



N85182

**POLICY ISSUE**  
**(Information)**

December 3, 1985

SECY-85-306A

For: The Commissioners  
From: William J. Dircks  
Executive Director for Operations  
Subject: REPORT ON CURRENT FIRE PROTECTION ENFORCEMENT ACTIONS

In a Staff Requirements Memorandum dated November 6, 1985, the Commission requested a report from the staff on current fire protection enforcement actions as well as a suggested schedule for affected licensees to comply with Appendix R requirements. Enclosed is a list of significant enforcement actions that have been taken or are currently pending as a result of Appendix R inspections. The suggested schedule for affected licensees to comply with Appendix R will be provided in a separate paper.

As the staff indicated in SECY-85-306, draft enforcement guidance on Appendix R was developed in the spring of 1984 and it was determined that until that guidance and the interpretations of the rule were completed, enforcement actions based upon Appendix R should be placed on hold (SECY-85-306, page 2). Four cases arising more than two years ago and three more recent cases are in this status. This includes E.C. Cook which would be pending for other reasons in any event. In SECY-85-306, the staff recommended that the Commission direct the staff to use the guidance as the criteria for enforcement of Appendix R requirements and to proceed to evaluate and issue pending enforcement cases in accordance with this guidance.

William J. Dircks  
Executive Director for Operations

Enclosure: Significant Appendix R  
Enforcement Actions

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~~ENFORCEMENT ACTION NOT FOR PUBLIC RELEASE~~

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SIGNIFICANT APPENDIX R ENFORCEMENT ACTIONS

<u>FACILITY</u> <u>EA NUMBER</u>	<u>INSF./IE</u> <u>RECEIPT DATE</u>	<u>VIOLATION CLASS</u> <u>&amp; CP PROPOSED</u>	<u>BRIEF DESCRIPTION</u> <u>OF VIOLATION</u>
<u>EARLY INSPECTIONS</u>			
DC COOK EA 82-139	4/9/82	PENDING	III.G.2,3-HOT SHUTDOWN COMPONENTS NOT ADEQUATELY PROTECTED FOR COMPONENT COOLING WATER, ESSENTIAL AND NON-ESSENTIAL SERVICE WATER, PLANT AND CONTROL AIR SYSTEMS, CONTROL ROOMS 1 AND 2 AND THE UNITS 1 AND 2 CABLE VAULTS. III.J-INADEQUATE EMERGENCY LIGHTING DURATION. III.O-INADEQUATE R.C. PUMP OIL COLLECTION SYSTEM FOR SSE.
TROJAN EA 83-85	6/20-24/83 7/26-28/83	5-VIOLATIONS, SL III PROBLEM \$100,000 PROPOSED ON 9/29/83 MITIGATED 50% \$50,000 IMPOSED 12/19/83	III.G.1,2,3; ON SEPARATION OF CHARGING PUMPS, ASSOCIATED COOLERS AND CABLES, RHR PUMPS AND CABLES, MISC: III.L.2-NO SOURCE RANGE ON RC T-HOT/COLD OUTSIDE CONTROL ROOM. III.O-EXCESSIVE OIL COLLECTION TANK LUBE OIL LEAKAGE.
VERMONT YANKEE EA 84-7	8/29/83 9/2/83	PENDING	III.G.1,2,3-INADEQUATE SEPARATION TO PROTECT TRIM FOR EQUIPMENT AND CABLING OUTSIDE OF PRIMARY CONTAINMENT

<u>FACILITY</u> <u>EA NUMBER</u>	<u>INSP./IE</u> <u>RECEIPT DATE</u>	<u>VIOLATION CLASS</u> <u>&amp; CP PROPOSED</u>	<u>BRIEF DESCRIPTION</u> <u>OF VIOLATION</u>
DAVIS-BESSE EA 83-124	9/7-9/83	PENDING	III.G.2- JUNCTION BOXES IN COMPONENT COOLING WATER FOR REDUNDANT TRAIN OF PUMPS, VALVES AND INSTRUMENTS NOT PROTECTED. III.G.3(a)-INADEQUATE ALTERNATE OR DEDICATED SHUTDOWN CAPABILITY FOR THE CONTROL ROOM AND CABLE SPREADING ROOM THAT DO NOT SATISFY G.2. III.L.1,2,3-INADEQUATE ALTERNATE SHUTDOWN CAPABILITY FOR FW, NS, AFW VALVES, LOSS OF OFFICE POWER, LOSS OF PZR HEATERS, DC COLD AND HOT LEG TEMPERATURE INDICATION. III.G.1-INADEQUATE FIRE PROTECTION FOR AFW. III.J.-EMERGENCY LIGHTING DURATION FOR BATTERIES AND NO LIGHTING IN SOME ACCESS ROUTES LEADING SAFE SHUTDOWN MANUAL VALVE CONTROL STATIONS.
SALEM EA 84-36	12/5-6/83	PENDING	III.G.1-INADEQUATE SEPARATION FOR CHARGING PUMPS AREA, SWITCHGEAR ROOM, INTAKE STRUCTURE MCC BAY, RB COOLING FANS, CHILLED WATER PUMP B. III.G.2-INADEQUATE SEPARATION FOR PRESSURIZER HEATER, LEVEL AND INSTRUMENTATION CABINET. III.G.1,2,3-INADEQUATE SEPARATION FOR RHR PUMPS.

RECENT INSPECTIONS

SEQUOYAH EA 85-48	1/14-18/85	PENDING	III.G.2-36 EXAMPLES OF INADEQUATE SEPARATION. III.G.2-295 CIRCUITS NOT ADEQUATELY SEPARATED. III.L.5-13 COLD SHUTDOWN TRAINS NOT ADEQUATELY SEPARATED. (FOR THE ABOVE I.E., AFW, CCW, CVCS, ESS. RAW COOLING WATER, S.G. INVENTORY CONTROL, ONSITE POWER DISTRIBUTION.) III.J-INADEQUATE DURATION FOR EMERGENCY BATTERIES. III.O-RCP OIL COLLECTION SYSTEM NOT ADEQUATE FOR SSE.
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FACILITY EA NUMBER	INSP./IE RECEIPT DATE	VIOLATION CLASS & CP PROPOSED	BRIEF DESCRIPTION OF VIOLATION
SUMMER EA 85-101	6/3-7/85	PENDING	III.G.2.a,b,c-INADEQUATE SEPARATION BETWEEN CABLE TRAYS FOR CHARGING PUMP. III.G.2.a/b-NO ONE-HOUR FIRE BARRIER FOR 3-SOURCE RANGE INSTRUMENTATION CABLES. TECH SPEC 3.7.10-INOPERABLE FIRE BARRIERS FOR SWITCHGEAR ROOM AND INTERMEDIATE BUILDING FIRE AREA.
SUSQUEHANNA	2/11-15/85	PENDING	III.G.2./III.G.3 FIRE ZONE ANALYSIS INSTEAD OF AREA; RHR-SEPARATION OK BUT NO AUTO SUPPRESSION (MANUAL ONLY). EQUIPMENT REMOVAL ROOM ONLY HAD PARTIAL AUTO SUPPRESSION.



NUCLEAR REGULATORY COMMISSION  
 REGION III  
 700 ROOSEVELT ROAD  
 GLEN OAK, ILLINOIS 60137

*1/2* *RV*  
*28005* *RV*

MEMORANDUM FOR: **Robert Ferguson,**  
~~Assistant Chief~~, Chief, Fire Protection Section, Chemical  
 Engineering Branch, Division of Engineering, Office of  
 Nuclear Reactor Regulation

THRU: **W. G. Guideman,** Chief, Operational Programs Section, RIII

FROM: **C. Ramsey,** Reactor Inspector, RIII

SUBJECT: **SUPPLEMENTAL RESPONSE TO GENERIC LETTER NO. 85-01 AND  
 SECY PAPER NO. 85-306**

In a meeting of October 29, 1985, with the NRC staff who were originators of Differing Professional Opinions (DPO's) concerning the NRC's Fire Protection Regulations, Commissioner J. Asselstine requested that the DPO originators express their comments voiced during the meeting via memorandum directly to the Commission. My comments on Generic Letter No. 85-01 were forwarded to you via memorandum dated October 25, 1985. These comments did not reflect my views on SECY Paper No. 85-306, which is a modified version of Generic Letter No. 85-01. Based on my review of SECY Paper No. 85-306, I offer the following additional comments, most of which were discussed in the meeting with Commissioner Asselstine:

1. Inspections

Issue: Whether the NRC should perform inspections at plants with uncompleted modifications at the request of licensees to help avoid costly design and implementation decisions.

Inspector Comments: The inspector feels that this approach may be useful in obtaining licensee compliance with the regulation. However, in view of no prior review of a licensee's analyses, it is not clear how such inspections should be conducted. In lieu of the previous approach, which required licensees to submit such analyses of fire hazard potential and safe shutdown capability to the NRC so that agreement on design and implementation decisions could be reached well in advance of NRC inspections, it is not clear how such agreements will be reached by individual inspectors in this new approach.

For existing operating plants and plants under construction, we are probably past the point where a sequential approach is practical. This may result in prolonged delays in implementation. In view of this, the inspector suggests that the proposed allowance for in-house analyses be tolerated with three provisions:

- a. An incorrect or inadequate analysis be treated the same as a failure to install required fire safety features from an enforcement standpoint.
- b. NRC support be provided for all such inspections and review of analyses at the site either as part of the inspection process or as part of a separate program. The inspector feels this will be necessary to ensure a modicum of consistency as well as to avoid significant shortfalls in staffing levels.
- c. A licensee may not request such an inspection unless the analysis is completed and modifications are proposed.

2. Standard Fire Protection License Condition

Issue: Whether the proposed standard fire protection license condition is viable in all operating licenses.

Inspector Comments: The inspector feels that the standard fire protection license condition is needed for enforceability of NRC Fire Protection Guidelines and commitments made to the NRC by licensees. A standard license condition in each operating license would eliminate the variations in licensing requirements that have created problems for licensees and NRC inspectors in identifying the operative and enforceable fire protection requirements at each facility.

If the proposal to incorporate the fire protection program for all plants into the FSAR is adopted, the inspector feels that the enforceability of what the NRC intends by its fire protection guidelines and requirements may be in question for the following reasons:

- a. Section 1.e. of the draft Enforcement Guidance for Fire Protection states, in part, "A notice of violation will be issued for a violation of a requirement. However, failure to meet fire protection commitments other than requirements will be designated as deviations."

As proposed, licensees will commit to comply with NRC guidelines as stated in the FSAR in order to comply with the NRC's fire protection regulations. It will be necessary to clarify the extent that such FSAR commitments are legally binding to the regulatory requirements delineated by 10 CFR 50, Appendix A, General Design Criterion 3; 10 CFR 50.48 and 10 CFR 50, Appendix R. If this is done, failure to implement and maintain the approved fire protection program may be appropriately enforceable under 10 CFR 50.48 and Appendix R to 10 CFR 50.

- b. Under 10 CFR 50.59, licensees are permitted to perform analyses and make modifications to fire protection features without prior NRC review and approval. It appears that unless the FSAR descriptions are reviewed by NRR and formally accepted as documented in an SER, there will be no way for inspectors to know what is acceptable. In addition, a method would have to be devised to ensure that the accident scenario (postulated fire) for affected fire areas could not be changed under 10 CFR 50.59. A better approach would be to develop a rule to require compliance with the fire protection plan described in the FSAR.
- c. Without fire protection technical specifications, inspectors would have difficulty in determining surveillance requirements and limiting conditions for operation unless the FSAR described in detail what surveillance tests would be performed and what compensatory measures would be taken for inoperable or degraded equipment.

### 3. Draft Enforcement Policy

Issue: Whether the draft enforcement policy, as proposed, reflects the appropriate regulatory requirements that are enforceable.

Inspector Comments: The inspector feels that irrespective of which approaches are taken for final implementation of Appendix R and the NRC's fire protection requirements, this document should be revised to reflect the applicable legally binding requirements and appropriate guidance describing violations and severity level categories that are commensurate with the level of importance that the NRC perceives fire safety.

  
C. Ramsey  
Reactor Inspector