That's the big difference
12 here.

13 COMMISSIONER GILINSKY: And that's, in part, what
14 we're talking about and what the sequence of events is and
15 if you - I know in other areas, if you leave it to the licen-
16 see to interpret, make his own interpretation to develop a
17 result which you inspect against later, after the fact so to
18 speak, after he may have spent a lot of money, your flexibil-
19 ity at that point to develop a different solution is very,
20 very much reduced. You're pretty much forced to accept what
21 is there.

22 MR. CASE: Well that's not really true
23 here because they are all add ons to a given plant configura-
24 tion. They're mostly add ons that way.

25 COMMISSIONER GILINSKY: Well, you know, it's pretty

1 hard t . what is. If you're having the argument before-
2 hand the outcome may be different. That doesn't mean that
3 one or the other is right, you know, there could be instances
4 --

5 COMMISSIONER BERNTHAL: But that's finally of con-
6 cern, is the plant safe or unsafe? That's the most important
7 thing.

8 COMMISSIONER GILINSKY: Well, let me tell you, you
9 are going to get a different result depending on which route
10 you go down.

11 COMMISSIONER BERNTHAL: You may get a different re-
12 sult. There could be two results, both of which are safe.

13 COMMISSIONER GILINSKY: Well, you're going to get
14 - the nut was, you're going to get a stricter interpretation
15 if you do it by the initial exemption route.

16 MR. CASE: And you are more likely to get a quicker
17 implementation if you do it the industry way. -- balance
18 between the two.

19 COMMISSIONER GILINSKY: You then have to ask, what
20 is the most reasonable level of fire protection and that's a
21 separate question. But there isn't any question in my mind
22 that you're going to get a stiffer result --

23 COMMISSIONER BERNTHAL: Is the idea here to get the
24 strictest interpretation or is the idea adequate protection
25 of public health and safety? I thought it was the latter.

1 COMMISSIONER GILINSKY: Well, adequate protection
2 of public health and safety is a very flexible notion.

3 : I understand, but --

4 COMMISSIONER GILINSKY: I hope you understand that
5 and so we've got a process here which involves a weakening
6 of the system. Now maybe it's called for, maybe it isn't.
7 The point I was making earlier was it bothers me if it is
8 arrived at in the way that I hear this process was arrived at.

9 CHAIRMAN PALLADINO: Well, I understand how you
10 have your fire protection engineers involved in the process,
11 so we'll get back on track -- beginning. We're trying to
12 conserve your time because I do think we may want to hear --
13 excuse me, we're going over old ground and I think there is
14 some new ground yet to be developed. Do you want to high-
15 light the rest of the items on that page?

16 MR. VOLLMER: Ok. The next item was simply a re-
17 citation of what I indicated before because of what the util-
18 ities find out when they get out and try to design what they
19 have had the staff approve. Nine of them are requesting re-
20 lief from approved modifications and exemptions and proposing
21 revised protection features. So it simply says when they
22 get down to the engineering of some of these things and down
23 to the plant-specific engineering they find problems which
24 they can't, for one reason or another, meet what they promis-
25 ed the staff so they have to come back in and we have to

1 relook at the situation. Again, it's a system that drags
2 out the process of implementation.

3 COMMISSIONER ASSELSTINE: Which plants are those,
4 Dick?

5 MR. VOLLMER: Zion 1 and 2, the three Brown's Ferry
6 plants, Ganay, -- Yankee -- and H.B. Robinson are the plants
7 that I have listed here.

8 Ok, next we have, as I indicated before, approved
9 some schedule exemptions and some of these go out until the
10 1987 refueling outages although I understand we haven't
11 approved it, some people, at least one plant, has come in
12 for a revision which would stretch out to 1989. And so --

13 : 1987 is bad enough. That's
14 12 years after --

15 COMMISSIONER ASSELSTINE: Which ones asked for '89?

16 MR. : I believe it was Brunswick.

17 MR. VOLLMER: Brunswick is what was indicated. And
18 some of the rationale that's being used here, of course, and
19 I think Brunswick is one of them, although we haven't approv-
20 ed it, they would argue that between now and 1989 with pipe
21 cracks, with TMI, with instruments that follow the course
22 of an accident and this, that and the other thing that their
23 cup runneth over and that they aren't able to put enough
24 people on the site to get all these things accomplished and
25 whether or not that's a legitimate excuse or not I couldn't

1 comment on, but that's the type of argument we're getting to
2 go on these later schedules. And, lastly, some schedule ex-
3 emptions would be on a living schedule rationale which, again,
4 would be arguing waiting the safety implications of the fire
5 protection fixes against the safety implications of the other
6 things that need doing. And, I guess one thing I should have
7 said at the beginning, you know, dotting the last I on the
8 fire protection does not mean that before you do that you
9 have no fire protection. I think everybody would argue that
10 there has been a great deal of upgrading the fire protection,
11 both during the late '70's and since then, but truly compli-
12 ance with the rule as it is currently constituted is not been
13 effective yet and it's been a very difficult job to do it.

14 Ok, the last slide I just wanted to put out because
15 I think that it will highlight some of the issues that are
16 involved in the differing professional opinion and maybe the
17 two that we covered on were the supression and detection
18 coverage and fire area boundaries as two ones that the staff
19 feels are very important to grapple with. One way of doing
20 it would be, as we indicated, any difference from generic
21 letter 8333 would require exemptions and another way of doing
22 it would be to evaluate, let the licensee do his evaluation
23 and do his implementation at his own risk and then, in the
24 event a problem was found at the time of inspection, that
25 he would have to upgrade or fix whatever was required.

1 Now there is a number of different feelings, let me
2 get the right piece of paper here, on these issues and I'll
3 very briefly indicate what they are and then I think maybe
4 it would be helpful if somebody would represent the views
5 of the fire protection engineers who have issued the DPO,
6 but they believe, as I understand their DPO, that under the
7 current way of doing the review, that is, exemption process
8 under the criteria of 8333, that the benefits would be - that
9 there would be consistent acceptance criteria and certainly
10 the staff works closely together to achieve that. Certainly
11 it would get more thorough staff review under that process
12 because, basically, you wouldn't get a staff review under
13 the other process until, theoretically, an inspection took
14 place.

15 They believe that this would reduce deficiencies
16 found by inspection and they also feel that this would ac-
17 hieve more timely implementation of approved plant modifica-
18 tions. They feel that the way we've been doing it would
19 actually accelerate the process. Industry, on the other
20 hand, would argue that --

21 CHAIRMAN PALLADINO: That sounds like they're on
22 the same side. Did I miss a point?

23 MR. VOLLMER: No, this is what the engineers who
24 issued the DPO - this is what they feel would be the benefits
25 of doing it the way we have been doing it.

1 CHAIRMAN PALLADINO: By exemption?

2 MR. VOLLMER: By exemption, yes. And they feel
3 that this would even --

4 CHAIRMAN PALLADINO: Are you changing that?

5 MR. VOLLMER: Well --

6 COMMISSIONER ASSELSTINE: Well, that's what the
7 implementation --

8 MR. VOLLMER: The implementation of the interpre-
9 tation would change that slightly, yes.

10 COMMISSIONER BERNTHAL: I'm surprised --

11 CHAIRMAN PALLADINO: I'm lost. I thought we were
12 going the exemption route for all plants.

13 COMMISSIONER BERNTHAL: I'm surprised on this point
14 too because --

15 CHAIRMAN PALLADINO: You said exemption for old
16 plants, deviations for new plants.

17 MR. VOLLMER: Right. I'm talking strictly about
18 implementing Appendix R which deals with plants licensed be-
19 fore January 1, of '79.

20 MR. CASE: And the issue is whether for "in" mean-
21 ing "throughout" whether it means throughout and you have to
22 get an exemption if you don't want to do that or it means in
23 and the adequacy of in is evaluated when they review --

24 CHAIRMAN PALLADINO: But I thought you were using
25 the word throughout as the meaning and they got to come for

1 an exemption.

2 MR. CASE: That's the 8333.

3 : In these regional meetings
4 we said we were considering going this other route.

5 : Which would allow the licen-
6 see to do that.

7 : The engineers are saying --

8 CHAIRMAN PALLADINO: Well, are you abandoning the
9 exemption rule?

10 MR. CASE: We haven't made up our mind yet. It's
11 still --

12 COMMISSIONER ASSELSTINE: That's the key question
13 on this implementation and guidance is whether to abandon
14 the exemption.

15 MR. VOLLMER: Or whether to allow the licensee in
16 certain areas to --

17 : -- take any guidance I can
18 get. --

19 MR. VOLLMER: Would you like to --

20 MR. TRUBATCH: You'll just leave it to me at the
21 end to clean it up again.

22 MR. VOLLMER: I guess that completed what I was
23 going to say.

24 CHAIRMAN:PALLADINO: Was generic letter 8333, was
25 that an interpretation document because if there are

1 requirements to which you have to get an exemption and you
2 needed 8333 to set those requirements, are you adding some-
3 thing over and above the rule by those requirements? So I
4 go back again and wonder what 8333 --

5 MR. CASE: Well, again, the lawyers told us that,
6 no, this was consistent with the rule.

7 CHAIRMAN PALLADINO: And its interpretation?

8 MR. VOLLMER: It is. Some of the industry would
9 argue that 8333 was a ratchet and an interpretation.

10 CHAIRMAN PALLADINO: Was a what?

11 MR. VOLLMER: Well, it was an upgrading or a ratchet-
12 ing and they've told me that. They thought that was a ratch-
13 et and an interpretation that was not justified by the rule.
14 So you can get arguments on the other side that the position
15 --

16 CHAIRMAN PALLADINO: You can shop around and get
17 about anything you want.

18 MR. VOLLMER: The position we had been taking was
19 not appropriate and wasn't called for by the rule, just as
20 you get a position that Sheldon is taking that the position
21 that we discussed and use the word "negotiated" with industry
22 we really negotiated the topics, were similarly a deviation
23 from the rule. So, as I indicated --

24 COMMISSIONER ASSELSTINE: But it's fair to say that
25 8333 represented the staff's best technical judgment of what

1 the rule requires?

2 : It also represented the way the staff
3 thought they were doing it.

4 CHAIRMAN PALLADINO: But if you were really saying
5 that's what you think we required, then you have to go back
6 and see is that consistent with the rule?

7 MR. CASE: Yes, and that's why we had the lawyers
8 involved.

9 CHAIRMAN PALLADINO: And your lawyers said they
10 were and there were some other lawyers saying --

11 COMMISSIONER BERNTHAL: That was your first mistake.

12 CHAIRMAN PALLADINO: Ok, any --do you want to hear
13 from --

14 COMMISSIONER BERNTHAL: I think it would be useful
15 to hear from --

16 MR. CASE: I'd like you not to limit their comments
17 just to this issue of "in" and "throughout" if they have
18 general comments on the whole program.

19 CHAIRMAN PALLADINO: Is there one or two spokesmen
20 or are they all here or --

21 : -- here is Randy Eberly,
22 followed by John Stang. Oh, just Randy?

23 MR. EBERLY: We have a short presentation if you'd
24 be interested.

25 CHAIRMAN PALLADINO: How much time were you

1 planning on?

2 MR. EBERLY: Approximately 10 to 15 minutes.

3 CHAIRMAN PALLADINO: How many?

4 MR. EBERLY: Between 10 and 15 minutes.

5 CHAIRMAN PALLADINO: Do you want to go ahead?

6 MR. EBERLY: Ok, I'd like to start off by stating
7 that our primary emphasis in our differing professional opin-
8 ion is to deal, for the most part, with the technical issues
9 at hand.

10 COMMISSIONER ASSELSTINE: You can sit at the table,
11 by the way, if you'd feel more comfortable. That's --

12 MR. EBERLY: And I guess our first question that
13 we had relates to who is making the determination of what
14 is and what is not an acceptable exemption? And, basing
15 this on the fire hazards analysis that are being submitted
16 to us that we're seeing every day as technical reviewers,
17 we sometimes question these analyses. We have some problems
18 with their complexity, their completeness and, possibly,
19 their adequacy. And we don't - we aren't alone in this view.

20 What we have before you on the slide here is a fire
21 protection research program study that was done for us by
22 Sandia National Laboratories. And I'd like to quote from
23 page 87 of that document that one of the major findings in
24 the study is that on the basis of this study and a review of
25 the fire hazards analyses performed to-date for several

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1 nucelar facilities, it is concluded that improvements can be
2 made in most of the analysis techniques presently used. These
3 improvements are important in eliminating the lack of both
4 conservatism and technical merit inherent in many tradition-
5 al analyses approaches. So, from our standpoint, if I could
6 have slide 2 please?

7 CHAIRMAN PALLADINO: Do we have the same thing on
8 here?

9 MR. EBERLY: This one starts out - this is the
10 first page. In 1982 we sent a memo down to Commissioner
11 Bradford showing the criteria we use when we evaluate the
12 technical exemption requests and we put this up here to
13 illustrate to you how comprehensive we examine these re-
14 quests. The details that you see here, for example, the
15 area description, including the walls, floors, ceiling and
16 so on, give us an idea of the envelope of the room or space
17 under consideration. The possibility of a fire spreading
18 from one room to another.

19 Safe shutdown capability, we're looking at primarily
20 how important is this system we're looking at? It's - auxil-
21 iary feed water system might be considered much more impor-
22 tant than, perhaps, the HVAC chillers for some area. And it
23 continues on into the fire hazards analysis itself on page
24 2, looking at the things such as the type and configuration
25 of combustibles in the area, the quantity of combustibles,

1 ease of ignition, heat release and so on. And this is all
2 combined with the fire protection in or throughout the area,
3 as the case may be.

4 And this degree of completeness was very rarely
5 seen in the material that we had been receiving from the
6 licensees. And this is more clearly indicated, we feel, in
7 a memo we sent to the Commission, SECY Paper 8377, on Febru-
8 ary 25, 1983. At that time we stated that we had a total
9 of 494 exemption requests. 171 were approved, 225 were
10 denied, 31 were withdrawn or unnecessary and another 67
11 required further clarification. Earlier this morning Mr.
12 Vollmer spoke to you and stated that there were 600 exemp-
13 tion requests, 400 of which were approved. This is, indeed,
14 a fact. However, what has happened since February of 1983
15 and now has been the issuance of the generic letter and
16 considerable staff input to the exemption requests and we've
17 gone on second and third rounds with some of the utilities
18 to clarify what we want from them so we can approve the
19 exemption requests.

20 So what we're pointing out here is the fact that,
21 based on what the licensees alone had been sending to us,
22 more than 50% of the exemptions could not be approved. And
23 what we're afraid of is when we get out and do the inspec-
24 tions, based on evaluations, that the utilities are putting
25 together, we'll be seeing the same situation, approximately

1 50% will require further approval by NRR.

2 Moving along with my slide here, in generic letter
3 8333 the reason we felt that this should be issued is that
4 the licensees, again, were interpreting the requirements of
5 Appendix R in a manner that wasn't consistent with what we
6 saw and, at the time, we had completed inspections of 4
7 utilities and finding additional problems. 8333 pointed out
8 6 areas where there were problems. What we tried to do was
9 to come up with a consistent approach, to come up with a
10 definition within the guidelines of Appendix R, more or less
11 stating our approach to the exemptions since we had first
12 started in mid-1982. And, of these 6 areas, the first and
13 second ones you see here, detection and automatic suppression
14 extent of coverage and the definition of fire areas are the
15 two areas that, more or less, developed into our differing
16 opinion here.

17 We feel that there are certain benefits from the
18 issuance of generic letter 8333, that we're going to be see-
19 ing a consistent acceptance criteria and we're going to be
20 seeing a more thorough review because we're having meetings,
21 formal questions and answers and NRC management involvement.
22 And, again, third cut requirements for our inspectors. In
23 addition to this, we feel a more timely implementation of
24 approved plant modifications. There are some possible ad-
25 verse impacts in that, as was stated earlier, there have been

1 some additional exemption requests produced and that there
2 is some minor delays in the Appendix R verification inspec-
3 tions by NRC until the inspection requests can be acted on
4 by NRR.

5 Moving along to the next slide, we get into the area
6 of the new interpretations that we're talking about now.
7 Now this is what we were talking about earlier as the poten-
8 tial draft new generic letter, the interpretations now and
9 we feel that the new interpretations are contrary to generic
10 letter 8333. And they won't permit the timely or consistent
11 resolution of the Appendix R deviations.

12 COMMISSIONER GILINSKY: Can you give an example?

13 MR. EBERLY: Sure. Under the new interpretations
14 the utility has the option of not submitting an exemption
15 request and so if they, for example, have an area where we
16 get into the consideration of sprinkler system in the area
17 versus throughout and they decide, well, we're only going to
18 put it in the corner because that's where combustibles are
19 and they do an analysis, they file it 6 months later, let's
20 say, the Office of Inspection Enforcement comes and audits
21 the plant and the inspectors disagree with the evaluation.

22 COMMISSIONER GILINSKY: On what basis would they
23 agree or disagree?

24 MR. EBERLY: Well, possibly the evaluation is in-
25 complete, one of our fears. Possibly their technical basis

1 was flawed. There is a realm of possibilities. When I get
2 to the end of my discussion here, Mr. Ramsey, one of our
3 regional inspectors, has some examples. He'd like to show
4 you things we are finding typically. So maybe that will
5 clear that up.

6 Going on with what we were saying here, we feel
7 that the adverse impacts of issuing this interpretation are
8 many. First, there is no reviewer input. Second, we feel
9 there is going to be an added work load for the inspection
10 team because normally they've got a one week period to get
11 in. They've got a very complex review of the plant to do
12 and now --

13 COMMISSIONER GILINSKY: Let me get back to that no
14 reviewer input. At what point did you get that material?

15 MR. EBERLY: What?

16 COMMISSIONER GILINSKY: To the interpretation?

17 MR. EBERLY: Under generic letter 8333 we would be
18 getting that as an exemption request prior to the inspection.
19 So if there is a disagreement with the staff or the staff's
20 policies, we would more or less have had that ironed out be-
21 fore the inspection. Now, --

22 COMMISSIONER GILINSKY: I misunderstood what you
23 meant by this point. Let me ask you the question I intended,
24 which is, at what point did you get involved in this March
25 22 or March 23 document?

1 : The new interpretation.

2 MR. EBERLY: Oh, at what point did we get involved
3 in it?

4 COMMISSIONER GALINSKY: Yeah.

5 MR. EBERLY: We, as the staff fire protection en-
6 gineers, got involved in it at the point when they started
7 doing the regional workshops. However, our input was more
8 or less not solicited for this.

9 COMMISSIONER GALINSKY: And those regional workshops
10 were around what time was that?

11 MR. EBERLY: -- when the first one was.

12 COMMISSIONER GALINSKY: Ok, that gives me an idea.

13 COMMISSIONER ASSELSTINE: So you weren't really in-
14 volved at all in the preparation or --

15 MR. EBERLY: Not of these interpretations, no.

16 COMMISSIONER GALINSKY: It is that document with
17 which you are differing?

18 MR. EBERLY: That's right.

19 MR. CASE: But that isn't to say that the arguments
20 that they are now making weren't made by their Branch Chief
21 at the time as potential problems. So they were given that
22 consideration. Their Branch Chief's knew their problems.

23 MR. EBERLY: That's right. Our Branch Chief was
24 involved.

25 COMMISSIONER GALINSKY: Is he here today or --

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1 MR. EBERLY: No.

2 MR. VOLLMER: He's in Israel or Turkey on a vacation.

3 : I wish I was with him.

4 MR. EBERLY: Again, moving on. We feel there would
5 be an increased likelihood of surprise deficiencies since
6 we haven't had the opportunity to look at their evaluations
7 and see their reasoning. There would be a delay in the ini-
8 tiation of resolution of deviations until after the inspec-
9 tions and the burden would be shifted. Now the inspection
10 team members would be responsible for evaluating the licen-
11 sees and the question we would have, does he have the time,
12 does he have the peer reviewer interaction, does he have the
13 management involvement that the NRR reviewer would normally
14 have? And, last but not least, delayed implementation of
15 approved modifications.

16 CHAIRMAN PALLADINO: Most, if not all of these, are
17 procedural in a sense. Were there also technical aspects
18 with which you disagreed?

19 MR. EBERLY: Well, it's sort of intertwined.

20 CHAIRMAN PALLADINO: But they're both intertwined
21 on the same points. There are separate technical issues --

22 MR. EBERLY: Right, there are no separate technical
23 issues.

24 CHAIRMAN PALLADINO: Theoretically the licensee
25 could do it right in accordance with all the staff guidelines

1 and pass anyway, theoretically, right?

2 MR. EBERLY: Right. Our major emphasis --

3 CHAIRMAN PALLADINO: There isn't a difference that
4 the wall doesn't have to go to the ceiling, in other words?

5 MR. EBERLY: Well, under generic letter 8333, the
6 wall should be complete or you request an exemption. We
7 look at it and evaluate its technical merits. Under the new
8 interpretations it need not go to the ceiling, but we don't
9 get the chance to look at it to see if it's adequate until
10 such time as inspection.

11 CHAIRMAN PALLADINO: I thought you still had the
12 exemption. You emphasized it so hard to me earlier, I
13 thought that was one thing I'd learned --

14 COMMISSIONER ASSELSTINE: They did spend a lot of
15 time talking about 8333, that was the key element of it.

16 MR. VOLLMER: The process is not in effect, so
17 right, they still do need the exemptions.

18 CHAIRMAN PALLADINO: Ok, I'm not demaning these
19 procedures because I think they're very important. I'm try-
20 ing to understand.

21 MR. EBERLY: One other thing I'd like to point out
22 in regard to this delayed implementation modifications, we
23 also have the consideration, if a licensee has an area that
24 does not comply with the rule and he decides to make modifi-
25 cations such as putting in a partial suppression system or a

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1 partial height wall and then does an evaluation that con-
2 cludes that it's adequate and at some time later the NRC
3 comes and inspects his plant and says it's not adequate, he
4 has spent a great deal of money for modification that's not
5 acceptable. Under the exemption process --

6 COMMISSIONER GALINSKY: But isn't it true that
7 mostly he'd just have to add on to that. He wouldn't have
8 to tear down what he's done?

9 CHAIRMAN PALLADINO: No, but we know how difficult
10 it is to make further changes, you know, so it's a lot eas-
11 ier --

12 COMMISSIONER GALINSKY: Tear downs are difficult,
13 but add ons are not as, I don't think.

14 CHAIRMAN PALLADINO: Well, you start, you have to,
15 you know, get the design people together, it's just --

16 We're running out of time and I do want to hear --
17 : It's a much more difficult
18 process.

19 CHAIRMAN PALLADINO: There is another meeting nomin-
20 ally at 4, so --

21 COMMISSIONER GALINSKY: Well, we've lost a couple of
22 our colleagues.

23 CHAIRMAN PALLADINO: Well, let's go on and --

24 MR. EBERLY: Ok, we do feel there are some benefits
25 to the new interpretations and that there is a reduced work

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1 load initially for NRR people. And possibly, there could be
2 more timely scheduling of Appendix R verification inspections.
3 In other words, we'd be able to go out and start some inspect-
4 ing immediately. To sum it all up, if I could have the next
5 slide, please, John? We feel that Appendix R was promulgat-
6 ed as a means of expediting resolution of post-Brown's
7 Ferry SER fire protection open items and to provide a basis
8 for consistent resolution of them and that by requiring no
9 prior staff review and deferring resolution of issues to the
10 audit a significant time delay will result. And that the
11 resolution of issues could vary to a significant degree.

12 And that's all I have. Mr. Ramsey, who is a Re-
13 gional Inspector from Region III has some specific examples
14 of things that they're finding in this regard and he would
15 like to talk to you about them now.

16 CHAIRMAN PALLADINO: Thank you very much.

17 MR. EBERLY: You're welcome.

18 CHAIRMAN PALLADINO: Mr. Ramsey, why don't you come
19 up to the table?

20 MR. RAMSEY: My name is Charles Ramsey. I'm a
21 Region III inspector. I've been on many of the Appendix R
22 audits and the routine program audits for fire protection.
23 And, as a result, I have brought a number of significant
24 issues to Region III management about this area. And I
25 think that I reflect the reviews of Region III management,

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1 as well as my own, when I say that we support the DPO and its
2 contest of the new interpretation because we think it com-
3 promises Appendix R and the safe shutdown capability of nu-
4 clear plants.

5 To futher complicate matters we think that there is
6 inadequate regulatory requirements for, number one, a qual-
7 ity assurance program that assures that the fire protection
8 features that are required by GDC-3 and it is suggested in
9 the Branch Technical Position is there to be relied upon in
10 that the quality assurance program that is committed to by
11 the licensees varies from plant to plant. There is no con-
12 sistency as to what the requirements are.

13 There is no inspection guidance for NTOL plants
14 and Appendix R, as committed to in their FSAR appears to be
15 some type of an agreement on discussions that went on at
16 some later date, or earlier date between NRR and the licen-
17 sees. When we get out to the plant we don't know what they
18 are committed to. A prime example of that is the Fermi
19 plant. We expect that you'll be getting another DPO on that
20 in the near future. Presently there is no enforcement guides
21 that address all of the requirements of Appendix R, GDC-3 or
22 the fire protection guidance committed to by utilities as
23 outlined in the Branch Technical Position or anywhere else.

24 We acknowledge that I&E is working on such a pro-
25 gram, but that program does not consider Section 3J or

1 Section 30 or these routine fire protection features that are
2 required or suggested by the Branch Technical Position and
3 it is mentioned in GDC-3. There appears to be inconsistent
4 applications of Appendix R throughout the industry. Davis-
5 Besse and D. C. Cook were hit hard by the NRC with respect
6 to Appendix R.

7 The Fermi plant does not have to comply with Appen-
8 dix R. It does not have to provide alternative shutdown
9 capability for the control room and several other vital
10 areas.

11 COMMISSIONER GALINSKY: Let's see, that surprises
12 me. I thought that new plants would be required, even though
13 there was not a rule to comply with the basic --

14 MR. RAMSEY: Well, if you read Supplement 2 of the
15 Fermi SER --

16 COMMISSIONER GALINSKY: -- Appendix R.

17 MR. RAMSEY: And that's what we're going to file
18 the DPO on if we don't get it resolved. We think that's a
19 very significant problem and we think the safety of that
20 plant is at stake because they do not have alternative shut-
21 down capability and they cannot shutdown in the event of a
22 fire.

23 COMMISSIONER GALINSKY: Why were they allowed to do
24 that?

25 MR. RAMSEY: We don't know. We were not privvy to

1 that. We just - we're just back from that region. When we
2 go out we take the FSAR and their commitments and that's
3 what we have to inspect you. What we have to inspect you
4 in the Fermi case is that we are in compliance with Appendix
5 R as committed to in discussions with NRR, that's all we
6 have to inspect by, ok?

7 According to the new interpretations it appears
8 that all the plants that we have not inspected have to do
9 is sit up and do an analysis and analyze their problems away.
10 When we get there as an inspection team and we say that the
11 analysis is no good, we can't cite them for it. They're not
12 in defiance of any rule. They've done an analysis. It does
13 n't matter what that analysis is based on. It can be based
14 on any unproven technique, anything you think of.

15 COMMISSIONER GALINSKY: But, it must show an accept-
16 able result.

17 MR. RAMSEY: It may be acceptable to them, but --

18 COMMISSIONER GALINSKY: Yeah, yeah, I understand,
19 but they can't do an analysis that shows an unacceptable re-
20 sult.

21 MR. RAMSEY: Well, the fundamental problem is this,
22 considering the prior environment, we don't have enough
23 knowledge to predict exactly where a fire is going to occur
24 and we may have an area that has low combustible loading,
25 but there is no way to guarantee you that a 55 gallon drum of

1 oil will not be brought into that area. So, as Mr. Eberly
2 stated, if I have a cable tray in this area and that --
3 contains a safe shutdown circuit, so I'll put sprinklers over
4 that tray. But over here I have no suppression, no detection.
5 But I can store 55 gallons of oil there. If a fire starts
6 in this corner and it gets so hot it melts the piping that
7 the sprinklers above the tray and you lose that protection,
8 you're going to burn up the whole room.

9 This is one very important thing that the National
10 Fire Protection says is that about partially sprinklered
11 areas. Sprinklers have always did their job, about 98 or
12 99% of the time. One of the main reasons they fail to do
13 their job is they're only partial detection or suppression
14 is provided. That gives the fire enough time to grow and
15 destroy the protection that's there. And that is the basic
16 problem you have with objecting to generic letter 8333. It
17 says you should have area-wide protection. Well, rather
18 than provide area-wide protection, I'll do an analysis and
19 say that I don't - a creditable fire will not occur in this
20 area so I'll only put one head in the room. That's the fun-
21 damental problem.

22 To give you some examples of the types of things
23 that we've found in the field I'll give you a copy of some
24 information that we submitted to Lee Specert who had sub-
25 mitted it to Jim Keppler and, as a consequence, they support

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1 our position. That is upside down. Can you turn that the
2 other way? I need the slide turned the other way, please?
3 Again, again. It's still upside down. All the way around.

4 In this case you have a problem fire and it's heat
5 and smoke naturally rises to the top of the ceiling. There
6 are sprinklers down here. The fire is up here. What good
7 are sprinklers going to do down here? It's just that simple.

8 CHAIRMAN PALLADINO: Do you mean that somebody did
9 it that way?

10 MR. RAMSEY: Davis-Besse. Non-compliance right
11 there in the Davis-Besse report.

12 COMMISSIONER GALINSKY: Now what was the rationale
13 that was given for that? Or was there any?

14 MR. RAMSEY: We had prior NRC acceptance to do it
15 this way was all they told me.

16 COMMISSIONER GALINSKY: And was that confirmed by
17 NRR or do you check?

18 MR. RAMSEY: I haven't got any confirmation on it.

19 CHAIRMAN PALLADINO: Do they have so little inter-
20 est in their fire protection to do it that way?

21 MR. RAMSEY: This is what I'm finding from plant to
22 plant all over the place. The Fermi situation is much worse
23 than that. I find this from plant to plant ---

24 CHAIRMAN PALLADINO: To go through and put some-
25 thing like that in and think they've solved their fire

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1 protection problems?

2 MR. RAMSEY: That's what we're finding in the field.

3 CHAIRMAN PALLADINO: Well, I'm glad you called it
4 to our attention.

5 MR. RAMSEY: Go to the next slide, please. This is
6 a case where rather than separate redundant trains the util-
7 ity decided to go to the one hour fire barrier -- as a means
8 of solving their problem. They have train B, central ser-
9 vice water which is needed for several things in safe shut-
10 down, train A and train B, so they decided to put a one
11 hour wrap around one division and that will give us some
12 assurance that we'll maintain integrity for a period of time.
13 Well, the wrap was partial as you see it, but where they had
14 the wrap it was worn, deteriorated, such that the bare con-
15 duit was exposed. It didn't look good at all. And, on top
16 of that, they had a pump, they had a motor control center
17 that was not wrapped too, so if you burn the motor control
18 center, you burn the pump, what good is wrapping cable going
19 to do?

20 Also, no suppression or detection in the area. All
21 you've got is the wrap. I'm sorry, there was one detector
22 there. Next slide, please.

23 COMMISSIONER BERNTHAL: But that was a case then,
24 as opposed to the one you showed us before where there was
25 clearly a design problem. In this case it was a prevention

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1 effort that had improperly been carried out. The wrapper
2 was not there or inadequate, I should say. The other one was
3 simply a fundamental design error.

4 MR. RAMSEY: Well, I think -- go back to the slide
5 before, please, slide #3. If you take the literal interpre-
6 tation of Appendix R, either provides a three hour barrier
7 between redundant trains or provide a one hour wrap with
8 area-wide suppression and detection. Well, there is no
9 question in that area, there is one detector which is in-
10 adequate, ok. And you didn't provide the one hour barrier
11 around - completely around one division, one train. The top
12 was exposed, the MCC was exposed. So it's a multitude of
13 problems here. But providing a partial wrap to the utility
14 -- there is nothing to say that they have to have a complete
15 wrap. Appendix R doesn't say it has to be a complete wrap.
16 The only thing it says is we're looking for area-wide pro-
17 tection - in fact, there is a problem, what constitutes a
18 one hour barrier, fire barrier? Is it a wrap or is it a
19 wall? What's the fundamental difference between the two?
20 A wall gives you that assurance that, you know, fire is not
21 going to propagate from one area to the other. The wrap
22 just wraps in the same area and we don't know how long it's
23 going to last in a real fire situation. It could deterior-
24 ate like this one did.

25 Next slide, please. Here's a case where they had

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1 rows and rows of cable trays, ventilation equipment, etcetera
2 in the ceiling and detectors were in the ceiling and they
3 weren't quite as advanced and spaced the way they are, but
4 we tried to give that situation credit. We had air flows
5 in the area of 96,000 CFM. That's enough to take any smoke
6 or any products that start in the floor level straight into
7 the ventilation system. Nothing is ever going to get to the
8 ceiling. What good are the detectors? They don't do any
9 good there.

10 Next slide, please. Here's a case where they told
11 us that they did an analysis for this area and they decided
12 to separate redundant pumps that were needed -- The unit 2
13 pump is over here with the wire mesh fence about 10 feet
14 between and the other two pumps are for unit 1, boric acid
15 transfer. They put a metal-back roof 8' in the air above
16 the pumps and over here by the 6' wall between pumps and
17 that constitutes separation. There is no suppression in
18 the area with one detector above the metal deck in the ceil-
19 ing about 20' - 30' in the air. So if you had a fire at
20 this pump, the heat, smoke or whatever is going to mushroom
21 out and miss the detector, but that was --

22 CHAIRMAN PALLADINO: It would what? Miss the de-
23 tector?

24 MR. RAMSEY: Right. It would take some time before
25 you got enough -- in the area to set it off. Again, no

1 suppression, but according to them, --

2 CHAIRMAN PALLADINO: This one is a little more
3 subtle. I had to work for it.

4 COMMISSIONER BERNTHAL: Yeah, presumably these
5 things are things that no, I hope, no reasonable utility
6 would argue with you on. In fact, one wonders why --

7 MR. RAMSEY: A utility will argue with you on any-
8 thing that they present to me is ok.

9 COMMISSIONER BERNTHAL: Even in the number one case
10 there?

11 MR. RAMSEY: Exactly. It's been accepted by NRR
12 and there is nothing I can do, so I'm stuck with writing a
13 report -- and citing these specific examples and we go back
14 and, you know, -- has to review and we have to write letters
15 and there is nothing about it. It's just that way. The
16 -- condition of these plants are just that way and those are
17 open items in those respects right now. That's what you
18 have right now and you're asking for more of this with these
19 new interpretations. Next slide, please.

20 Here's a case where you had all of this safe shut-
21 down equipment and you have cable trays, ventilation equip-
22 ment, but the sprinklers are up here. There is no way you're
23 ever going to get water down here. If it does, it's going to
24 dribble down on the side of the obstruction.

25 CHAIRMAN PALLADINO: Why won't the water get down

1 there?

2 MR. RAMSEY: It's going to dribble down. What you
3 want with the sprinklers is the spray pattern that covers
4 the entire area.

5 CHAIRMAN PALLADINO: This is blocked by these trays?

6 MR. RAMSEY: Exactly. There is a fix for that. You
7 follow generic letter 8333 and the guidance in the Branch
8 Technical Position and you follow NFPA codes which say you
9 should have intermediate sprinklers in here to cover those
10 spots , and they should be staggered in sections.

11 CHAIRMAN PALLADINO: Who decides at these companies
12 what's to be done? Is it the technical people? Is it - are
13 they non-technical people?

14 MR. RAMSEY: At the companies? Most of the util-
15 ities that we've gone to we've found that they hired a fire
16 protection engineer to write the original fire hazards an-
17 nouncers that NRR accepted. As we go back during subsequent
18 inspections we find that that person is no longer there and
19 he was hired to do that one specific thing. Then you're left
20 with the case that no one that has the technical expertise
21 in the area of fire protection is implementing the program
22 and making any --

23 CHAIRMAN PALLADINO: Well, somebody has to implement
24 that. Is that implemented by a non-technical person?

25 MR. RAMSEY: Well, usually the AE, -- or whoever it

1 might be will hire a architect-engineer to say what the de-
2 sign should be, but as you get out into the plant it's not
3 implemented that way. Design control, quality assurance in
4 fire protection, again, is a problem.

5 CHAIRMAN PALLADINO: Who decides where the sprink-
6 lers are to be in a situation like that?

7 MR. RAMSEY: Usually it would be the AE's fire
8 protection engineer and he may specify one thing he'd do,
9 but we'll find something else at the site.

10 CHAIRMAN PALLADINO: Well, who made that decision
11 that something else was at the site?

12 MR. RAMSEY: I'm thinking that's where we're saying
13 that there is inadequate quality assurance for fire protec-
14 tion at these plants. And there is no way for us to enforce
15 it. We're not even certain that -- asked the question, does
16 GDC-1 apply and we don't know. We don't know what applies
17 to fire protection. There's just nothing on the books that
18 says that the QA program for fire protection should be --
19 We have some guidance documents that we suggest they go by,
20 but they don't have to go by them.

21 CHAIRMAN PALLADINO: No, I guess I'm going to a
22 more fundamental question. You know, when I go to a doctor,
23 I expect him to use his good medical judgment and draw on the
24 background he has and when I go to an activity that's an
25 engineering activity, I expect a good professional to be

1 involved and you're telling me you're not confident that they
2 are when it gets down to implementation.

3 MR. RAMSEY: Right. I think I brought it to the
4 NRC's attention or NRR's attention many times that utilities
5 had no fire protection engineer or if they had one, he was
6 not involved in implementation of the fire protection pro-
7 gram and that he had no technical input into surveillance
8 testing procedures, design change control, etcetera.

9 CHAIRMAN PALLADINO: Well, those are striking exam-
10 ples. Any further questions?

11 COMMISSIONER BERNTHAL: It sounds like there are
12 two messages here. One, that we beat to death pretty much
13 already and that's the uncertainties about what, in fact,
14 we're requiring. Let's leave aside the question of ambigu-
15 ties or various interpretations of Appendix R's. Am I right
16 so far? I mean, there is confusion, at least, about that?

17 MR. RAMSEY: Yes.

18 COMMISSIONER BERNTHAL: But the second point and,
19 to me, the fundamental and key point here is that there just
20 hasn't been very good application of "good engineering judg-
21 ment" in a lot of the fire control and fire safety features
22 of these plants. I gather that from what you've been saying
23 here on these specific cases.

24 MR. RAMSEY: Right and I think when you take away
25 generic letter 8333 and you take away the guidance of the

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1 Branch Technical Position which refers you to NFPA codes,
2 documents which have been developed and based upon 200 years
3 of fire experience in this country, when you take that away
4 and say go and use anything that you can use, but analyze
5 your problem away, I think you're asking for a problem.

6 CHAIRMAN PALLADINO: Well, it's disturbing. I
7 thought 8333 was serving a good purpose and I thought all
8 we were doing was interpreting 8333 better, but I gather
9 we're not and --

10 MR. VOLLMER: Again, it was the position to use the
11 same technical criteria as has been developed and certainly
12 would be responsible, the utility would be responsible to
13 use the guidance contained in the various technical posi-
14 tions, but whether or not it be done by the exemption rou-
15 tine or by his prior analysis and review of the inspection,
16 itself, was the difference. Now, you know, Mr. Ramsey has
17 brought up a number of things here which I'll have to go
18 back and discuss with my staff. I think some cases we may
19 not review things to the specificity as he sees them out at
20 the site and there may be a difference between what we think
21 we approved and what takes place out on the site.

22 We recognize that and that's what we need inspec-
23 tions for.

24 CHAIRMAN PALLADINO: What's your time frame in
25 freezing these interpretations? Or unfreezing?

1 MR. VOLLMER: Well, we had - at the regional meet-
2 ings we promised --

3 MR. CASE: At least two weeks. We haven't gotten
4 comments back from the regional administrators.

5 CHAIRMAN PALLADINO: Well, I was thinking the
6 Commissioners might have some comments they'd like to also
7 set forth. What's that?

8 COMMISSIONER GILINSKY: It would be nice if we had
9 a say in it.

10 CHAIRMAN PALLADINO: Well, that's - I think we
11 ought to have our say, that's what I'm getting to.

12 COMMISSIONER ASSELSTINE: I don't think the - yeah,
13 for myself, I don't think the implementation guidance should
14 go out until we have a chance to act on it.

15 CHAIRMAN PALLADINO: Yeah, I have a feeling that
16 this maybe ought to come to us in a SECY Paper and give us
17 a chance to interact officially.

18 COMMISSIONER BERNTHAL: But the disturbing thing to
19 me, and I hate to focus on one example, that's always bad
20 and there may be lots of reasons why this happened, but if
21 you've got the sprinkler system in the middle of the cable
22 tray, tier of cable trays, and you say it was approved by us
23 and you don't need to have a degree in fire protection en-
24 gineering to figure out that probably isn't a very good idea
25 that - and yet, apparently, I gather the utility is taking

1 issue with that requirement. Is that kind of stuff pervasive
2 or just here and there or what's your judgment?

3 MR. RAMSEY: The number of utility people that I
4 have run into who seriously considered that to be a problem
5 and did not rely on something that we couldn't verify, we
6 don't know about the discussions that go on with the utility
7 and NRR, --

8 COMMISSIONER BERNTHAL: Well, I don't think that
9 even matters so much because you can see from the drawing --

10 MR. RAMSEY: But the position that we are in, if
11 something is accepted, previously accepted by NRR, then we
12 have to ignore it. You can mention it in a report, but
13 there is nothing you can do about it.

14 COMMISSIONER GILINSKY: In what form does it come
15 to you that that is in fact the NRR position?

16 MR. RAMSEY: Well, many times I've called NRR and
17 the staff has told me, no, we did not accept that or if it
18 was accepted, it was accepted some time ago by someone that
19 --

20 CHAIRMAN PALLADINO: Well, is there a piece of
21 paper that shows what was --

22 MR. RAMSEY: There are, in some cases, some situa-
23 tions have been accepted by NRR.

24 CHAIRMAN PALLADINO: But at least if they have a
25 piece of paper showing that it was accepted and when it was

1 accepted.

2 MR. RAMSEY: That makes me feel better, but often-
3 times I don't get that.

4 MR. CASE: I don't really understand why you can't
5 demand it, but that's more your business than mine.

6 COMMISSIONER ASSELSTINE: I think Mr. Ramsey has
7 raised a couple of points. There have been points that re-
8 late to the guidance documents and I think that's one issue.
9 These other ones I find somewhat more disturbing because
10 they seem to be even a broader question as to whether the
11 inter-relationship between NRR and I&E, how smoothly that is
12 working and how well the application of Appendix R, even if
13 you use the 8333 generic letter, how well that is working
14 in actually making sure that when you implement Appendix R
15 the situation in the plants really is one that's going to
16 work. Because the kinds of instances he mentioned look like
17 situations where you've got a high probability that if you
18 had a fire the mechanisms just aren't going to work, which
19 means that somehow the process is breaking down.

20 MR. RAMSEY: That is what disturbs me and that is,
21 the Fermi plant is the example that I will use.

22 COMMISSIONER ASSELSTINE: I think that's a tougher
23 and more significant problem even than the question of which
24 procedural approach to follow, although I think that one is
25 an important one too.

1 COMMISSIONER GILINSKY: Well, I think the Chairman's
2 suggestion was a good one to sort of come up with a SECY
3 Paper.

4 CHAIRMAN PALLADINO: Well, we have it and the for-
5 mality of putting a SECY number on it just helps us track it,
6 but I think that we should --

7 MR. CASE: But you don't have what our final re-
8 commendation will be on this issue because we haven't made
9 up our mind yet.

10 CHAIRMAN PALLADINO: So then you should send us a
11 SECY Paper with your recommendation and the back-up package
12 and give us a period of time in which to act on it.

13 COMMISSIONER GILINSKY: I think this is the subject
14 of enough discussion and I think it really ought to have the
15 impact --

16 CHAIRMAN PALLADINO: Well, after 9 years of uncer-
17 tainty or apparent uncertainty is what is wanted. I think
18 the next effort ought to be as good as we possibly can. I'm
19 not saying that you're not trying for that. You should have
20 the benefit of as much --

21 COMMISSIONER GILINSKY: Just to be explicit, I
22 think it oughtn't to be an information paper. I think it
23 ought to be --

24 COMMISSIONER ASSELSTINE: I would just suggest as
25 well that the paper consider not only the question of the

1 implementation guidance, but also the broader questions that
2 Mr. Ramsey has raised.

3 MR. CASE: I would rather handle that separately
4 rather than in that -- paper.

5 COMMISSIONER ASSELSTINE: Ok, I think it's kind of
6 a separate issue. I would be inclined to think that one is
7 very important.

8 CHAIRMAN PALLADINO: It disturbs me that the utility
9 attitude should be so short-sighted.

10 COMMISSIONER BERNTHAL: Can we get a little better
11 sense of - I'm not quite sure whether you can quantify this
12 better, but for these cases that you don't need to be an ex-
13 pert to recognize on the fact of them, are not adequate pro-
14 tection, on the average plant that you've gone through, how
15 many instances of that kind of non-compliance would there be?
16 I mean, is it one or two or a dozen or two or what are you
17 talking about?

18 MR. RAMSEY: I think the thing that I can do is
19 refer you to inspection reports that we have submitted and
20 some of them are on the public docket. I can mention the
21 Byron inspection reports.

22 MR. CASE: See, your inspection reports only talk
23 about the bad things and what Mr. Bernthal is trying to get,
24 some feeling of how many - what percent are bad and what
25 percent are good enough not to be talked about in your

1 inspection reports?

2 COMMISSIONER BERNTHAL: But in a sense the absolute
3 number in a plant. If there are 25 pieces like that in a
4 given plant, to me that's a lot. If there's one --

5 MR. RAMSEY: There was 42 in the Byron report.

6 COMMISSIONER BERNTHAL: 42 that you thin' we: just
7 obvious to the casual observer that this didn't meet the
8 grade?

9 MR. RAMSEY: At least to the trained observer.

10 COMMISSIONER BERNTHAL: Well, you didn't have to be
11 very trained to figure out a couple of these.

12 CHAIRMAN PALLADINO: Yes you do. You have to know
13 where to look for them and it's like the professor who said
14 this is obvious and when the student asked, I don't see that
15 it's obvious. So he works for two hours on the board, and,
16 oh yes, it is obvious. So I respect the trained individual
17 and some of it may even be apparent to lesser trained indi-
18 viduals.

19 COMMISSIONER BERNTHAL: I grant you, you may need
20 to have somebody point to the room and point out the feature,
21 but I think you'd recognize instantaneously that it was not
22 a good situation. That's really what I'm talking about.

23 CHAIRMAN PALLADINO: Well, I'm way over my commit-
24 ment for 4 o'clock. I do think though we'd like the staff
25 to give us comments on Sheldon Trubatch's memo and we would

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1 be very interested in the staff's reflection on the differing
2 professional opinion. I don't know what to do about the,
3 what you're finding in the field. If you have some sugges-
4 tions for action we might take, I think that would be very
5 helpful.

6 COMMISSIONER BERNTHAL : I think, perhaps, you
7 ought to ask I&E to develop that --

8 CHAIRMAN PALLADINO: Would you try to help us with
9 that because if there is something we could do - I don't
10 want to --

11 COMMISSIONER ASSELSTINE: I think that's worth an-
12 other meeting, maybe. Let him work on something on that one
13 and then have another meeting on that.

14 CHAIRMAN PALLADINO: I'd like to get something,
15 any suggestions you have on that.

16 : Will that go through I&E?

17 : We'll have to coordinate
18 the regional experience. We've only had the -- fire pro-
19 tection people as part of the inspection staff, how long
20 have you been with the Agency, Mr. Ramsey?

21 MR. RAMSEY: About 2 years.

22 : About 2 years, so it's --
23 by the way, were both trays in that one area where the
24 sprinkler was on the, the suppression system was on the side?
25 Were both trays A & B or was that one single shutdown?

1 MR. RAMSEY: We're talking about areas where redun-
2 dant trains are in all cases.

3 : They were both redundant?

4 CHAIRMAN PALLADINO: I'm still interested, but I'm
5 not going to take your time now, or our time. On when you
6 have to comply fully and when you can say, they complied
7 with the intent. Somehow, it still gnaws at me because
8 everyone has exemptions, so I'm not sure what you meant, or
9 what was meant when you said that Susquehanna 2 complied
10 with the intent as opposed to --

11 MR. RAMSEY: It was a mistake that shouldn't be
12 said. How about that?

13 CHAIRMAN PALLADINO: Well, maybe you could clarify
14 that. I may ask you to do it. Ok, anything more at this
15 time? Thank you very much gentlemen. That was a very re-
16 vealing presentation and we'll follow through on getting
17 the Commission involved.

18
19 ADJOURNED AT 4:35 p.m.

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CERTIFICATE OF PROCEEDINGS

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This is to certify that the attached proceedings before
the NRC COMMISSION

In the matter of: Discussion of Appendix R (Fire
Protection)

Date of Proceeding: May 30, 1984

Place of Proceeding: Washington, D.C.

were held as herein appears, and that this is the original
transcript for the file of the Commission.

Joe Newman
Official Reporter - Typed

Joe Newman / DTB
Official Reporter - Signature

HISTORY OF FIRE PROTECTION FOR NUCLEAR POWER PLANTS

- MARCH 1975 -- BROWNS FERRY FIRE
- MAY 1976 - BTP 9.5-1 STAFF GUIDELINES FOR FIRE PROTECTION FOR NUCLEAR POWER PLANTS DOCKETED PRIOR TO 7/1/76 BUT NO CP ISSUED
- AUGUST 1976 - APP. A TO BTP 9.5-1 STAFF GUIDELINES FOR FIRE PROTECTION FOR NUCLEAR POWER PLANTS UNDER CONSTRUCTION OR WITH OPERATING LICENSE
- 1977 - 1980 EVALUATIONS OF ALL PLANTS TO BTP AND APP. A OPEN ITEMS TO BE RESOLVED BY FP RULE
- NOV. 1980 ISSUED FIRE PROTECTION RULE
50.48 - SCHEDULE REQUIREMENTS AND BACKFIT APPLICABILITY
APP.R - TECHNICAL REQUIREMENTS
- MAY 1981 TO PRESENT
 - EVALUATED MODIFICATIONS FOR ALTERNATIVE SAFE SHUTDOWN CAPABILITY AT ALL BUT FIVE PLANTS
 - EVALUATED APPROXIMATELY 600 EXEMPTION REQUESTS - 400 GRANTED

HISTORY (CONTINUED)

- APRIL 1982 - INSPECTION D.C. COOK

- 1983 - INSPECTED SIX MORE PLANTS
- MULTIPLE VIOLATIONS AND CITATIONS

- OCT. 1983 - GENERIC LETTER 83-33
- STAFF POSITIONS ON APP. R REQUIREMENTS

- NOV. 1983 - MEETING WITH EDO, NRR, I&E, & REGIONS

- FEB. 1984 - INDUSTRY SEMINAR

- MAR. 1984 - INDUSTRY REPRESENTATIVES APPEAL 83-33

- MAR - MAY 1984 - REGIONAL WORKSHOPS

FIRE PROTECTION REQUIREMENTS

	<u>PRE 1979(1)</u>	<u>NTOLS(2)</u>	<u>FUTURE CPS</u>
GDC - 3	X	X	X
50.48	X	X	X
APPENDIX R	X	-	-
BTP 9.5-1 APP. A (1976)	X	X	-
BTP 9.5-1 (SRP 7/81)	-	X	X(3)

(1) DEVIATIONS FROM APP. R ARE EVALUATED UNDER EXEMPTION PROCESS.

(2) DEVIATIONS FROM APP. R ARE EVALUATED UNDER LICENSING REVIEW AND MUST BE IDENTIFIED AND JUSTIFIED. USE OF APP. A VS. SRP IS DEPENDENT UPON THE DEGREE OF COMPLETED CONSTRUCTION

(3) SRP WILL BE REVISED TO DELETE ITEMS NOT APPLICABLE TO NEW PLANTS AND TO EMPHASIZE 3-HOUR BARRIERS RATHER THAN ACTIVE FIRE SUPPRESSION MEASURES.

STATUS OF APPENDIX R REVIEW

- ORIGINAL EXEMPTION REQUESTS -- ALL BUT NINE UNITS COMPLETED
- ORIGINAL ALTERNATIVE SAFE SHUTDOWN MODIFICATIONS -- ALL COMPLETED
- AS A RESULT OF INSPECTIONS SIX INSPECTED PLANTS FILED NEW EXEMPTION REQUESTS AND THREE ARE SUBMITTING NEW MODIFICATIONS FOR ALTERNATE SAFE SHUTDOWN
- AS A RESULT OF 83-33 SEVERAL UNITS HAVE FILED ADDITIONAL EXEMPTION REQUESTS
- AS A RESULT OF COST AND IMPLEMENTATION PROBLEMS, NINE UNITS ARE REQUESTING RELIEF FROM THE APPROVED MODIFICATIONS AND EXEMPTIONS AND PROPOSING REVISED PROTECTIVE FEATURES
- NRC HAS APPROVED SCHEDULE EXEMPTIONS FROM 50.48 IMPLEMENTATION SCHEDULES UNTIL 1987 REFUELING OUTAGES
- REQUESTS FOR MORE LENGTHY EXTENSIONS USING "LIVING SCHEDULE" RATIONALE HAVE BEEN RECEIVED

IMPLEMENTATION OF APPENDIX R PROVISIONS

ISSUES:

- SUPPRESSION AND DETECTION COVERAGE
- FIRE AREA BOUNDARIES

IMPLEMENTATION METHODS:

- DIFFERENCES FROM G.L. 83-33 REQUIRE EXEMPTIONS
- EVALUATION BY LICENSEE -- ANALYSIS AVAILABLE TO NRC DURING INSPECTION

BASIC STAFF CRITERIA FOR EVALUATING EXEMPTION REQUESTS

MEMORANDUM FOR: COMMISSIONER BRADFORD

FEBRUARY 22, 1982

THE CRITERIA FOR GRANTING TECHNICAL EXEMPTIONS WERE BRIEFLY DESCRIBED IN QUARTERLY REPORT NO. 4. A MORE DETAILED DISCUSSION OF THESE CRITERIA FOR GRANTING EXEMPTIONS FROM III.G IS ENCLOSED.

AN EVALUATION MUST BE MADE FOR EACH FIRE AREA FOR WHICH AN EXEMPTION IS REQUESTED. DURING THESE EVALUATIONS, THE STAFF CONSIDERS THE FOLLOWING PARAMETERS:

A. AREA DESCRIPTION

- WALLS, FLOOR, AND CEILING CONSTRUCTION
- CEILING HEIGHT
- ROOM VOLUME
- VENTILATION
- CONGESTION

B. SAFE SHUTDOWN CAPABILITY

- NUMBER OF REDUNDANT SYSTEMS IN AREA
- WHETHER OR NOT SYSTEM OR EQUIPMENT IS REQUIRED FOR HOT SHUTDOWN
- TYPE OF EQUIPMENT/CABLES INVOLVED
- REPAIR TIME FOR COLD SHUTDOWN EQUIPMENT WITHIN THIS AREA
- SEPARATION BETWEEN REDUNDANT COMPONENTS AND IN-SITU CONCENTRATION OF COMBUSTIBLES
- ALTERNATIVE SHUTDOWN CAPABILITY

C. FIRE HAZARD ANALYSIS

- TYPE AND CONFIGURATION OF COMBUSTIBLES IN AREA
- QUANTITY OF COMBUSTIBLES
- EASE OF IGNITION AND PROPAGATION
- HEAT RELEASE RATE POTENTIAL
- TRANSIENT AND INSTALLED COMBUSTIBLES
- SUPPRESSION DAMAGE TO EQUIPMENT
- WHETHER THE AREA IS CONTINUOUSLY MANNED
- TRAFFIC THROUGH THE AREA
- ACCESSIBILITY OF THE AREA

D. FIRE PROTECTION EXISTING OR COMMITTED

- FIRE DETECTION SYSTEMS
- FIRE EXTINGUISHING SYSTEMS
- HOSE STATION/EXTINGUISHER
- RADIANT HEAT SHIELDS

A SPECIFIC DESCRIPTION OF THE FIRE PROTECTION FEATURES OF THE CONFIGURATION IS REQUIRED TO JUSTIFY THE COMPENSATING FEATURES OF THE ALTERNATIVE.

SECY 83-77

FEBRUARY 25, 1983

- o A TOTAL OF 494 EXEMPTION REQUESTS FROM THE REQUIREMENTS OF SECTION III.G OF APPENDIX R WERE SUBMITTED FOR THE 69 PLANTS. 171 OF THE EXEMPTION REQUESTS WERE APPROVED, 225 WERE DENIED, 31 WERE WITHDRAWN OR UNNECESSARY, AND ANOTHER 67 REQUIRE FURTHER CLARIFICATION.

THE MAJORITY OF THE III.G EXEMPTION REQUESTS RECEIVED WERE DENIED BECAUSE THEY LACK SPECIFICITY. LICENSEES HAVE NOT IDENTIFIED THE EXTENT OF THE EXEMPTION REQUESTED AND/OR HAVE NOT PROVIDED A TECHNICAL BASIS.

GENERIC LETTER 83-33

- o DURING OUR EVALUATIONS OF EXEMPTION REQUESTS, WE DETERMINED THAT SOME LICENSEES WERE INTERPRETING CERTAIN REQUIREMENTS OF APPENDIX R IN A MANNER THAT WAS NOT CONSISTENT WITH THE POSITION THAT THE STAFF WAS USING. MORE RECENTLY, WE HAVE COMPLETED INSPECTIONS FOR CONFORMANCE TO APPENDIX R AT FOUR PLANTS, THE LICENSEES FOR WHICH HAD INDICATED THAT ALL MODIFICATIONS FOR CONFORMANCE HAD BEEN COMPLETED OR OTHER MODIFICATIONS APPROVED BY EXEMPTIONS HAD BEEN COMPLETED. IN THESE INSPECTIONS, THE NRC INSPECTION TEAM ALSO IDENTIFIED SIX AREAS WHICH THE STAFF CONSIDERS TO BE NON-CONFORMANCE WITH REQUIREMENTS OF APPENDIX R, FOR WHICH EXEMPTIONS HAD NOT BEEN REQUESTED OR JUSTIFIED:

1. DETECTION AND AUTOMATIC SUPPRESSION: EXTENT OF COVERAGE
2. DEFINITION OF FIRE AREAS
3. FIRE PROTECTION OF STRUCTURAL STEEL SUPPORTING FIRE BARRIERS
4. DEFINITION OF FIXED SUPPRESSION SYSTEM
5. STAFF POSITION CONCERN IN INTERVENING COMBUSTIBLES
6. STAFF POSITION TRANSIENT FIRE HAZARDS

o BENEFITS OF ISSUING GENERIC LETTER 83-33

- CONSISTENT ACCEPTANCE CRITERIA FOR EXEMPTIONS.
- MORE THOROUGH NRC REVIEW OF JUSTIFICATION FOR EXEMPTIONS THROUGH MEETINGS, FORMAL QUESTIONS AND ANSWERS, AND NRC MANAGEMENT INVOLVEMENT.
- CLEAR-CUT REQUIREMENTS FOR NRC APPENDIX R INSPECTION ENHANCING THE VERIFICATION AUDIT AND REDUCING THE NUMBER OF SURPRISE DEFICIENCIES.
- MORE TIMELY IMPLEMENTATION OF APPROVED PLANT MODIFICATION.

o ADVERSE IMPACT

- ADDITIONAL EXEMPTION REQUESTS FROM MANY PLANTS.
- DELAY IN APPENDIX R VERIFICATION INSPECTIONS BY NRC UNTIL EXEMPTION REQUESTS ARE ACTED ON BY ONRR.

NEW INTERPRETATIONS OF APPENDIX R PRESENTED AT WORKSHOPS

APRIL - MAY 1984

- o NEW INTERPRETATIONS OF THE BASIC APPENDIX R REQUIREMENTS HAVE BEEN DEVELOPED. THESE NEW INTERPRETATIONS ARE CONTRARY TO EXISTING GUIDANCE AND WILL PERMIT NEITHER A TIMELY NOR CONSISTENT RESOLUTION OF APPENDIX R DEVIATIONS. SPECIFIC RECOMMENDATIONS FOR RESOLUTION OF THE ISSUES ARE PROPOSED.

- o ADVERSE IMPACT
 - NO REVIEWER INPUT TO THE INTERPRETATIONS.
 - ADDED WORKLOAD FOR INSPECTION TEAM TO PERFORM ON-THE-SPOT EVALUATIONS DURING LIMITED AUDIT REQUIRES EITHER REDUCING BREADTH OF AUDIT OR ADDING TO LENGTH OF AUDIT (PRESENTLY ONE WEEK ON SITE).
 - INCREASED LIKELIHOOD OF SURPRISE DEFICIENCIES INCREASING THE NUMBER OF CITATIONS OR UNRESOLVED ITEMS REQUIRING FORWARDING TO ONRR FOR RESOLUTION DUE TO LACK OF PRE-APPROVED CONFIGURATIONS.
 - RESULTANT DELAY IN INITIATION OF RESOLUTION OF DEVIATIONS UNTIL AFTER APPENDIX R INSPECTIONS.
 - INSPECTION TEAM MEMBER RESPONSIBLE FOR EVALUATING LICENSEE'S JUSTIFICATION LACKS TIME, PEER REVIEWER INTERACTION, AND MANAGEMENT INVOLVEMENT THEREBY INCREASING POTENTIAL FOR INCONSISTENCY.
 - DELAYED IMPLEMENTATION OF APPROVED MODIFICATIONS.

o BENEFITS :

- REDUCED WORKLOAD INITIALLY FOR ONRR REVIEW OF EXEMPTION REQUESTS.
- MORE TIMELY SCHEDULING OF APPENDIX R VERIFICATION INSPECTIONS PROVIDED LICENSEES HAVE COMPLETED THEIR JUSTIFICATIONS FOR PARTIAL BARRIERS OR PARTIAL DETECTION AND SUPPRESSION COVERAGE.

DIFFERING PROFESSIONAL OPINION - "INTERPRETATIONS OF APPENDIX R"

- o SINCE 1982, THE NRR FIRE PROTECTION STAFF HAS PERFORMED THEIR REVIEW OF APPENDIX R EXEMPTION REQUESTS TO A CONSISTENT BASIS. THIS BASIS HAS BEEN FORMALLY ISSUED IN GENERIC LETTER 82-33. NEW INTERPRETATIONS OF THE BASIC APPENDIX R REQUIREMENTS HAVE BEEN DEVELOPED. THESE NEW INTERPRETATIONS ARE CONTRARY TO EXISTING GUIDANCE AND WILL PERMIT NEITHER A TIMELY NOR CONSISTENT RESOLUTION OF APPENDIX R DEVIATIONS. SPECIFIC RECOMMENDATIONS FOR RESOLUTION OF THE ISSUES ARE PROPOSED.

- o APPENDIX R WAS PROMULGATED AS A MEANS OF EXPEDITING RESOLUTION OF POST-BROWNS FERRY SER FIRE PROTECTION OPEN ITEMS AND TO PROVIDE A BASIS FOR CONSISTENT RESOLUTION OF THEM. THE LACK OF A REQUIREMENT IN THE NEW "INTERPRETATIONS" FOR TIMELY, ADVANCE DOCUMENTATION OF THE LICENSEE'S ANALYSES OF DEVIATIONS FROM THE STAFF POSITIONS OF GENERIC LETTER 83-33 UNDERMINES THE BASIS FOR ORIGINALLY PROMULGATING APPENDIX R BECAUSE, BY REQUIRING NO PRIOR REVIEW AND DEFERRING RESOLUTION OF ISSUES TO THE AUDIT, A SIGNIFICANT TIME DELAY WILL RESULT. IN ADDITION, DUE TO THE VARYING COMPOSITION OF THE AUDIT TEAMS, THE RESOLUTION OF TECHNICAL ISSUES MAY VARY TO A SIGNIFICANT DEGREE.

- o RECOMMENDATIONS
 1. DO NOT ISSUE THE "INTERPRETATIONS OF APPENDIX R" AS A PRESENTLY WRITTEN, BUT AS AMENDED IN BY ENCLOSURE 1 OF THE DPO.

2. RE-AFFIRM THAT THE STAFF POSITIONS AS DELINEATED IN GENERIC LETTER 83-33 ARE THE BASIS FOR RESOLVING TECHNICAL ISSUES ASSOCIATED WITH COMPLIANCE WITH APPENDIX R.

3. MANDATE THAT, TO THE EXTENT UTILITIES DEVIATE FROM THE POSITIONS OF GENERIC LETTER 83-33, THEY SHOULD JUSTIFY SUCH DEVIATIONS VIA A DETAILED FIRE HAZARD ANALYSIS WHICH MUST BE SUBMITTED TO THE STAFF FOR REVIEW UNDER THE EXEMPTION PROCESS.

Partial Sprinklers Below Obstruction

DAVIS-BESSE
50-346/83-16-14

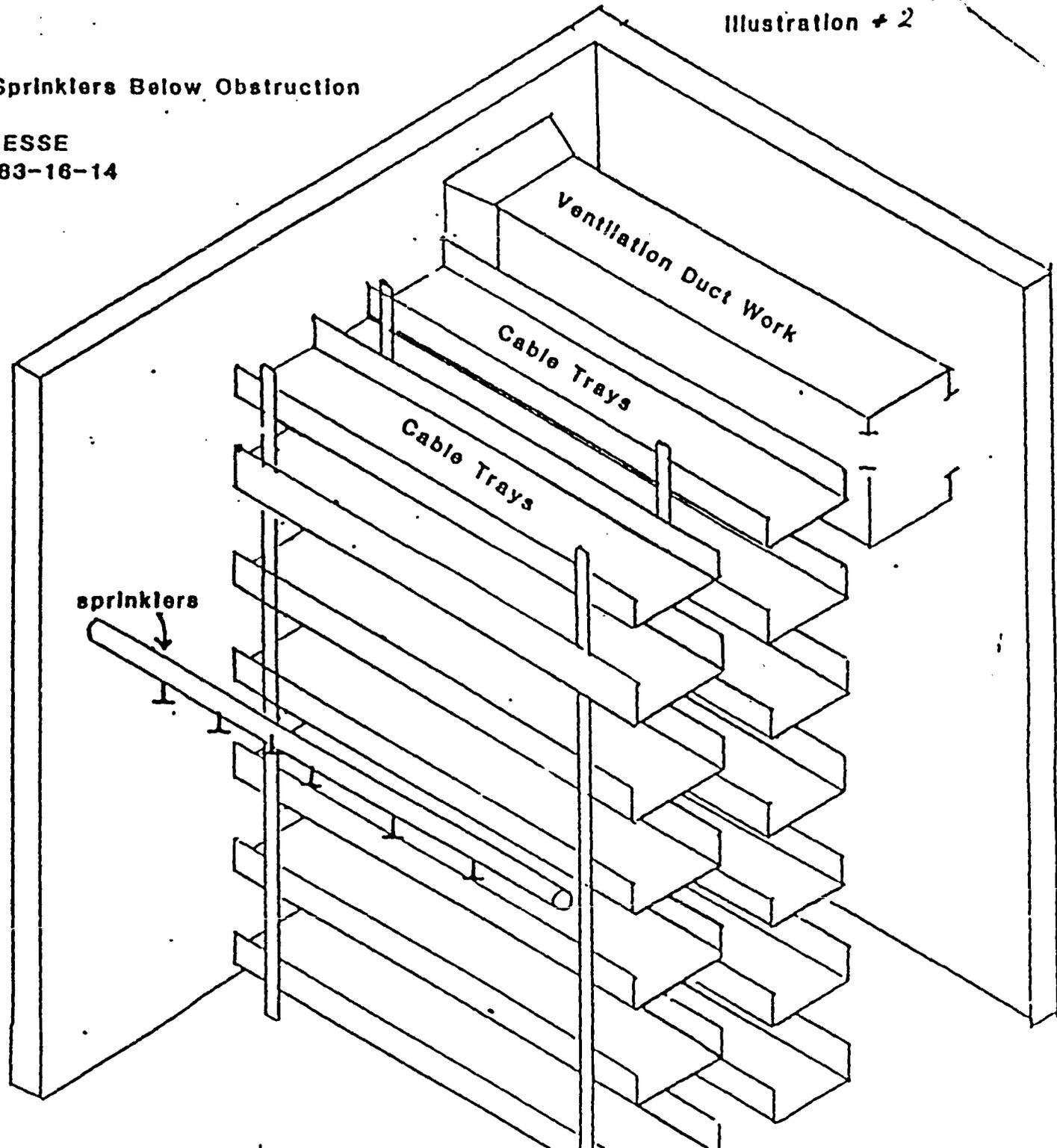


Illustration 4-

partial wrap train A, no suppression detector
Davis-Besse 50-346/83-16-10

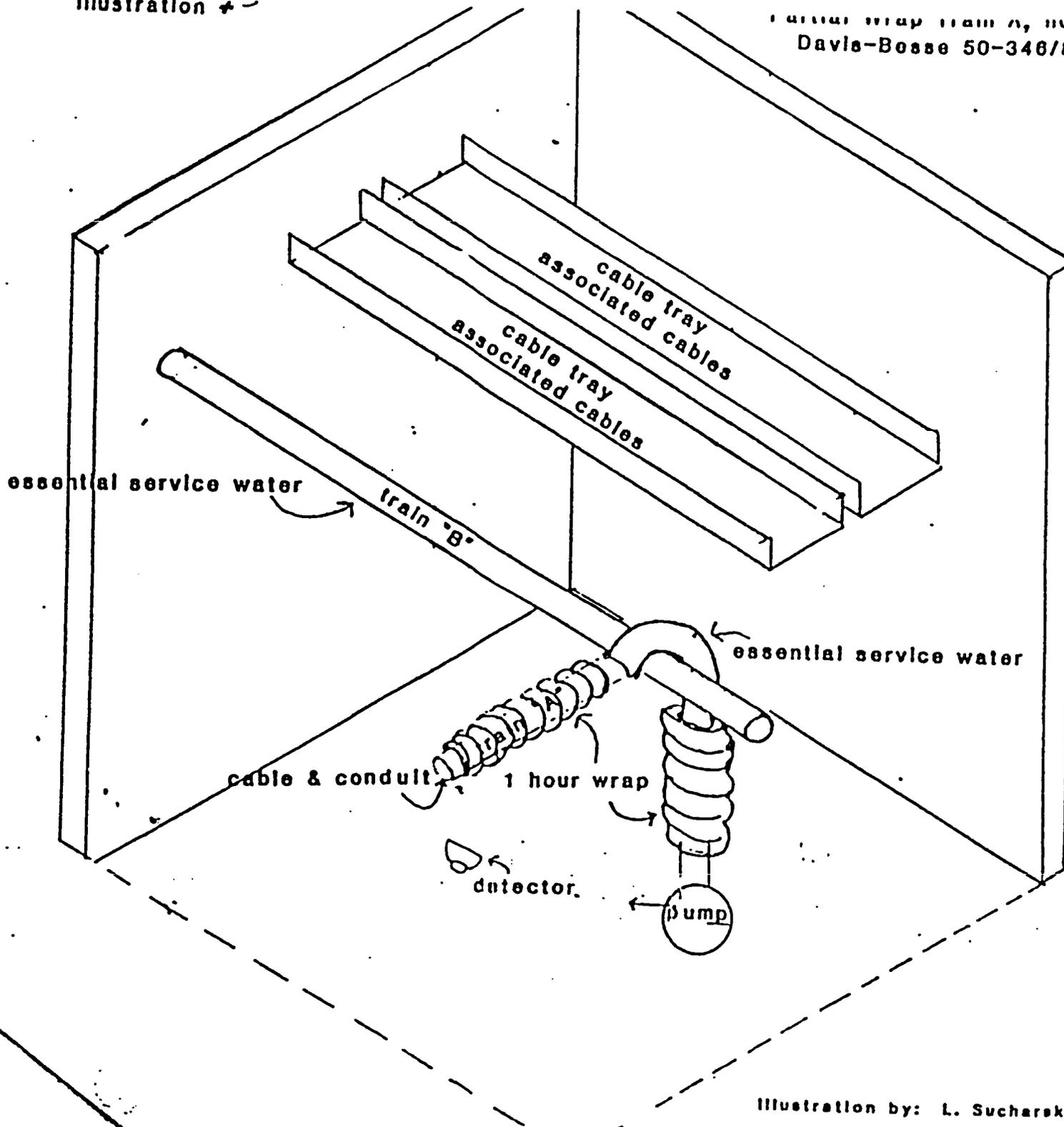
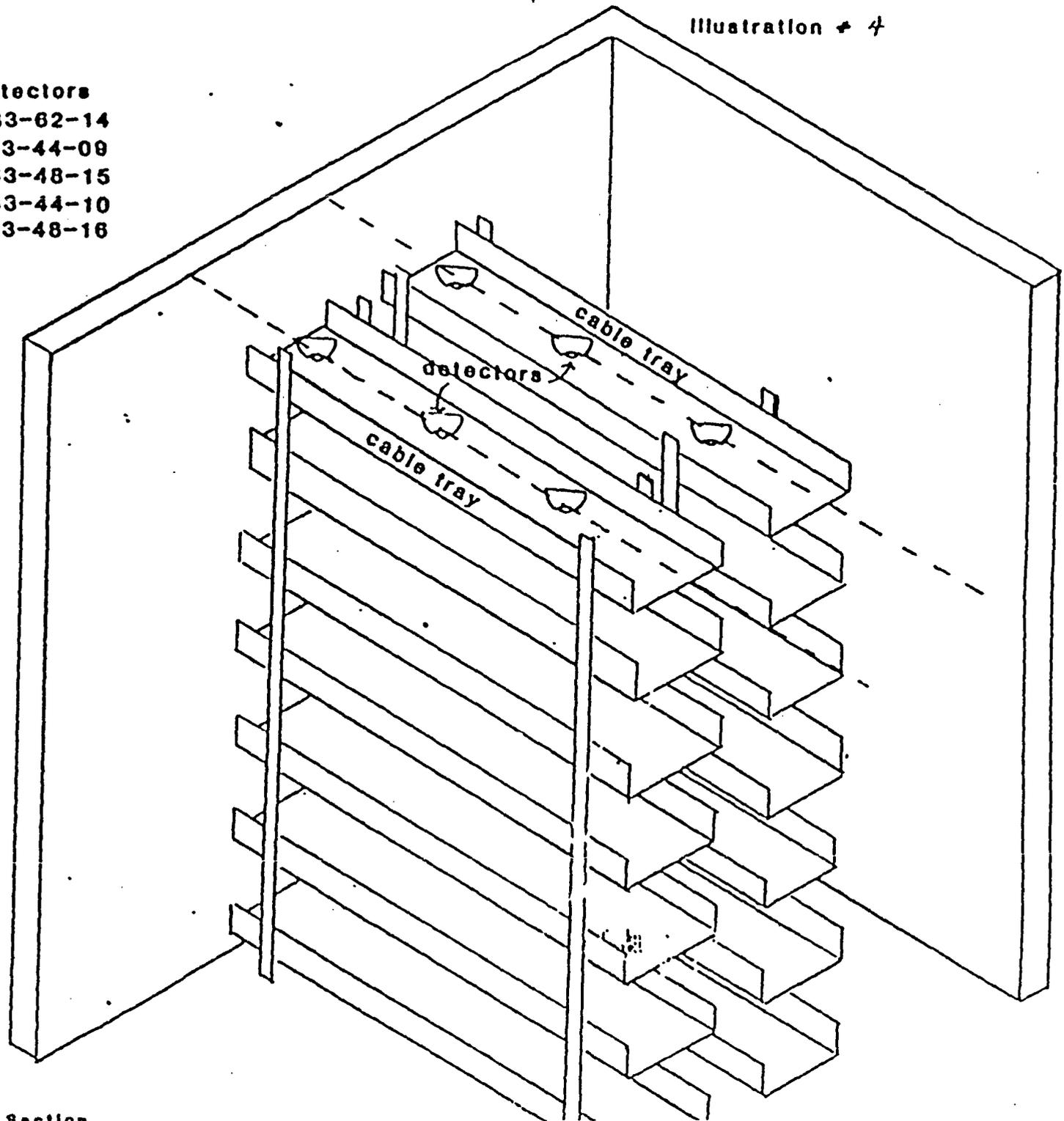


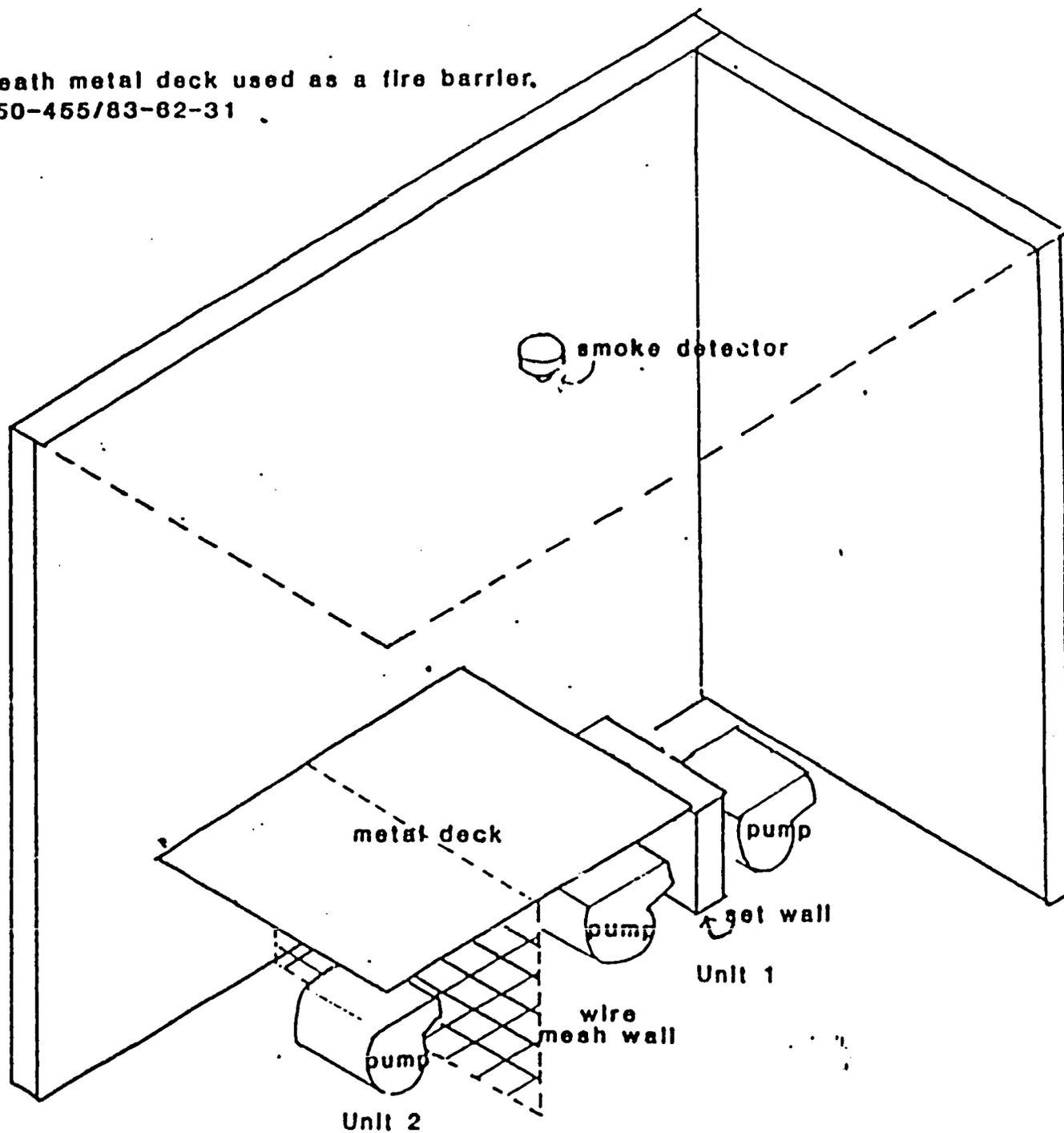
Illustration by: L. Sucharski, Technical Sur Section, Region III

Partial Smoke Detectors
Byron 50-454/83-62-14
La Salle 50-373/83-44-09
50-373/83-48-15
50-373/83-44-10
50-374/83-48-16



Inset Section.

Partial wall beneath metal deck used as a fire barrier.
Byron 50-455/83-62-31

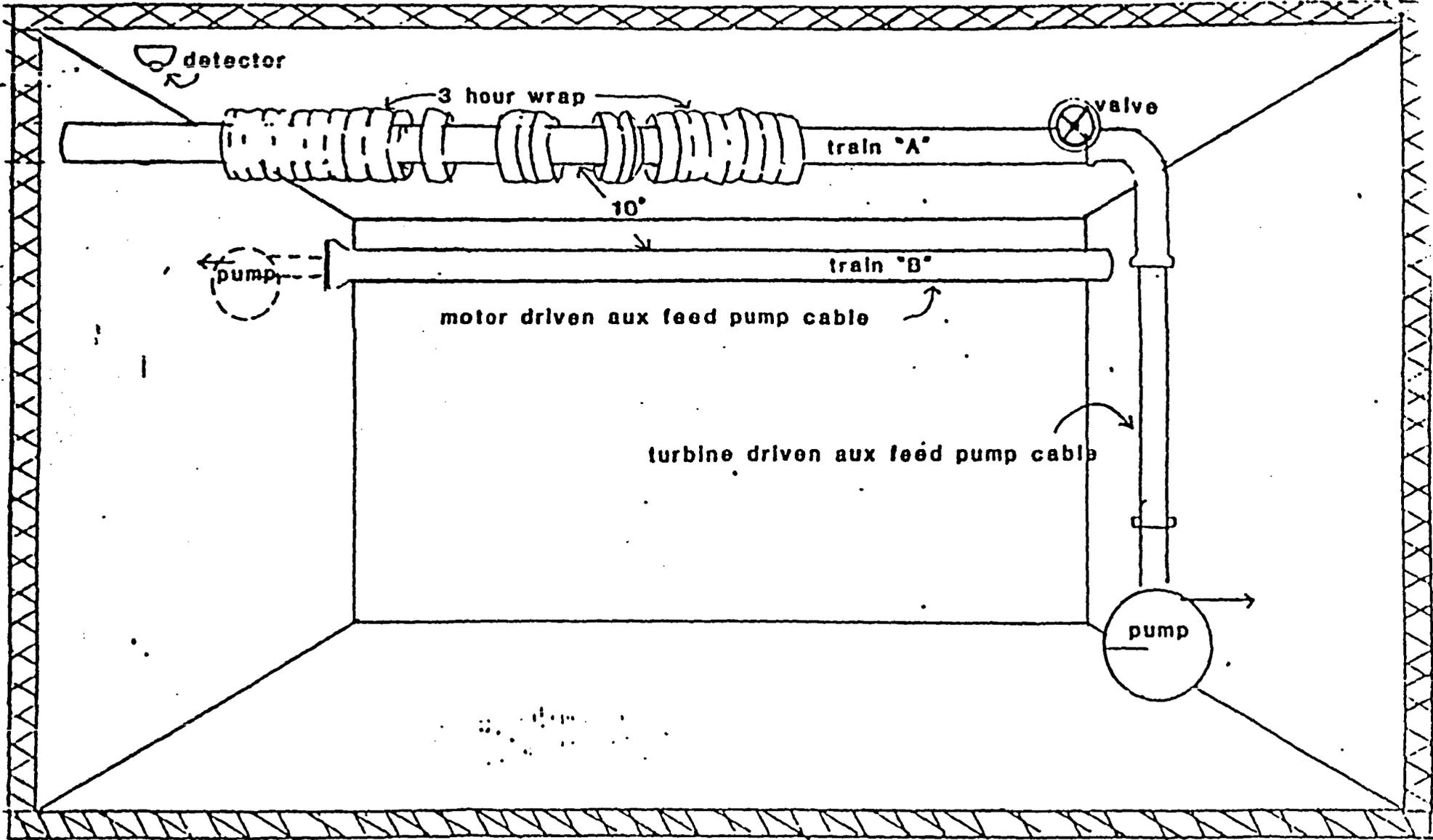


L. Sucharski,
Section, Region III

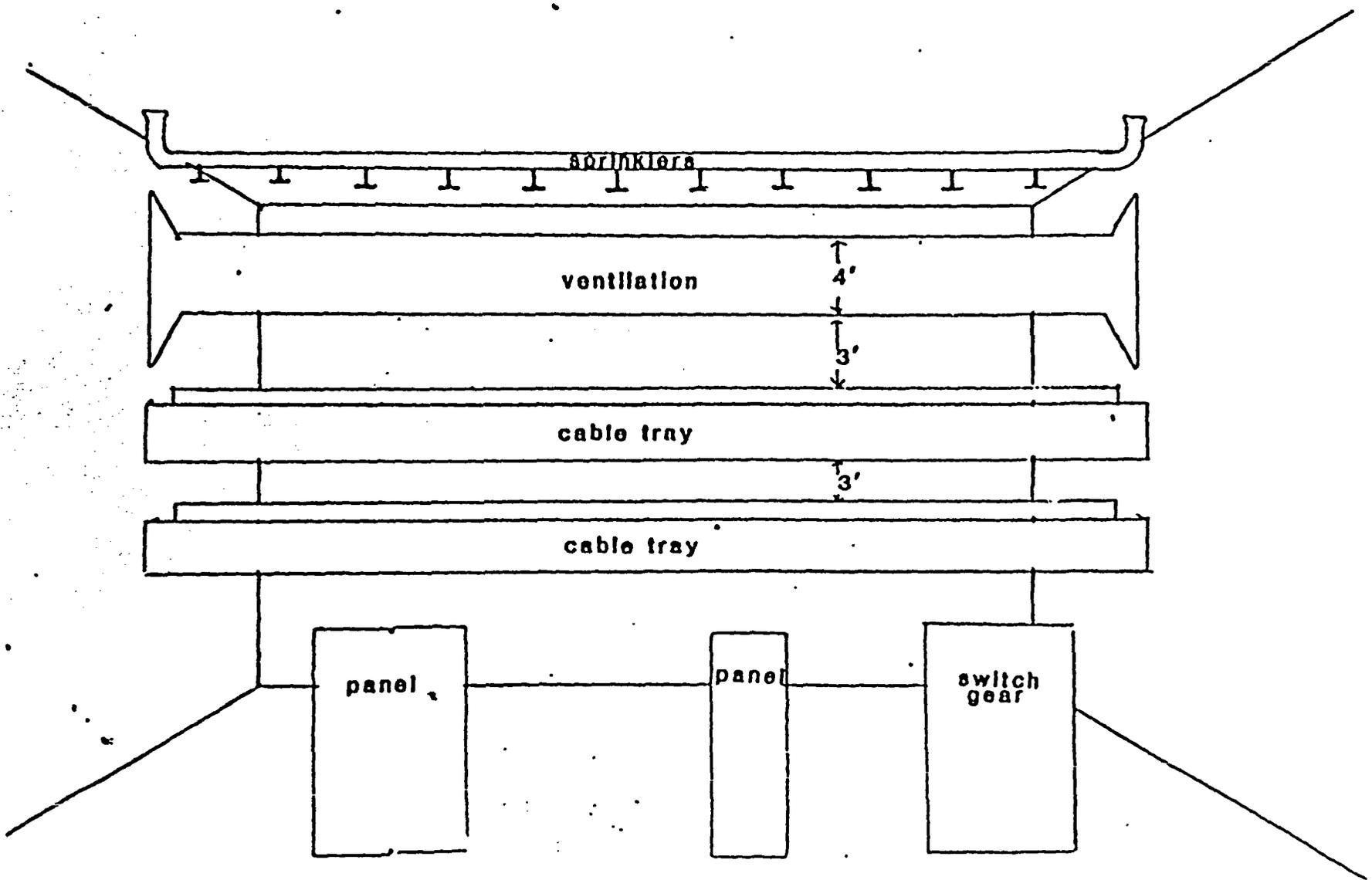
Three Hour Fire Barrier Wrap
1 detector in Fire Area No suppression.

Illustration # 6

Callaway 50-483/84-15-09



Partial Sprinklers at Ceiling Level Obstruction Below
Byron 50-454/83-82-35



3/84

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Meeting Title: Discussion of Appendix B (Fire Protection)

Meeting Date: 5/30/84 Open Closed

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4. _____	_____	*	_____	_____
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