

ORIGINAL

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of:

COMMISSION MEETING

Status of Interpretation
of Appendix R -- Fire
Protection

(Public Meeting)

Docket No.

Location: Washington, D. C.

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1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

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4 STATUS OF INTERPRETATION OF
5 APPENDIX R -- FIRE PROTECTION

6 - - -
7 PUBLIC MEETING
8 - - -

9 Nuclear Regulatory Commission
10 Room 1130
11 1717 "H" Street, N W
12 Washington, D C.

13
14 Thursday, October 3, 1985
15

16 The Commission met in open session, pursuant to
17 notice, at 2:05 o'clock p.m., NUNZIO J FALLADINO, Chairman of
18 the Commission, presiding.

19 COMMISSIONERS PRESENT:

20 NUNZIO J. PALLADINO, Chairman of the Commission
21 THOMAS M. ROBERTS, Member of the Commission
22 JAMES K. ASSELSTINE, Member of the Commission
23 FREDERICK M. DERNTHAL, Member of the Commission
24 LANDO W. ZECH, JR., Member of the Commission
25

1 STAFF AND PRESENTERS SEATED AT COMMISSION TABLE:

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W. DIRCKS

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J. HOYLE

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P. BOLLWERK

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R. VOLLMER

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J. KNIGHT

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W. JOHNSTON

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P R O C E E D I N G S

1
2 CHAIRMAN PALLADINO. Good afternoon, ladies and
3 gentlemen. Two of our fellow Commissioners have been detained
4 but they said that we should start without them. They will be
5 here shortly.

6 The Commission is meeting this afternoon with staff
7 to discuss the status of the implementation of fire protection
8 requirements. The Fire Protection Rule which is composed of
9 10 CFR 50.48 and Appendix R was issued in 1980.

10 The rule imposed new requirements on operating
11 plants beyond those which had originally been adopted by the
12 staff in 1980. The Commission last met with the staff on this
13 subject in May of 1984.

14 At that time a large percentage of fire protection
15 modifications had been completed at all plants. However, nine
16 years had elapsed since the 1975 Browns Ferry fire and the
17 fire protection effort had not been finalized.

18 This led the Commission to discuss the extent to
19 which our evolutionary process may have contributed to the
20 delay in achieving fire protection compliance with Appendix
21 R. In this perspective, the Commission directed the staff to
22 prepare implementation guidance and requested that this
23 guidance be submitted for Commission approval.

24 Recently the staff forwarded SECY-85-300, staff
25 recommendations regarding the implementation of Appendix R to

1 10 Part 50. The objective of today's meeting is to obtain
2 sufficient information for the Commission to decide on the
3 recommendations contained in SECY-85-306

4 I might add the issue sounds complicated to me and I
5 do have a number of questions and I hope I can get my
6 understanding up to a higher level

7 Do any of my fellow Commissioners have opening
8 remarks they would like to make?

9 COMMISSIONER ZECH: No.

10 CHAIRMAN PALLADINO: All right

11 COMMISSIONER ASSELSTINE: I share your hope. I find
12 myself in just the same position.

13 CHAIRMAN PALLADINO: Any clarification you could
14 provide will be helpful.

15 MR. DIRCKS: There are a couple of ways that we can
16 approach this. One, we have outlined the history, the
17 background and where we are today in the staff paper. We
18 could briefly and I mean very briefly go into some of that or
19 we could outline some of the conditions as far as plant status
20 goes or we could directly go and maybe discuss the questions
21 that you have.

22 Of course the objective that we are looking at
23 to day is the generic letter that we would like to see get out
24 as guidance to the industry. That is the end purpose of the
25 meeting

1 As I said, I don't know whether you want us to
2 repeat the information in the staff paper or whether you would
3 like to hear a brief discussion of the history or whether you
4 would like to hear something about plant status or whether you
5 would like to get into the issues that seem to be of most
6 interest to the Commission

7 CHAIRMAN PALLADINO: Let me make a proposal and see
8 if the Commissioners will agree. A brief past history would
9 be helpful but not too long in that and then I would like to
10 get an understanding of what you are proposing with regard to
11 the generic letter and other aspects that related to the
12 generic letter and then open it for questions.

13 MR. DIRCKS: All right. I think we can do that. I
14 think that first slide is a very brief history and we won't
15 read the whole thing. We will get into it as a memory
16 refresher and then we can go on into that generic letter.

17 CHAIRMAN PALLADINO: Also, some of the aspects of
18 the paper itself that sets the stage for the generic letter
19 will be the source of some questions.

20 MR. DIRCKS: Right. I thought though that you
21 seemed to have those questions and it is probably more
22 important to get to your questions than it is to hit things
23 that you may not be interested in. So we might want to go
24 directly to questions if you so wish.

25 CHAIRMAN PALLADINO: If the Commission is agreeable,

1 why don't you review briefly the history.

2 COMMISSIONER ASSELSTINE: That sounds fine

3 COMMISSIONER ZECH: Fine.

4 CHAIRMAN PALLADINO: Then you can highlight the
5 features of the generic letter and what led to it and then we
6 will go to the questions.

7 (Commissioner Roberts enters the meeting.)

8 MR. DIRCKS: Why don't you briefly hit that history
9 and then go to the generic letter and outline line very
10 briefly.

11 MR. VOLLMER: Fine

12 (SLIDE.)

13 MR. VOLLMER: As you had indicated at the last
14 Commission meeting in May of 1984 we went over the history and
15 the status of plants both from a licensing and inspection
16 point of view at that time and indicated to you that we had
17 guidance documents under development.

18 Those guidance documents originated from previous
19 work by the staff in trying to come up with additional
20 clarifications to the rule and additional material which would
21 answer questions that industry had posed on the rule.

22 So in keeping with your desires, I will focus very
23 briefly on the events since the last Commission meeting and
24 then indicate the elements of the generic letter, what is
25 behind them and why we feel it is important to get that out

1 and then I think if you are interested a very brief status of
2 the plants, particularly inspection status review is important
3 because it would give you a better feel of where we stand
4 vis-a-vis last May

5 I would like to make two key points as sort of a
6 preamble One is as you know 50 48 which is the Fire
7 Protection rule requires all operating plants to have a fire
8 protection plan, not just old plants but all plants to have a
9 plan to satisfy the general design criterion three and the
10 plan should describe the overall fire protection program, the
11 administrative controls and personnel requirements and the
12 hardware fire protection systems.

13 Appendix R which is the Fire Protection program for
14 plants operating prior to January 1, 1979 is not a full and
15 complete fire protection program in itself. What it has are
16 specific requirements in it that the staff were unable to
17 reach agreement with a number of licenses during the
18 post-Browns Ferry fire staff reviews in the 1977-1979 time
19 frame.

20 These outstanding issues were made into a rule. It
21 was a choice between a rule or plant-specific orders and it
22 was decided to do it by rule-making and so this is an element
23 or specific issues but not a complete fire protection program
24 in itself.

25 The Commission at the time they passed the rule

1 backfitted three key parts of the rule even for those plants
2 that had previously reached staff agreement or for those
3 plants that had previously reached agreement with the staff
4 and the issues were resolved, part G, J and O of Appendix R
5 was reopened for those plants and they were required to
6 backfit them.

7 The only other parts of Appendix R that would apply
8 to specific plants, specific old plants, were if those were
9 still open issues at the time the rule was implemented.

10 So with that in perspective in the 1982 or 1983 time
11 frame, we found a very poor level of compliance with Appendix
12 R based on the inspection results we had to date so then there
13 were issues developed at Mr. Dircks' direction to develop
14 guidance based particularly on our inspection results and on
15 questions that were posed by industry and the whole workshops
16 to try to get this out and to see what we could do to further
17 bring everybody up to the same level of understanding of the
18 rule.

19 This was done in the spring of 1984 and was well
20 attended by the industry and was I think very successful from
21 the point of view --

22 CHAIRMAN PALLADINO: It was what by industry?

23 MR. VOLLMER: It was very well attended by industry.

24 CHAIRMAN PALLADINO: Oh, thank you.

25 MR. VOLLMER: The total count, I think, was in

1 excess of 600 who attended these workshops and I think from
2 the point of view of getting the message out and finding out
3 what the industry concerns that still might be there, it was
4 very successful

5 In our May meeting the Commission asked the staff to
6 provide the final guidance documents for your review before
7 they were issued. The final documents at that time were the
8 detailed questions and answers on the technical issues and the
9 document that was called Interpretations of Appendix R which
10 were a selected set of issues that industry felt required some
11 specific staff interpretation to allow them to more
12 expeditiously proceed with their implementation of the rule.

13 Since the last Commission meeting Mr Dircks formed
14 a steering committee to take a broad look at all current
15 licensing, inspection and technical issues and to develop
16 policy recommendations aimed at expediting Appendix R
17 compliance for older plants and assuring consistent level of
18 fire protection safety for all plants where he asked us to
19 take a broad look

20 I happened to chair that particular committee. It
21 had national and regional representation, IE, NRR and ELD representation on
22 it and we gave him a report back in October.

23 COMMISSIONER ASSELSTINE: Was there a fire
24 protection engineer on the steering committee?

25 MR VOLLMER: There was not a fire protection

1 engineer on the steering committee.

2 COMMISSIONER ASSELSTINE: Why not?

3 MR. VOLLMER: Let me give you the break-down. The
4 steering committee was formed and a working group was formed
5 to assist the steering committee. On the working group were
6 regional and staff representatives who had been broadly
7 involved in the process and they were to assist and develop
8 recommendations for the steering committee.

9 The steering committee as I indicated was asked to
10 look and recommend to Mr. Dircks policy recommendations
11 primarily which is what we did. We met with all the fire
12 protection engineers. We met with a number of elements of the
13 staff both in the regions and headquarters including all fire
14 protection engineers or all inspectors who had been doing the
15 fire protection work out in the field.

16 CHAIRMAN PALLADINO: Did the working group have fire
17 protection engineers?

18 MR. VOLLMER: Yes.

19 COMMISSIONER ASSELSTINE: How many times did the
20 steering committee meet with the fire protection engineers?

21 MR. VOLLMER: We held a one-day meeting in Bethesda
22 with all of the fire protection engineers and the inspectors
23 who were doing the work out in the field.

24 COMMISSIONER ASSELSTINE: When was that?

25 MR. VOLLMER: It must have been in September. Our

1 work was done between August and October.

2 COMMISSIONER ASSELSTINE: Of last year?

3 MR. VOLLMER: Of last year.

4 COMMISSIONER ASSELSTINE: So you had one meeting
5 with the fire protection engineers

6 MR. VOLLMER: We had a full-day meeting. There was
7 other communications. It wasn't just simply a one-day
8 meeting. We were very well aware of their differing
9 professional opinion for example and the views that they had
10 on the fire protection issues.

11 I personally had talked to fire protection engineers
12 on a rather frequent basis more so than many of our other
13 staff when I represented engineering and NRP because there
14 were a great deal of issues to be resolved at that time.

15 But as a committee, as a steering committee, we met
16 with the fire protection people for a one-day meeting in
17 Bethesda.

18 Following that in our report to Mr. Dircks, the
19 report was sent out for office and regional comments and
20 then issued for public comment in early 1985. Public comments
21 were evaluated and incorporated in May 1985 and the steering
22 committee report was modified somewhat to reflect the results
23 of public comments and the input that we had from various
24 staff people at the time.

25 The principal elements of the steering committee

1 report --

2 COMMISSIONER ASSELSTINE Dick, when did we have our
3 Commission meeting where this issue came up?

4 MR. VOLLMER: May 20

5 COMMISSIONER ASSELSTINE Of 1985?

6 MR. VOLLMER: May 30, 1984

7 COMMISSIONER ASSELSTINE All right

8 MR. VOLLMER: Again, scenario-wise, the
9 interpretation issue came up just prior to the workshops and
10 we held the workshops and discussed with industry the
11 questions and answers and the Interpretations document and
12 indicated at that time that these were preliminary, they would
13 be redrafted as necessary and issued as guidance

14 So they were not necessarily at that time formal
15 criteria by any means.

16 I might indicate that what prompted the
17 Interpretations document was a generic letter, 83-33, that was
18 issued and I am sort of guessing at the time frame

19 MR. JOHNSTON: I would like to say October of 1983.

20 CHAIRMAN PALLADINO What was it you are trying to
21 clarify or interpret?

22 MR. VOLLMER: A generic letter was issued again in
23 response to some industry questions on specific issues and let
24 me give you an example, a simple example.

25 The Fire Protection rule says that suppression shall

1 be installed in a fire area where you have safety related
2 equipment to protect The staff had received a number of
3 questions from industry saying, "What does that mean? Does
4 that mean it has to be everywhere in the room, throughout the
5 room or does it just have to be in areas where you need to
6 protect safety-related equipment?"

7 The generic letter 83-33 went out and said that you
8 don't have to put it everywhere in the room, in the fire area,
9 but you have to get an exemption if you don't There were
:0 certain rooms where you had cables and sensitive equipment
:1 that you needed to protect and the other half of the room may
:2 have a couple of pipes or nothing to protect so it didn't make
:3 any sense to require sprinklers over there

14 But generic letter 83-33 said that you had to put it
15 throughout the room unless you came in and got an exemption
16 The Interpretations document which was developed in
17 conjunction with ELD at the time said that they didn't see
18 any legal justification for requiring the exemption for a
19 case like that, rather the licensee they felt could put the
20 sprinklers in to meet what a reasonable intent of Appendix R
21 was, namely, to protect the safety-related equipment and if he
22 had an analysis showing that that was adequate, then he should
23 not have to come in for an exemption

24 Rather, when we go out for our inspection we would
25 see what he did, see his analysis and if it was not

1 appropriate in meeting the rule, then appropriate enforcement
2 action would be taken

3 So there were six issues and two of those issues
4 became in contention, that being one of them that I mentioned
5 and I think some of the fire protection engineers felt that if
6 we did not require the licensee to come in and get exemption
7 for some of these issues that they would perhaps improperly
8 implement Appendix R and it would be more difficult for the
9 staff to get the licensee to achieve compliance later on.

10 But it was the general view of the people, the
11 management involved, including myself, that we would have a
12 better chance of expediting compliance, we would be able to
13 get the industry to proceed more with working on the rule,
14 going ahead and using these interpretations rather than
15 waiting for a complete staff review.

16 In fact, I might give you an example. It was down
17 at Crystal River last year and in a meeting with them on some
18 other issues including fire protection, but the main issue at
19 that time was EQ, and they were about to go into an outage in
20 which they were spending some \$15 million dollars on fire
21 protection modifications and they did not yet have a complete
22 staff approval of their program.

23 They felt rather naked in going ahead but on the
24 other hand they did want to complete the modifications. So I
25 think they went ahead and did this in good spirits and as it

1 turns out, I think we have had an inspection since then and we
2 found out that they are a pretty good plant.

3 I felt that this is an example of allowing the
4 industry to go ahead with fairly good guidance and I didn't
5 think that we would get blind-sided at the end by finding out
6 a lack of compliance.

7 CHAIRMAN PALLADINO: What was the status of 83-33?

8 MR. VOLLMER: It was a generic letter.

9 CHAIRMAN PALLADINO: It says you put, for example,
10 fire suppression everywhere in the room unless you can
11 justify otherwise and get an exemption

12 MR. VOLLMER: Come in for an exemption, so that the
13 difference is --

14 CHAIRMAN PALLADINO: Did you change your mind such
15 that they did not have to come in for an exemption?

16 MR. VOLLMER: Yes, we have.

17 COMMISSIONER ASSELSTINE: Generic letter 83-33 is in
18 effect now.

19 MR. VOLLMER: It is still in effect.

20 CHAIRMAN PALLADINO: Still in effect.

21 MR. VOLLMER: These Interpretations that we feel are
22 appropriate would say that 83-33 is not operative, that the
23 licensee may proceed based on the Interpretations document and
24 do their fire protection work in the areas specified in the
25 Interpretations without coming in for an exemption

1 CHAIRMAN PALLADINO: That seems like just a
2 repudiation of 83-33. I don't see how you can say 83-33 is
3 still in effect when 83-33 calls for an exemption and --

4 MR. VOLLMER: We haven't gotten the Commission's
5 endorsement of that.

6 CHAIRMAN PALLADINO: Wait a minute. Let me finish
7 the question. Generic letter 83-33 calls for exemptions but
8 now you are saying that the Interpretations document says that
9 you don't really need an exemption.

10 COMMISSIONER ASSELSTINE: That's right.

11 MR. VOLLMER: Yes, sir.

12 CHAIRMAN PALLADINO: That doesn't sound right.

13 MR. VOLLMER: If the Commission were to endorse --

14 COMMISSIONER ASSELSTINE: It is a fundamental
15 change.

16 CHAIRMAN PALLADINO: Yes, I thought so.

17 MR. VOLLMER: It is a policy issue.

18 CHAIRMAN PALLADINO: Why do you say 83-33 is still
19 in effect when the Interpretations document says it isn't.

20 MR. DIRCKS: We haven't issued it yet.

21 MR. VOLLMER: You haven't agreed with our
22 Interpretations document yet and you asked to do that at the
23 May meeting of 1984.

24 CHAIRMAN PALLADINO: All right. Thank you for
25 straightening me out on that one.

1 (Laughter.)

2 MR. VOLLMER: Fire Protection moves with galactic
3 velocity!

4 (Laughter.)

5 MR. VOLLMER: What I would like to do if I may is go
6 to the generic letter because I think that covers the issues
7 pretty broadly and then we can pick up anything you feel is
8 necessary and I will just sort of briefly go over that, if we
9 could go to slide six, please.

10 (SLIDE)

11 MR. VOLLMER: The intermediate slides are those of
12 status and we can get to that later.

13 The generic letter basically has a number of
14 elements to it. One is it would propose to tell the licensee
15 that there should be no further 50.48 schedular exemptions.
16 Now 50.48 was set up when the rule was passed and it provided
17 a number of things.

18 It told the licensees when they had to be in
19 compliance with certain aspects of the rule. In particular,
20 where the most difficult of those aspects, of course, is where
21 these older plants could not comply with the literal reading
22 of the rule, that is they couldn't have a 20-foot separation
23 or whatever and would have to provide an alternative path to
24 shut down the plant by rewiring, an alternative electrical
25 path if you will.

1 The rule requires that the staff review and approve
2 that particular feature. 50.48(c) had provisions that would
3 allow the licensee to wait to implement that obviously until
4 the staff had approved that and then there were tolling
5 provisions that they had so many months after staff approval
6 depending on the shut-down times that they had to implement
7 Appendix R.

8 We had granted a number of extensions under 50.48
9 and 50.12 but the staff felt that because when the rule was
10 passed we felt reading the background of the rule and the
11 tolling provisions, we felt that it was likely the
12 Commission's intent to get the fire protection issue over
13 within five or six years or something like that.

14 We were in a position as you know from reading the
15 Commission paper that some plants are coming in and talking
16 about implementation in the 1990's.

17 So we felt that we should not have any further
18 scheduling exemptions and we should set a high standard for
19 exemptions, schedular exemptions, under 50.12. 50.12 is our
20 normal exemption path, 50.48 we think under the guidelines of
21 the Rule has pretty well ended for most plants. It is sort of
22 an inoperative provision.

23 We felt that we should set high standards for
24 schedular exemptions similar to which we did for EQ that
25 conscientious effort to implement the basic provisions of

1 Appendix R would be made by the licensee, delays that had been
2 encountered would be beyond his control, that the schedule
3 that he would propose represents a best effort under his
4 current workload and we would consider living schedules and
5 other safety related modifications that needed to be done and
6 further, that there would be additional and adequate
7 compensatory measures for any parts of Appendix R that he was
8 deficient in.

9 These could include, for example, having a fire
10 watch or post additional equipment where there was a fire area
11 that could not be duly protected under the Appendix R
12 provisions.

13 That was the one issue, that of exemptions, and I
14 think this is one issue that the industry was particularly
15 concerned with but I think the staff's feeling was that we
16 have gone a long way since the Browns Ferry fire and as you
17 will see in a minute many plants have indeed complied and are
18 in good shape.

19 We would like to bring this thing to a close as soon
20 as possible. Obviously we need to do a good job and we have
21 to take into account the other work burdens on the licensees
22 but we think the 50.12 exemption route is certainly
23 appropriate to do this.

24 (Commissioner Bernthal enters the meeting.)

25 MR. VOLLMER: Secondly, the generic letter indicates

1 that the licensee should utilize the Interpretations
2 document. I just explained the staff's thought behind that
3 The generic letter would also have the question and answers
4 which is a fairly thick package. These are questions that
5 were posed by industry. We gave them answers. We discussed
6 these answers at the regional workshop meetings and we believe
7 that they understand the answers so this would be just sort of
8 part of the record to say here it is and let's continue using
9 these particular technical responses to their questions.

10 CHAIRMAN PALLADINO: Now utilizing the
11 Interpretations document then would supercede 83-33?

12 MR. VOLLMER: That would supercede 83-33, yes. That
13 is right

14 We talked in the generic letter a little bit about
15 the inspection program in telling the licensees that we would
16 like to continue our current Appendix R inspection program and
17 in just a minute I will give you a view as to how extensive
18 that is right now but to continue the current program, to look
19 at plants where modifications are finished and that has been
20 our general approach but there may be some plants where the
21 modifications are not yet complete and we would want to go out
22 and look at their general approach to see that the approach is
23 correct.

24 The third category we felt and this was based on the
25 steering committee recommendations, we felt that we should

1 consider the licensee's request for an inspection to insure
2 that they are going in the right direction before they spend
3 and commit a large amount of money to the Appendix R
4 modifications.

5 Again, the Crystal River example comes to mind
6 there. I don't know at this point in time if there are any
7 licensees that would utilize that option but I think we would
8 make it available to them.

9 COMMISSIONER ASSELSTINE. Dick, I am not sure I
10 quite understand why that works to the licensee's benefit.
11 One of the complaints that we hear a lot about backfitting is
12 what the Commission does is typically say, "Well, you guys
13 decide what you think you need to do to meet our requirements
14 and after you have done it we will come out and take a look at
15 it and tell you whether you did it right or not."

16 It almost seems to me like the approach that the
17 fire protection engineers advocated which was you tell us what
18 you are going to do, we will tell you whether it is acceptable
19 or not and if it is not, we will tell you what you have to do
20 to make it acceptable, then you do the work, has a lot better
21 potential for not having to do things two or three times
22 than this approach of go out and make the changes, do your
23 analysis and make the changes, file them away and at some
24 point down the road our inspectors will come out and inspect
25 and tell you whether you have done it right and if you haven't

1 done it right, you are going to have to do it over again.

2 MR. VOLLMER: You have encapsulated the arguments in
3 both points of view

4 COMMISSIONER ASSELSTINE I guess I don't understand
5 what the benefit is to the licensee of the approach that you
6 advocated, the steering committee advocated

7 MR. VOLLMER: The benefit I think to the industry
8 and the reason they said they would like to do it is it would
9 allow them to get on with the job, i.e., they saw it as a way
10 to expedite compliance because the staff has a fairly large
11 backlog of Appendix R reviews

12 I think another reason is that they felt that the
13 guidance, that they understood the rule well enough at this
14 point in time so that they could make modifications, commit
15 the money and make the modifications and not have a high
16 likelihood of getting cited for non-compliance with the rule.

17 MR. DIRCKS: I thought though, Jim, we talked about
18 this some ago and maybe I am getting it wrong, but I think you
19 are right. If back in 1975 or 1976 when we started doing all
20 of this the obviously better way to do it would be for us to
21 develop criteria, the licensees submit their plans to conform
22 to that criteria, we approve the work they do and then they go
23 ahead and do it and we inspect.

24 COMMISSIONER ASSELSTINE Which is what the generic
25 letter did.

1 MR. DIRCKS. But what happened in the early days I
2 think in order to expedite the process, the Commission made a
3 conscious decision that the licensees would proceed with this
4 work and correct me if I am wrong because I asked this
5 question at the meeting, the licensees would proceed in order
6 to get the fixes into the plants as soon as possible they were
7 told to move ahead and we would come out and inspect later.
8 Is that right or wrong?

9 MR. VOLLMER: The licensee was certainly urged to
10 move ahead except for where they had to ask for an exemption
11 I think some licensees went ahead and made modifications
12 knowing that an exemption request was in process and sort of
13 hoping that that would go through.

14 COMMISSIONER ASSELSTINE So they assumed that their
15 exemption would be granted.

16 MR. VOLLMER: In some cases, yes.

17 COMMISSIONER ASSELSTINE: They simply didn't do what
18 the regulation required.

19 MR. VOLLMER: No. You have to remember for the old
20 plants and probably for the new plants, there is probably not
21 a plant that literally meets Appendix R without some sort of a
22 modification or an alternative shut-down system of some sort
23 The requirements in there that the redundant trains be
24 separated by 20-feet or that they have in lieu of that the one
25 hour fire protection in the sprinkler system and all these

1 things, you just couldn't find a plant physically that met
2 that so they all had to do something.

3 Part of the rule that allowed the backfitting which
4 was an important ingredient to the rule and one which the
5 court when we were taken to court on the rule, the court said
6 that as long as you had the backfitting in there, I guess it
7 is reasonable

8 COMMISSIONER ASSELSTINE: Or the opportunity for
9 exemption.

10 MR. VOLLMER: The opportunity for exemption

11 COMMISSIONER ASSELSTINE: Right

12 MR. VOLLMER: So I think going forward with
13 everything by the exemption route industry felt would delay
14 their compliance and it was my view and I think that of the
15 steering committee that we were getting to a point where we
16 were achieving technical compliance with the rule and remember
17 an exemption process is a technical judgment, a balancing of
18 one feature against another and we were achieving technical
19 compliance and that we were not taking anything significant
20 away from the staff by doing that.

21 It may put more of a burden on the inspection
22 program and our inspections have generally and maybe in all
23 cases have included fire protection engineers from NRR as well
24 as our consultants as well as the inspectors go out and look
25 at this so it wasn't cutting them out of the process.

1 It was a different way of getting hopefully to the
2 same end point

3 COMMISSIONER ASSELSTINE You mentioned that you
4 thought that people had really begun to understand what
5 Appendix E required You mentioned the workshops I noticed
6 in a couple of places in the paper you talk about that there
7 has really been increased understanding, everybody really
8 understands what the regulations require.

9 I guess if that is the case I am not clear why we
10 need an Interpretations document at this point if we have the
11 generic letter, you have had the workshops, you haven't been
12 applying these interpretations I don't think, have you?

13 MR. VOLLMER: Yes. It is my understanding that the
14 licensees have been coming in for exemptions in these areas
15 until now because that is the operative document.

16 CHAIRMAN PALLADINO. Is the Interpretations document
17 a confirmation of what developed at the workshops in a sense?

18 MR. VOLLMER: No It was discussed at the workshops
19 and I think endorsed in a sense. The spirit of the
20 Interpretations were discussed at the workshops but this was
21 something that industry came just prior to the workshops and
22 said, "This would help us a lot in getting on with the job if
23 you could work with these interpretations vis-a-vis sticking
24 strictly to the requirements of 83-33."

25 COMMISSIONER ASSELSTINE It sounds like what you

1 are saying is we have a regulation, the regulation requires
2 certain specific things. The licensees for a lot of the
3 existing plants find that they cannot meet those specific
4 requirements.

5 The approach that has been taken up until now is
6 that they have to file exemptions to the regulation, requests
7 for an exemption, the staff reviews those, processes them,
8 makes a decision whether the exemption is justified and if it
9 is issues the exemption.

10 You see to be saying now that what you are going to
11 do, what you propose to do in the future is that in all of
12 those instances where they cannot meet the specific
13 requirements of the rule now all they have to do is do their
14 analysis and simply by this Interpretations document you are
15 changing the rule.

16 MR. VOLLMER: No. The Interpretations document was
17 developed and I gave you the example of the reading of the
18 rule where we said in the fire area what does that mean

19 COMMISSIONER ASSELSTINE: In the fire area to me
20 says "in the fire area," all in the fire area

21 MR. VOLLMER: Does it mean totally?

22 COMMISSIONER ASSELSTINE: Throughout the fire area.

23 MR. VOLLMER: Totally through. All right. That is
24 the interpretation that you have

25 COMMISSIONER ASSELSTINE: That is what 83-33 said it

1 meant.

2 MR. VOLLMER I guess it was the view --

3 COMMISSIONER ASSELSTINE. Twenty feet means

4 20-feet. Three hours means three hours.

5 MR. VOLLMER. I think where you have something that

6 specific then you are right. You need to come with an

7 exemption. In the areas that we have in the Interpretations

8 document, it is the view of our legal counsel and if they

9 would like to stand up and discuss this, I would be happy to

10 get out --

11 (Laughter)

12 MR. VOLLMER. -- that this did not undercut the rule

13 itself. Staff guidance comes out all the time to implement a

14 rule and generic letter 83-33 might well have been staff

15 guidance rather than exemption requirements and we would not

16 perhaps be in the fix we are in now.

17 CHAIRMAN PALLADINO: Let me suggest that we come

18 back to that later. I would like to get the framework first

19 COMMISSIONER ASSELSTINE. That's fine.

20 CHAIRMAN PALLADINO. I am having difficulties later

21 on that I want to raise. I would rather raise them after I

22 understand the whole thing.

23 MR. VOLLMER: It will only take me about three or

24 four more minutes if I could.

25 CHAIRMAN PALLADINO: Take your time.

1 MR. VOLLMER: I talked about the inspection program
2 and what the thought was there. In document compliance this
3 gives the licensee some guidance on what we will need to see
4 at inspection time and what it basically says is that where
5 you have established various configurations that were
6 important to your fire hazards analysis and where you have
7 done an analysis of why it is satisfactory to have a certain
8 suppression system or a certain alternate shut-down system you
9 need to document that fully and have it available for the
10 inspection

11 If you don't have something that is a reasonable
12 analysis, if you have something that says that this looks
13 fine, no analysis, then we will document that and that is as
14 good as a non-compliance. It just gives them a basis if you
15 will or tries to give a framework for what they have to
16 provide.

17 That is in the generic letter, page three,
18 documentation required to demonstrate compliance. It just
19 gives them an idea of the types of things we are looking for
20 during an inspection so that they can demonstrate that a
21 particular feature that they have to comply with Appendix R is
22 adequate.

23 The quality assurance item came up in a number of
24 inspections so felt that a little bit of guidance would be
25 appropriate here and basically what it says since fire

1 protection systems are not safety related to systems, we feel
2 it is appropriate to tell the licensees that they need a
3 quality assurance program to maintain the fire protection
4 system to function as it was intended when it was designed

5 It is fairly simple We are looking for an
6 industrial type of quality assurance requirements

7 Finally, the addition of the fire protection program
8 to the FSAR commitments is one of the major features of the
9 generic letter and I think I will take just a minute to go
10 into that

11 CHAIRMAN PALLADINO: Yes, particularly with regard
12 to enforcement.

13 COMMISSIONER ASSELSTINE: Yes, and the differences
14 between the steering committee and whoever overruled you
15 on this.

16 MR. VOLLMER: All right. I have a new proposal for
17 you.

18 (Laughter.)

19 MR. VOLLMER: If you will notice in the letter we
20 said that we were looking for better ways to do this and it is
21 a difficult area. Let me try to lay out the problems.

22 COMMISSIONER ASSELSTINE It is the rule on a rule.

23 MR. VOLLMER: Yes. We have three types of plants to
24 consider if we are looking across the board on fire
25 protection.

1 Considering first the pre-1979 plants, they are
2 under 50.48 but also under Appendix R. Most of these plants
3 have license conditions for specific items which resulted from
4 the staff review that took place in the 1977-1979 time frame.

5 CHAIRMAN PALLADINO: They have approval for specific
6 items?

7 MR. VOLLMER: They have license conditions for
8 specific items like they will have a license condition that
9 says put sprinkler systems in certain locations and that will
10 be a license condition and it will be a license condition
11 because the staff evaluation of the plant in the 1977-1979
12 time frame decided this was an issue we needed to put in the
13 licensee to make sure he did it.

14 So the older plants often have rather specific
15 hardware oriented license conditions and those plants also
16 have tech specs.

17 From an enforceability viewpoint those plants are
18 all under Appendix R so Appendix R being a regulation
19 enforceability is fine there. Where they don't meet it, they
20 need the clear exemption or if they do something that is not
21 under exemption, is not under the rule, enforcement action can
22 be taken.

23 The post-1979 to the present plants --

24 COMMISSIONER ASSELSTINE: The license conditions
25 really are a subset of Appendix R?

1 MR. VOLLMER: Yes

2 COMMISSIONER ASSELSTINE So you have the license
3 conditions that are enforceable directly that way and Appendix
4 R that is enforceable

5 MR. VOLLMER In fact there is a further problem
6 because --

7 CHAIRMAN PALLADINO Wait a minute You say
8 Appendix R is enforceable but when you don't know what you are
9 enforcing and I thought that was the Fire Protection plan, you
10 should clarify in some way such that it can be enforced

11 MR. VOLLMER: In the pre-rule days we did a review
12 of each plant and came to a specific agreement on each plant
13 as to what they had to do with Appendix R

14 COMMISSIONER ASSELSTINE On Fire Protection.

15 MR. VOLLMER: With fire protection, excuse me Many
16 of those agreements are contained in license conditions
17 After the rule was passed Appendix R was effective and three
18 parts of Appendix R were backfit to those plants despite what
19 agreements may have been reached already

20 COMMISSIONER ASSELSTINE Typically they require
21 more than the license conditions did?

22 MR. VOLLMER: In some cases, yes. In some cases,
23 the old way was good enough.

24 The point I would like to make is that under
25 Appendix R it is possible that some of the old license

1 conditions would need to be changed because the requirements
2 under Appendix R could be different than the staff agreements
3 that took place back in 1977 and 1979

4 COMMISSIONER ASSELSTINE So that is one category of
5 plants

6 MR. VOLLMER: That is one category The second
7 category are the past-1979 to present plants They are not
8 under Appendix R but have to a large extent been reviewed to
9 the standard review plan and Appendix R. Post-TMI and
10 post-Appendix R the Commission considered whether or not they
11 should have a rule for new plants.

12 We talked with the Commission about that and
13 agreement was that we are going to review these plants --

14 CHAIRMAN PALLADINO. Something confused me a little
15 bit. You said the post-1979 plants were not subject to
16 Appendix R.

17 MR. VOLLMER: Right.

18 CHAIRMAN PALLADINO. The post-1979 plants.

19 MR. VOLLMER: Post-1979.

20 CHAIRMAN PALLADINO What are they subject to?

21 MR. VOLLMER They are subject to 50 48 which gives
22 general guidance that they will have a fire protection program
23 and they are subject to the staff review of its standard
24 review plan which contains a fairly comprehensive program of
25 fire protection requirements even more comprehensive than

1 Appendix R, in fact.

2 We felt that the level of fire protection safety for
3 those plants under the standard review plan would be as good
4 as the pre-1979 plants but to make sure we evaluated the
5 plants under Appendix R as well as under the standard review
6 plan

7 CHAIRMAN PALLADINO: You say for post-1979 they
8 didn't have to use Appendix R.

9 MR. VOLLMER: Did not have to use Appendix R.

10 CHAIRMAN PALLADINO: But you evaluated them against
11 Appendix R?

12 MR. VOLLMER: We evaluated them against Appendix R
13 and in fact revised the standard review plan so that it would
14 contain the elements of Appendix R.

15 CHAIRMAN PALLADINO: I can understand your
16 evaluating them against the standard review plan but you
17 implied that you do both. If they are not subject to Appendix
18 R, then why do you evaluate them against it?

19 MR. DIRCKS: I think they wanted to achieve
20 equivalent safety.

21 MR. VOLLMER: That's right.

22 CHAIRMAN PALLADINO: I thought you were doing that
23 by putting it in the SRP.

24 MR. VOLLMER: The Commission at that time had
25 questioned rather than the new rule, we agree the Commission

1 directed the staff to review the new plants not only under the
2 standard review plan but under Appendix R We sort of had a
3 combined review and eventually we revised the standard review
4 plan to really incorporate the elements of Appendix R

5 COMMISSIONER ASSELSTINE Wasn't the rationale that
6 because these were new plants that had not yet been licensed
7 the Commission already had fairly strong and direct control
8 over the plant.

9 MR. VOLLMER: That's right.

10 COMMISSIONER ASSELSTINE We didn't need to have a
11 rule like Appendix R.

12 MR. VOLLMER: That's right.

13 COMMISSIONER ASSELSTINE We didn't need to make
14 Appendix R directly applicable because the Commission already
15 had all the control it needed to get the changes it wanted
16 done in the new plants.

17 CHAIRMAN PALLADINO I don't follow that.

18 MR. VOLLMER The real difference is for the plants
19 under Appendix R if they deviate from the rule they have to
20 come in for an exemption.

21 COMMISSIONER ASSELSTINE Right.

22 MR. VOLLMER. In the newer plants, if they deviate
23 from Appendix R, it could be resolved by staff analysis and
24 they don't get the license until the staff has resolved that
25 there is an equivalent level of fire protection safety.

1 COMMISSIONER ASSELSTINE: That's right.

2 MR. VOLLMER: So the end result should be the same
3 and in fact the new plants have gained a lot from these past
4 years on fire protection. Some of the plants are much better
5 built with fire protection in mind in terms of separation and
6 redundant trains and things like that.

7 CHAIRMAN PALLADINO: I wasn't objecting to doing
8 it. It just seemed strange that you say that Appendix R
9 doesn't apply but you evaluate against it.

10 MR. DIRCKS: I think we are touching on the history,
11 the tortured history, of fire protection. All of it I think
12 we can explain but all if it has contributed a good deal to
13 the confusion that we are trying to unravel here today.

14 COMMISSIONER ASSELSTINE: As I recall, I thought at
15 one point the Commission had said, "Gee, we really want a rule
16 for new plants as well" and the staff said, "No, we don't
17 really need it for the new plants. We have all the control we
18 need so we just don't need the rule."

19 MR. VOLLMER: That is correct.

20 COMMISSIONER ASSELSTINE: The original approach to
21 the Commission was we want a rule for new plants as well as
22 for older ones.

23 MR. VOLLMER: That is exactly right.

24 COMMISSIONER ASSELSTINE: The Commission was
25 convinced that in fact it really didn't need a rule.

1 MR. VOLLMER: Right.

2 CHAIRMAN PALLADINO: All right. Please continue.

3 MR. VOLLMER: For those plants, they are basically
4 reviewed to the standard review plan which includes the
5 Appendix R elements and so we certainly think that the new
6 plants are not less safe from a fire protection point of view
7 than the old plants.

8 The new plants have varying license conditions
9 dealing with fire protection. In a number of cases rather
10 general conditions were put in some of these plants saying
11 that they should comply with Appendix R and they should meet
12 the intent of Appendix R and a number of things.

13 I think some of the later plants have fairly well
14 written license conditions, but in fact they do vary somewhat
15 from plant-to-plant and it is my understanding that a couple
16 of the plants in the post-1979 era don't have any license
17 condition at all.

18 COMMISSIONER ASSELSTINE: Why did that happen? I
19 would have thought that that would have been a fairly clear
20 and consistent license condition that would apply to all of
21 them and would be pretty standard?

22 MR. VOLLMER: Is that right?

23 MR. JOHNSTON: Since 1979?

24 COMMISSIONER ASSELSTINE: Yes.

25 MR. VOLLMER: Did they all have license conditions

1 or not?

2 MR. JOHNSTON: Somebody ought to back me up but my
3 understanding is that the first plant or two that was licensed
4 at the time of the Appendix R was not perhaps fully covered
5 and I think that is like Sequoia-1, for example, but I am not
6 sure there is anybody else that fits that category.

7 MR. VOLLMER: That doesn't make too much difference
8 because some of them rightly or wrongly were negotiated at the
9 last minute and they were rather flimsy license conditions
10 which didn't really put any meat on the thing and they are not
11 very good.

12 COMMISSIONER ASSELSTINE: All right.

13 MR. VOLLMER: So in saying what we have, they are
14 reviewed to a good criteria, they do have some strange license
15 conditions, they are not consistent and they do all have tech
16 specs.

17 COMMISSIONER ASSELSTINE: This is still the second
18 category.

19 MR. VOLLMER: The second category, yes.

20 The third category is the future plants which we
21 feel are again reviewed to a good criteria in the standard
22 review plan. It contains Appendix R elements.

23 CHAIRMAN PALLADINO: What is a future plant?

24 MR. VOLLMER: The next licensed plant, those that
25 are coming down the pike.

1 COMMISSIONER ASSELSTINE: Presumably this goes back
2 a few plants at least.

3 MR. VOLLMER: We do have some with what we consider
4 good license conditions, yes.

5 CHAIRMAN PALLADINO: When does the word "future"
6 start?

7 MR. VOLLMER: Today.

8 COMMISSIONER ASSELSTINE: What is the last plant we
9 licensed?

10 CHAIRMAN PALLADINO: What do you mean by licensed?

11 MR. VOLLMER: Giving an operating license.

12 COMMISSIONER ASSELSTINE: How about Fermi? Are you
13 pretty satisfied that Fermi has a good strong license
14 condition?

15 MR. VOLLMER: Yes. We did a lot of fire protection
16 work on Fermi.

17 COMMISSIONER ASSELSTINE: All right.

18 CHAIRMAN PALLADINO: They are evaluated to the SRP?

19 MR. VOLLMER: Yes, sir, which includes all of the
20 elements. The staff paper indicated that we felt that we
21 should have the licensees incorporate their fire protection
22 program into the FSAR as a commitment to be met.

23 CHAIRMAN PALLADINO: Is that for future plants you
24 are talking about?

25 MR. VOLLMER: We were talking about future plants

1 right now.

2 CHAIRMAN PALLADINO: Future plants.

3 MR. VOLLMER: Now I would like to think about it
4 rather broadly. The staff's thinking was and indicated in
5 here that we would place the fire protection plan incorporated
6 in the FSAR and then the licensee would have to meet those
7 commitments and if he wanted to make any changes to those
8 commitments that they would fall under a 50 59 which would
9 have him do a safety evaluation and so on and so forth and it
10 would allow him to make the change if it did not degrade
11 safety but keep records and report it and so on.

12 CHAIRMAN PALLADINO: What does it do for you putting
13 it in the FSAR? Is it an enforceable item?

14 MR. VOLLMER: That is part of the problem. We felt
15 that if it was just put in the FSAR that the enforcement would
16 be difficult. It could be enforced under 50 59 because if he
17 didn't commit to it you could say that by not committing, he
18 made a change or he made a change that degraded the safety
19 that was an actual change was a difficult mode of enforcement.

20 In discussions since the paper was sent down to the
21 Commission the staff believes that we have looked more broadly
22 at the issues and that is the reason I indicated in my
23 previous discussion of the three types of plants that all
24 these plants have a substantial amount of technical
25 specifications dealing with fire protection.

1 There is a lot of stuff in there, in the tech specs,
 2 as well as in the license conditions. The staff believes that
 3 the best approach would be to incorporate all the fire
 4 protection commitments into the FSAR including the tech specs,
 5 in other words, give the licensees an option of taking the
 6 fire protection items out of the tech specs and put them in as
 7 far of the FSAR and then we would have either a simple license
 8 condition say like a 50.54(f) condition as we have in QA and
 9 physical security which says that the licensee needs to meet
 10 the provisions of the FSAR. He can make changes if it doesn't
 11 degrade those commitments by 50.59 and we feel that would be a
 12 more appropriate package.

13 CHAIRMAN PALLADINO: Where would you say this, in
 14 the tech specs?

15 MR. VOLLMER: This could be done two ways. It could
 16 be done by a rule-making. It could be in 50.54 as we have
 17 quality assurance and physical security.

18 CHAIRMAN PALLADINO. I am trying to understand. If
 19 you have your fire protection program in the FSAR, to make it
 20 enforceable you could reference it either in the license
 21 condition or in the tech specs and say that this is now part
 22 of your tech specs?

23 MR. VOLLMER: That is right.

24 CHAIRMAN PALLADINO: Then it is enforceable.

25 MR. VOLLMER: Yes.

1 COMMISSIONER ASSELSTINE. That is what the steering
2 group had recommended.

3 CHAIRMAN PALLADINO: Yes.

4 MR. VOLLMER: That is what the steering group had
5 recommended.

6 COMMISSIONER ASSELSTINE: A simple license condition
7 saying it is in the FSAR. You can change it if you meet
8 certain requirements.

9 CHAIRMAN PALLADINO: You are not going that way?

10 MR. VOLLMER: That is what I am suggesting --

11 COMMISSIONER ASSELSTINE: That was Dick's
12 recommendation.

13 MR. VOLLMER: -- would be the probably the most
14 appropriate way. The paper recommends putting it in the FSAR
15 but says that a carrot to do that might be the removal of the
16 license condition.

17 COMMISSIONER ASSELSTINE: Who is that? Is that
18 CRGR?

19 MR. VOLLMER: No. I think that was the general
20 feeling. As I said, we have revisited that. I talked to Vic
21 Stello this morning about what I am just saying now and he
22 thinks that would probably be a reasonable way to go.

23 COMMISSIONER ASSELSTINE: The license condition.

24 MR. VOLLMER: The license condition, particularly if
25 you remove the tech specs. That is a benefit to the licensee

1 to get some difficult and onerous tech specs out.

2 CHAIRMAN PALLADINO. Under your proposal you would
3 reference the FSAR and make it a part of a licensing condition
4 and then further say that they are allowed to make changes
5 without coming in for amendments as long as there was no
6 degradation in meeting the requirements.

7 COMMISSIONER ASSELSTINE: Substantial degradation.

8 MR. VOLLMER: What we would like to see is posing to
9 the licensee by this generic letter, here is a package deal
10 for you. The deal is that you incorporate your fire
11 protection program in the FSAR and come in and say you would
12 like the standard license condition, and we will allow you to
13 remove the tech specs and incorporate the stuff in the FSAR
14 and I think for all plants on balance, that would be a more
15 appropriate and consistent way to do the process.

16 If you just go putting it in the FSAR, there would
17 be a tortured way to get at enforcement. It would be a
18 difficult enforcement process but possible. The
19 recommendation in the paper doesn't really deal with tech
20 specs for older plants. It deals with tech spec for newer
21 plants saying that the tech spec implementation group should
22 take a look at the need for fire protection tech specs and
23 that is ongoing.

24 COMMISSIONER ASSELSTINE. So the steering group had
25 basically felt leave the tech specs alone, put the fire

1 protection plan in the FSAR, reference it in the license
2 condition but you would also have the tech specs, the specific
3 tech specs, to backstop.

4 MR. VOLLMER: That's right I am going to put on
5 one of my other hats here and I think the steering group if we
6 had discussed this option I think it would have appealed to
7 many members of the steering group because it does make the
8 current tech specs enforceable and it gives a broader area
9 that with the license condition and all of this in the FSAR
10 that could be enforced against and secondly, it sort of makes
11 sense because the fire protection requirements are like a lot
12 of other and I am going to call them non-safety related
13 requirements that we have in the plant, a lot of features that
14 we have in the plant, that are there because they are for the
15 protection of safety equipment and things like that.

16 I think it is more appropriate to put this into the
17 FSAR with a simple license condition as we have other things
18 rather than have tech specs which are I understand the Wolf
19 Creek tech specs, for example, has a rather large section,
20 20-pages or so, on fire protection.

21 Certainly that doesn't seem to be necessarily the
22 best approach to make.

23 CHAIRMAN PALLADINO Just to follow-up a little, if
24 I understand this paper it doesn't have any enforceable
25 trail? It doesn't tie the FSAR back to the license

1 condition. It doesn't tie it back to anything.

2 MR. VOLLMER: That is right.

3 CHAIRMAN PALLADINO: That gives me a problem.

4 COMMISSIONER ASSELSTINE: It gave Dick a problem,
5 too

6 CHAIRMAN PALLADINO: I am trying to understand if I
7 can get my views properly expressed.

8 MR. VOLLMER: On page seven of the paper, the third
9 paragraph, where it says, "The generic letter has been
10 modified. . ." and so on, it says we would encourage the
11 licensees to do this. It talks about use of 50.59 but down
12 toward the bottom it says, "The staff is continuing to
13 evaluate various other approaches to the elimination of the
14 license condition including the need for a rule which would
15 require compliance with the fire protection plan described in
16 the FSAR. Such a rule could be a means for elimination of
17 present license condition and technical specifications."

18 That is still one of the options that I was talking
19 about.

20 CHAIRMAN PALLADINO: But that puts you off in the
21 future. Why can't we fix it up right now? Why did you depart
22 from picking up an enforceable trail right now?

23 COMMISSIONER ASSELSTINE: Yes, I agree with that.

24 MR. VOLLMER: One of the reasons is if you want to
25 order a rule, that is one thing Staff was trying to look at

1 what it could do under the authority that we have. We were
2 trying to find a way to get the job done. We were hoping to
3 encourage licensees to do it. If you look at fire protection,
4 if you frankly at backfit and cost benefit, it would be a very
5 difficult job to impose some of these things as license
6 condition perhaps as we go through the cost benefit analysis.

7 CHAIRMAN PALLADINO: If you put their program in the
8 FSAR and make reference in license conditions saying you are
9 going to follow that, if you also give them the privilege of
10 making changes so long as they don't degrade the system and
11 still meet the objectives, I think you got what we need. They
12 have a clear understanding of what their program is. They
13 have some flexibility in changing it and they know what they
14 are going to be evaluated against.

15 I don't know why you departed from that.

16 COMMISSIONER ASSELSTINE: Who was the proponent of
17 just putting it in the FSAR without any license condition and
18 what was the rationale that was offered for that approach? We
19 get this paper that says that it decided to do this but who
20 decided it and what was the rationale?

21 MR. JOHNSTON: I think I can give you a little bit.
22 This came out as a result of our review with the CRGR.

23 COMMISSIONER ASSELSTINE: All right, the CRGR.

24 MR. JOHNSTON: The rationale behind it makes some
25 sense, also. In order for a plant to take that fire

1 protection plan and put it into the FSAR it has to go in as a
2 sworn statement by the utility ownership that what they put in
3 there is true and accurate.

4 CHAIRMAN PALLADINO: This is for the FSAR?

5 MR. JOHNSTON: To put their present fire protection
6 plan into the FSAR, it goes in under a sworn statement So it
7 goes in as an accurate statement. If it is discovered
8 subsequently that it was not fully correct then they are
9 subject to enforcement actions.

10 CHAIRMAN PALLADINO: Wait a minute. It is a plan
11 you are putting in there. It is not swearing that this --

12 MR. VOLLMER: It would be the whole program.

13 MR. JOHNSTON: It is the whole program that would
14 have gone in under that suggestion.

15 COMMISSIONER ASSELSTINE. That is at best an awkward
16 enforcement approach and one we have had some difficulty with
17 in the past.

18 MR. JOHNSTON: But you asked me what the rationale
19 was.

20 COMMISSIONER ASSELSTINE. All right.

21 MR. JOHNSTON: It can be changed then, of course,
22 according to 50.59 procedures under that approach the same as
23 the one that we are proposing today.

24 MR. VOLLMER: I think we really have been grappling
25 with a way to do this consistently across the board and I

1 think the CRGR recommendation in this area was advisory of
2 course to Mr. Dircks but the recommendation was that this
3 would probably be the best place of getting this type of an
4 information, a fire protection program, into an arena, namely
5 the FSAR, where this type of information is normally placed
6 and where there was some enforcement mode

7 I think in talking enforcement sense then, we have
8 sort of come around to the point of view that we probably
9 would need something else although we could enforce against it
10 that way if that was the only approach

11 COMMISSIONER ASSELSTINE What do you lose by taking
12 out the tech specs?

13 CHAIRMAN PALLADINO What do you mean, "taking out
14 the tech specs?" Do you mean taking fire protection out of
15 the tech specs?

16 COMMISSIONER ASSELSTINE Yes. Dropping the tech
17 specs and just having this.

18 MR. VOLLMER: We don't think we lose anything if
19 they are willing to put in a license condition that they will
20 comply with the FSAR.

21 COMMISSIONER ASSELSTINE: So you still have all of
22 the detail, all of the requirements.

23 MR. VOLLMER: The detail would be there, right.

24 COMMISSIONER ASSELSTINE All of the specificity

25 MR. VOLLMER. Right

1 COMMISSIONER ASSELSTINE How about our control over
2 changes?

3 MR. VOLLMER: That would be there, too, under 50.59.

4 COMMISSIONER ASSELSTINE: All right.

5 MR. VOLLMER: One thing that was not addressed here,
6 if there were no license condition and the paper doesn't
7 suggest putting tech specs into the FSAR and that is a
8 difference, if you just had this information put in the FSAR I
9 am not sure you would want to allow the tech specs to be taken
10 out. We would have to look at that.

11 We think that if you have the package deal where you
12 have the whole program and the tech specs in the FSAR with a
13 license condition saying that they have to meet them, you have
14 enforceability, you have them on a detail that is appropriate
15 in the FSAR but not appropriate in tech specs perhaps.

16 CHAIRMAN PALLADINO: But you would not put them both
17 in FSAR and in the tech specs.

18 MR. VOLLMER: Right.

19 CHAIRMAN PALLADINO: All right.

20 COMMISSIONER ASSELSTINE: I take it that the
21 licensees would have the same flexibility or have the same
22 flexibility now to deviate from the tech specs that they would
23 have to deviate from these commitments under the FSAR?

24 CHAIRMAN PALLADINO: You would want to make that
25 statement

1 MR. VOLLMER: If that were the mode, they could make
2 a conscious decision to change what we will call a tech spec
3 but it is not really a tech spec anymore, it is part of the
4 FSAR. If they do the analysis that fine, you don't degrade
5 fire protection safety and you don't meet any of the other
6 50.59 roadblocks and it would be documented and the staff
7 would be able to review it.

8 COMMISSIONER ASSELSTINE They have just that much
9 flexibility? What I am getting at is does this give them more
10 flexibility?

11 MR. VOLLMER. I think it gives them more
12 flexibility

13 COMMISSIONER ASSELSTINE What is the flexibility
14 now for a tech spec? If you have a specific tech spec on fire
15 protection --

16 MR. VOLLMER. You have to make a tech spec change
17 and it is just like any other tech spec change, it is hearing,
18 the whole thing

19 COMMISSIONER ASSELSTINE So this lets them change
20 things at will as long as they stay within whatever --

21 MR. VOLLMER: You have to remember if you look at
22 some of the tech specs, you find that they list the hose
23 stations and there are a lot of surveillance requirements
24 There are a lot of things in tech specs which are very
25 nitty-gritty that have a very oblique reference to anything

1 that we would consider reactor safety.

2 In fact, putting them in the FSAR I think the
3 licensee would have to make a change consciously and a
4 documented change if he were to make a change. We think that
5 in the area of fire protection that this would not be an
6 inappropriate way for us to monitor any changes that he could
7 make.

8 COMMISSIONER ASSELSTINE What does substantial
9 degradation mean? A factor of ten, factor of five? I am just
10 trying to understand.

11 CHAIRMAN PALLADINO It is non-trivial.

12 COMMISSIONER ROBERTS Non-trivial.

13 COMMISSIONER ASSELSTINE Is that what it means?

14 (Laughter.)

15 MR. VOLLMER. You are reading the license condition
16 here.

17 COMMISSIONER ASSELSTINE Yes, significantly
18 decreased the level of fire protection, I guess that is what I
19 am trying to get a sense for what does that mean.

20 CHAIRMAN PALLADINO I would hope that that would
21 mean that it is just about as good as it was.

22 COMMISSIONER ASSELSTINE How about substantial
23 equivalence.

24 MR. VOLLMER. I guess when you get to review those
25 it gets down to be the individual judgment thing.

1 CHAIRMAN PALLADINO: We followed this approach on
2 physical security, didn't we?

3 MR. VOLLMER. Yes, and quality assurance. They
4 could make changes to their quality assurance program under
5 the same type of arrangement and we felt before and I would
6 advocate now that this is a reasonable way to go in this area.

7 Now if we found the licensees were not interested in
8 this type of a thing, that is, that they wished to make this
9 particular change, then I guess we could come back to the
10 Commission and recommend some options.

11 CHAIRMAN PALLADINO I am having a lot of trouble
12 with fire protection. It has been going for years. We tried
13 to push it hard to hurry it up and get it done early. We are
14 talking about 1990-plus for some plants.

15 COMMISSIONER ASSELSTINE Yes, it is incredible.

16 CHAIRMAN PALLADINO: That is more time than it takes
17 to build a whole plant even if you are slow.

18 MR. VOLLMER Yes, sir.

19 CHAIRMAN PALLADINO. As I say, why can't we devise a
20 simple system, implement it, make it enforceable but also give
21 the break to the utility so they can make appropriate changes
22 and both you and they know what it is that we are going to
23 examine and what the basis for measurement is going to be.

24 MR. VOLLMER: I think what I said before, it is my
25 view that the elements of the generic letter will expedite the

1 compliance, getting on with the job and it is my view that if
2 we went this approach that it would solve future problems of
3 enforceability and a question as to what the fire protection
4 program really was

5 These elements, I think, would be contained here.
6 There may be different approaches but certainly Mr. Dircks'
7 incentive --

8 CHAIRMAN PALLADINO: If you go out with the generic
9 letter now and then you go out with another letter that
10 changes things--

11 MR. VOLLMER This would be part of the generic
12 letter but the elements of the generic letter that would help
13 compliance, I think, or expedite compliance would be primarily
14 the Interpretations document, the question and answer
15 document, that this finally and lastly is the staff's
16 technical position on the issue.

17 CHAIRMAN PALLADINO. I think that is important and I
18 am not against getting a generic letter out There are a
19 couple of points such as enforceability that was giving me a
20 problem I would like to see some tie into the enforceability
21 and the plan that you had been thinking about earlier sounded
22 reasonable and I don't want to jump right now and say what I
23 favor.

24 MR. DIRCKS. I think we share everyone's
25 frustration It has been going on so long and we haven't been

1 making any progress. We have to figure out a way to get this
2 thing moving. We haven't been moving.

3 CHAIRMAN PALLADINO: But putting in a tie such that
4 you have some enforceability by referencing the FSAR, putting
5 the fire protection plan in the FSAR referencing it in the
6 license condition, giving the licensee the flexibility of
7 making changes so they don't have to come in with amendments,
8 that wouldn't slow this generic letter down, would it?

9 MR. VOLLMER: We could pose that in the generic
10 letter. What I would recommend is putting that in the generic
11 letter and maybe trying to get the next couple of licensees
12 who are coming down the pike to see if they would, and of
13 course I think most of theirs are in the FSAR, aren't they,
14 Bill?

15 CHAIRMAN PALLADINO: I had another point I wanted to
16 press if I may and that is dates. Let me expand just a little
17 bit. We talk about the living schedule. The living schedule
18 if I understand it correctly could put off fire protection
19 into only Lord knows when.

20 Is your thought that if you go with the living
21 schedule, if you put some drop dead date and say, look, by
22 this date we would like to have accomplished all these things.

23 MR. VOLLMER: I think, yes. As I indicated before
24 we would like to set some high standards for future
25 exemptions. They would have to be under 50.12 and I think

1 that if the staff did not grant them, then the licensee would
2 -- I think we could come to some reasonable dates with
3 licensees..

4 We would have to consider living schedules. We
5 would have to consider the TMI backfits and all the other
6 things as part of that.

7 CHAIRMAN PALLADINO: What was bothering me was that
8 if you go with living schedule, I think what we are saying is
9 we are delegating it to the staff the end date for fire
10 protection because the staff has the right to set the living
11 schedule and I am not objecting to it but as I say, my
12 goodness, I hope when we get to the year 2000 we are still not
13 talking about some fire protection items that should have been
14 corrected back in 1991.

15 COMMISSIONER ASSELSTINE Even 1990 sounds
16 incredible.

17 CHAIRMAN PALLADINO: I was being generous.

18 MR. DIRCKS: Back in 1980, 1985 sounded incredible

19 COMMISSIONER ASSELSTINE. It did. That's right.

20 MR. VOLLMER: If I could just give you a very brief
21 summary of the inspection status and let people from NRR talk
22 about the status of plants so you will really know how many
23 are likely to go into those never never land dates.

24 CHAIRMAN PALLADINO. Sure Go ahead.

25 MR. VOLLMER: I think if I could just take one

1 minute here, on the pre-1979 plants we have done about 17
2 inspections. In the 1982-1983 inspections where we did about
3 seven units --

4 CHAIRMAN PALLADINO How many?

5 MR. VOLLMER: -- seven units, compliance was very
6 poor A number of these plants said, "We meet Appendix R."

7 CHAIRMAN PALLADINO. What year was that?

8 MR. VOLLMER: That was 1982-1983. The plants said
9 that they meet Appendix R and we went out and looked They
10 didn't meet it They didn't have any analyses showing that
11 what they had was adequate so there was very little there from
12 an analytical point of view or from a hardware point of view.

13 Some of these plants had done modifications under
14 the old branch technical position, the old 1977-1979 Fire
15 Protection, the post-Browns Ferry fire Fire Protection point
16 of view but Appendix R, they did not meet.

17 In 1984 the Calvert Cliffs inspection was done and
18 that was the first one that we could say pretty well met
19 Appendix R.

20 COMMISSIONER ASSELSTINE So there is one plant that
21 is done.

22 MR. VOLLMER: We have done nine inspections in 1985
23 and those are generally good. I don't have the nitty-gritty
24 details but for example, Nine Mile Point, Crystal River and
25 Rancho Seco are particularly good plants in meeting Appendix

1 R. We just finished with Rancho Seco and it looks like a very
2 good plant

3 COMMISSIONER ASSELSTINE I am glad to hear they are
4 good at something.

5 (Laughter.)

6 MR. VOLLMER: We have come a fair piece since we
7 instituted a lot of this development of guidance and getting
8 out to the industry and so on. I don't know how much that
9 contributed to it. I would like to think that it contributed
10 a fair amount, a great deal of the staff work from the
11 licensing people in working with the utilities.

12 So what we found is that the last nine inspections
13 in 1985 were really generally pretty good.

14 Now of the post-1979 plants, those units that are
15 not subject to Appendix R but are generally subject to the
16 equivalent criteria, we inspected 11 units in 1984 and 17
17 units in 1985 and except for those plants are all pretty good.

18 CHAIRMAN PALLADINO Which plants?

19 MR. VOLLMER: With the exception -- well, we know
20 about the Sequoia problems.

21 CHAIRMAN PALLADINO: The 17 in 1985 you said were
22 all pretty good?

23 MR. VOLLMER: The 17 in 1985, yes.

24 COMMISSIONER ASSELSTINE: What about Sequoia?

25 MR. VOLLMER: Sequoia has had some problems.

1 CHAIRMAN PALLADINO: Earlier you talked about nine
2 in 1985 and now you say 17.

3 MR. VOLLMER: The nine in 1985 were the old plants.

4 CHAIRMAN PALLADINO: I see

5 MR. VOLLMER: I first started out with the pre-1979
6 plants.

7 CHAIRMAN PALLADINO: Now you are in the --

8 MR. VOLLMER: The post-1979 plants, we did 11 units
9 in 1984 and 17 units in 1985 and they are generally pretty
10 good.

11 CHAIRMAN PALLADINO: All right, thank you.

12 MR. VOLLMER: It is not as bleak as it might be
13 except for the fact that there are a number of plants that
14 seem to be putting compliance way off in the future and now I
15 will pass the baton to Jim and Bill to give you a status
16 report on those on the licensing area

17 MR. KNIGHT: Could I have slide two, please?

18 (SLIDE.)

19 MR. KNIGHT: I have a series of four slides and I
20 intend to give a picture of our present licensing status.

21 COMMISSIONER ASSELSTINE When you talk about those,
22 too, could you explain why it is that Calvert Cliffs can
23 basically do the job and get it all done by 1984 to our
24 satisfaction and the others are dragging on until 1990 or do?

25 MR. KNIGHT: I can't explain that.

1 COMMISSIONER ASSELSTINE Is there something
2 different about the design of that plant that made fire
3 protection very easy or was it that that utility just made a
4 strong commitment to fire protection and did the job right and
5 got it done and the others aren't. I guess what I want to
6 know is what is the difference

7 Why is this group dragging on and on and yet that
8 plant is able to get everything done in 1984 under the old
9 generic letter and get it done right?

10 MR. VOLLMER: We did pursue that and I don't know
11 how many plants fall into the category of a Calvert Cliffs
12 because we have had a number of successes since 1985.

13 COMMISSIONER ASSELSTINE: And some others, yes.

14 MR. VOLLMER. Let me say that that being the first
15 one, we did talk to them in detail and their approach was I
16 think they committed to implement Appendix R. They got
17 company people who were dedicated, electrical engineers and
18 some systems people who were dedicated to take the rule and
19 very simply look at it.

20 COMMISSIONER ASSELSTINE Fire protection engineers?

21 MR. VOLLMER: Fire protection engineers, yes, and
22 very simply look at it and say what do we have to do to
23 protect those safe shut down equipment and they went through
24 the plant bit by bit and I don't know what the secret was but
25 I am sure that they spent a fair amount of money on it but

1 they did a good job

2 I don't see why other organizations could not have
3 done the same.

4 COMMISSIONER ASSELSTINE All right

5 MR VOLLMER Now since we have had a number of
6 successes since then, there may be a number of people who will
7 tell you the same thing

8 COMMISSIONER ASSELSTINE Which tends to show that
9 if you do it right, you can get it done in a reasonable period
10 of time and to our satisfaction

11 MR. VOLLMER. Yes, sir

12 COMMISSIONER ASSELSTINE. All right. Thank you.

13 MR KNIGHT. On our first slide here we are showing
14 the status of the Fire Protection modifications and that is as
15 differentiated from alternate shutdown which will come up
16 later

17 Perhaps one item that you may want to inquire about
18 is the group of 19 percent shown in orange, the operating in
19 non-compliance. The non-compliance there is a schedular
20 non-compliance

21 COMMISSIONER ROBERTS Say that again.

22 MR KNIGHT It is in effect a schedular
23 non-compliance. They had tolled under 50 4B, the agreement
24 was reached as to what needed to be done and that work has not
25 been accomplished by that schedule

1 MR. VOLLMER 50.48 gives them 18 months after a
2 refueling outage which occurs some period of time after staff
3 review is complete. The staff reviews it and then six months
4 later they have a refueling outage. They are given 18 months
5 beyond that to complete their modifications.

6 So what he is saying is they didn't meet those time
7 provisions in getting those fire protection modifications made
8 in the area of safe shutdown.

9 COMMISSIONER ASSELSTINE. Why is that? Give us a
10 few examples of why they didn't get it done within the
11 scheduled time period.

12 MR. JOHNSTON. Several of those plants are plants
13 that were the early ones that were inspected. Davis Bessie,
14 for example, is in that category. It was inspected. It did
15 not pass the inspection. It is now technically out of
16 compliance but they have been reviewed and they are in the
17 process now of completing the requirements to some future date
18 but they have compensatory things in place.

19 They are technically speaking in non-compliance and
20 they are plants of that nature.

21 COMMISSIONER ROBERTS: Of those 13, are they with or
22 without approved compensatory measure?

23 MR. KNIGHT. They are all with approved compensatory
24 measures, yes.

25 MR. JOHNSTON. That is why we said scheduler and not

1 technically.

2 COMMISSIONER ASSELSTINE These are like fire
3 watches, things like that?

4 MR KNIGHT Yes

5 COMMISSIONER ASSELSTINE. Is this the kind of thing
6 like the one for the basis for the fine a little while back of
7 the sleeping fire watch?

8 MR. KNIGHT: Yes.

9 COMMISSIONER ASSELSTINE. At Davis Bessie, that kind
10 of compensatory measure.

11 MR. KNIGHT: Yes.

12 CHAIRMAN PALLADINO: Do you want to go on?

13 MR. KNIGHT: If there are no other questions on this
14 status, I would like to move on to the next slide, please?

15 (SLIDE.)

16 CHAIRMAN PALLADINO. What are those -- 40 percent
17 modifications complete, all right.

18 MR KNIGHT: I do apologize for the reproduction
19 This is a similar breakdown for the alternate
20 shutdown systems. The percentages are very much the same just
21 some slight variance.

22 COMMISSIONER ROBERTS: Why do the numbers not total
23 slide to slide? Is it the same body of plants?

24 MR. KNIGHT: It is the same body of plants and if
25 you have an older package, there was an error but to the best

1 of our ability the numbers should total There are 67 plants
2 and they should total.

3 COMMISSIONER ASSELSTINE Right now, which are the
4 farthest out in both of those two categories, either
5 completing the mods or the alternate shutdown systems, the
6 farthest out date, which plants and what date?

7 MR. KNIGHT: Let's see. Browns Ferry is one and
8 Davis Bessie.

9 COMMISSIONER BERNTHAL. Is this alternate shutdown?

10 COMMISSIONER ASSELSTINE Or total fire protection?

11 MR. KNIGHT: That was both categories as I gave it
12 to you. I will have to give you an accurate answer.

13 MR. JOHNSTON: In the case of alternate shutdown, it
14 is Davis Bessie. Well, Fort St. Grain is 1987 and Davis
15 Bessie is 1983 and all the other ones are before then. You
16 will see that in the next slide, I guess.

17 MR. KNIGHT: May I have the next slide, please?

18 (SLIDE.)

19 MR. KNIGHT: Again for both categories looking at
20 fire protection first --

21 CHAIRMAN PALLADINO. What are these?

22 MR. KNIGHT: These are the completion schedules that
23 are now in force. The outliers to anticipate a question in
24 1989 and 1990 are Millstone and Brunswick.

25 CHAIRMAN PALLADINO. This is for protection

1 modification. What about new plants? Do they show up on
2 this?

3 MR. KNIGHT: No, sir.

4 CHAIRMAN PALLADINO: Because they have already come
5 out with the right equipment.

6 MR. KNIGHT: That is right.

7 COMMISSIONER BERNTHAL: Millstone and Brunswick are
8 -- say it again.

9 COMMISSIONER ASSELSTINE: Last ones.

10 MR. KNIGHT: If you notice the change actually from
11 63 to 67.

12 COMMISSIONER ASSELSTINE: So those are the new five.

13 COMMISSIONER BERNTHAL: Four units.

14 COMMISSIONER ASSELSTINE: Four units, yes.

15 COMMISSIONER BERNTHAL: What has been the problem
16 there? I guess we know what Brunswick's problem is on some of
17 this.

18 MR. KNIGHT: I think it is fair to say put in terms
19 of problems, the differences of opinion as to what is required
20 and proceeding at different rates of speed if you will to
21 either to bite the bullet and decide to do something or to
22 feel that they should have further discussions with the staff
23 as to what is necessary.

24 CHAIRMAN PALLADINO: Is there a difference between
25 the one you gave us earlier and this one?

1 MR. KNIGHT: Yes. The one you now have represents
2 an up-date. The earlier view graphs noted that four plants
3 were still under review.

4 CHAIRMAN PALLADINO The reason I was looking at the
5 older one was because it is nice and dark and this one is
6 unreadable.

7 MR. KNIGHT: I do apologize for that.

8 COMMISSIONER ASSELSTINE: How much has this
9 interpretation process affected schedules? For example,
10 Millstone and Brunswick, the farthest out on this one, to what
11 extent have they been basically holding back waiting to see if
12 some of their problems get interpreted away or get modified so
13 that things get easier? Does that have any role to play in
14 the timing?

15 MR. KNIGHT: I think it most certainly has, yes. As
16 I say, obviously in many instances utilities "took the bit" if
17 you want to put it in those terms and decided to do something,
18 made judgments and as we see now although some of the earlier
19 judgments may not have been the best after the workshop
20 process, there was a distinct improvement and they proceeded
21 on.

22 Others have felt it incumbent upon them to discuss
23 and debate further.

24 COMMISSIONER ASSELSTINE The ones that have
25 discussed and debated further, how much of an overlap is there

1 between that group and the group that has basically fought
2 this rule all the way along, the group that took us to court,
3 lost? Is there a pretty close correlation?

4 MR. JOHNSTON Yes There is a close correlation in
5 that but one thing I would like to clarify a little bit is it
6 is not clear that the two plants we were just speaking about
7 are going to be late in compliance.

8 CHAIRMAN PALLADINO: Are what?

9 MR. JOHNSTON: Will not necessarily be late in their
10 compliance.

11 CHAIRMAN PALLADINO: What is the reference point for
12 late?

13 MR. JOHNSTON: We have not yet finished the review
14 of Millstone and Brunswick. They are still under the 50.48
15 tolling provision. We have not finished our review of them
16 and when that review is complete, then their implementation
17 schedule will be set. It is not set yet.

18 Our understanding is that indeed they have been
19 plants that have certainly been in conversation with us for a
20 long time. That is perfectly correct but our understanding
21 from what the staff has told me is that the agreement with
22 them is fairly close and that as a result of the negotiation
23 process, if you like, they may not have very much to do after
24 we complete our review.

25 They are going to have to meet the same standards as

1 everybody else. We have just gone into a lot more detail with
2 them but my understanding is and I might be incorrect, but my
3 understanding is is that when this job is finished with those
4 plants, they will probably be done several years before some
5 of the other ones which we have already made agreements with
6 but have a longer time for doing their implementation.

7 So it is not quite fair to say that they are going
8 to be the last.

9 COMMISSIONER ASSELSTINE All right.

10 CHAIRMAN PALLADINO. How many plants have to yet
11 complete the alternate shutdown system? This slide shows that
12 we are talking about 67.

13 COMMISSIONER ZECH: Sixty-seven Is that the last
14 one? Does that mean they are all done? When you get 67, you
15 are all done?

16 MR. KNIGHT: Yes, 67 is the full number of plants.
17 We are now projecting that all 67 plants would be done in
18 1990.

19 CHAIRMAN PALLADINO: So now if we go back to 1985.

20 COMMISSIONER ROBERTS: You have 36.

21 COMMISSIONER ASSELSTINE. You have 31 on alternate
22 shutdown.

23 CHAIRMAN PALLADINO: Thirty-six to go. That is what
24 I was trying to understand.

25 COMMISSIONER ASSELSTINE Thirty-six to go, yes, so

1 we are less than half way.

2 MR. VOLLMER. Part of the problem with the process
3 is that when they come in for an exemption to Appendix R of
4 the Fire Protection provisions and then works with the staff
5 and we say, "No, that is not adequate " Then they say, "We
6 will come in with another try at it" and come in with
7 something different.

8 Once you finally settle all the Fire Protection
9 exemptions, that is, whether you can or can't meet the Fire
10 Protection requirements then you find what you have to do in
11 terms of alternate shutdown

12 Then they come in and say, "Okay, if we can't get an
13 exemption for that under these criteria, then we will rewire
14 and go around that area and then when the staff has approved
15 that alternate safe shutdown, then the 50.48(c) clock will
16 start" and then they will have their time at that.

17 So that is why some of these things have been so
18 prolonged.

19 MR. DIRCKS. I think the other question is, this is
20 their completion schedule. After they complete the work it
21 still has to be inspected to see if we agree with it

22 MR. VOLLMER. Yes.

23 MR. DIRCKS. So this may not be the end of the
24 line. You have to go in and make sure --

25 COMMISSIONER ROBERTS But after all this period of

1 time and the workshops and so forth, would any licensee have
2 any doubt what would be required to meet our requirements?

3 MR. DIRCKS: How they implement the requirements or
4 how they construct or make the modifications, it is
5 conceivable to me there will be probably cases where they will
6 have to make readjustments.

7 MR. VOLLMER: There is so much on the record of
8 exemptions we have accepted and exemptions we have denied.

9 COMMISSIONER ROBERTS: Is there any consistency back
10 and forth?

11 MR. VOLLMER: I sure hope so. That is what I was
12 going to say, there has been so much on the record --

13 COMMISSIONER ROBERTS: What do you mean, "you hope
14 so."

15 MR. VOLLMER: I think so, yes. There is so much on
16 the record to answer your question directly I don't think it
17 is reasonable that any licensee couldn't go out and know
18 pretty well what our requirements are and make the
19 modifications to meet those requirements.

20 CHAIRMAN PALLADINO: Five years, even from 1985 to
21 1990, is a long time.

22 COMMISSIONER ASSELSTINE: That's right.

23 MR. DIRCKS: I still think there were cases where
24 they thought they met our requirements and they put in
25 modifications and there have been cases where we have gone

1 into inspect and found problems and we have made them take out
2 those modifications and put in new modifications Is that
3 right?

4 MR. VOLLMER: I believe so

5 COMMISSIONER ZECH: How many cases are you still
6 reviewing?

7 COMMISSIONER ROBERTS: Thirty-six.

8 MR. KNIGHT: At the present time we have four that
9 were still under review when the earlier slides were
10 prepared. We have now completed those four reviews. So we
11 now have a schedule for all of the plants that are covered by
12 Appendix R

13 COMMISSIONER ZECH: Does this slide mean that you
14 have between now and 1990 you have 36 plants that are under
15 review still?

16 MR. KNIGHT: No, not under review. Those are their
17 schedules for completion.

18 COMMISSIONER ZECH: Of those 36 plants then, how
19 many of those plants have things that are under review that
20 you are still working on?

21 COMMISSIONER ROBERTS: How many of the 31 have been
22 reviewed?

23 MR. KNIGHT: The 31 are complete.

24 COMMISSIONER ROBERTS: And reviewed?

25 MR. KNIGHT: If by reviewed you mean inspected, no.

1 CHAIRMAN PALLADINO: How long does it take after
2 they are approved to be inspected? Is there a time?

3 MR. KNIGHT There isn't a --

4 COMMISSIONER ROBERTS: It depends on the resources

5 MR. VOLLMER: With this type of a schedule, the
6 inspection will not be a problem. We can keep up with this
7 progress.

8 COMMISSIONER ASSELSTINE Tell us what you have done
9 for the 31 in terms of what has been submitted, what has been
10 reviewed --

11 COMMISSIONER ZECH: What does that mean by 31?

12 COMMISSIONER ASSELSTINE -- what has been approved?

13 COMMISSIONER ZECH: Does that mean 31 plants are
14 satisfactory now or does that just mean that you are satisfied
15 that the 31 are doing the right thing?

16 MR. JOHNSTON: I think we could go back to the
17 pie-shaped slide Was that number two? Do you want the fire
18 protection or the alternate shutdown?

19 COMMISSIONER ZECH: I will take either one.

20 CHAIRMAN PALLADINO Let's start with fire
21 protection.

22 MR. JOHNSTON: Go back to slide two, please.

23 (SLIDE.)

24 CHAIRMAN PALLADINO: Is the pie chart different from
25 the old one?

1 MR. KNIGHT. There might be some number difference,
2 yes. It would be very slight though

3 CHAIRMAN PALLADINO. All right. I am going to look
4 at the old one so I can read it

5 MR. DIRCKS: Just to make sure you understand, in
6 the proposed generic letter, that is why we had this section
7 in here on revised inspection programs. We included in there
8 that section that we will continue to conduct inspection of
9 Fire Protection features. In the case of completed
10 modifications, the inspection team will review compliance with
11 applicable requirements

12 In the case of incomplete modifications, the
13 inspection team will review licensee approach to compliance,
14 plans and schedules for completing such modifications. We
15 will attempt to review implementation of Fire Protection
16 features on a scale that will minimize the changes of
17 licensee's implementing features in a manner that does not
18 meet with staff approval

19 There is that still unknown quantity you have to put
20 in. They may proceed with their modifications but they are
21 going to proceed with the view that we are going to inspect
22 We may find that they have not implemented it correctly

23 CHAIRMAN PALLADINO: It says that the inspection may
24 follow several years after they think they are all done so we
25 are still talking quite a few years into the future.

1 MR. DIRCKS: Yes.

2 CHAIRMAN PALLADINO: This would be beyond 1990 it
3 looks like.

4 COMMISSIONER ASSELSTINE: For some of the plants, we
5 will probably know whether they are in compliance at about the
6 time they are ready to be de-commissioned.

7 (Laughter)

8 CHAIRMAN PALLADINO: It will be a close race!

9 COMMISSIONER ASSELSTINE: Yes. You have
10 modifications complete. 27 plants.

11 MR. KNIGHT: There may be some confusion. This is
12 as of September 1985. On the bar charts they are shown by the
13 end of the year.

14 COMMISSIONER ASSELSTINE: Let's stick with these.
15 You have 27 plants, modifications complete. That means they
16 have done their plan, they have made the changes to the plan,
17 they have presumably asked for any exemptions they need.

18 MR. KNIGHT: The utility pronounces that they are
19 complete.

20 COMMISSIONER ASSELSTINE: Right, and we may not have
21 inspected but at least they think they are done for 27 plants.

22 MR. KNIGHT: That is correct.

23 MR. VOLLMER: We have inspected 19 but some of those
24 were the early plants that we would have to go back to because
25 they were not in compliance. Maybe ten of those we have

1 inspected, ten or 11, meet Appendix R.

2 CHAIRMAN PALLADINO Where do you see the 19 plants?

3 MR. VOLLMER. I am talking inspection now rather
4 than licensing

5 COMMISSIONER ASSELSTINE All right Now beyond the
6 27 plants, can you tell us how many have finished their plan
7 They have their plan done. They may not have made the
8 modifications but they have the plan done for complying with
9 Appendix R.

10 MR. KNIGHT As shown here, there are these 12
11 plants, they are on the 50 48 schedule, they have come in,
12 they have been reviewed, their clock has started and they are
13 now operating on a schedule consistent with 50 48 to complete
14 their review

15 COMMISSIONER ZECH. Excuse me, how long have we
16 given them to complete and actually have everything in place?

17 MR. KNIGHT. Within the 50 48 schedule I have to
18 get a refresher on that.

19 MR. JOHNSTON: I believe it is 18 months if it does
20 not require shutdown. If it requires a shutdown, they get an
21 additional time period

22 COMMISSIONER ZECH You keep track of that?

23 MR. KNIGHT Yes.

24 MR. JOHNSTON That is what it meant they are
25 doing. They are completing under the 50 48 schedule That is

1 what it means.

2 COMMISSIONER ZECH. They are on schedule?

3 MR. JOHNSTON. They are on that schedule.

4 MR. KNIGHT Yes, they are in compliance with the
5 rule.

6 COMMISSIONER ZECH So you could tell when they are
7 going to complete, you can project that?

8 MR. KNIGHT. Yes. Again, that is what is
9 incorporated in the bar charts that we have shown you so that
10 by the end of that year there are some specific number of
11 plants that are complete

12 COMMISSIONER ASSELSTINE So the other three slices
13 of the pie, they are still working on their plans?

14 MR. JOHNSTON No.

15 COMMISSIONER ASSELSTINE No?

16 MR. KNIGHT No, do you want to go ahead?

17 MR. JOHNSTON. Scheduling exemption granted eight
18 plants, that means that we have also completed our
19 negotiations with them but they have asked for extended
20 periods of time beyond 50.48 time spans.

21 COMMISSIONER ASSELSTINE To implement it

22 MR. JOHNSTON. They are doing it under 50.12 and we
23 have reviewed it and approved it and they are in the process
24 of implementation on that.

25 COMMISSIONER ASSELSTINE All right.

1 MR. JOHNSTON: The green, the schedular exemption
2 under review, that would be a case where we have not completed
3 that process including those plants that we are not finished
4 with them. They have a request in for additional time to
5 complete and it is still under review.

6 COMMISSIONER ZECH: Excuse me, how long does an
7 average exemption review take?

8 MR. JOHNSTON: The review itself doesn't take so
9 long but we have a fairly extensive backlog of the requests.
10 We get requests in every day from the plants asking for
11 additional exemptions.

12 COMMISSIONER ZECH: What is the backlog as of now?

13 MR. JOHNSTON: The backlog as of now is
14 approximately nine months. It is roughly until next summer.

15 COMMISSIONER ZECH: Do you mean nine months from the
16 time they get something in until you can look at it?

17 MR. JOHNSTON: No, I beg your pardon. In some cases
18 it has been as long as a year.

19 COMMISSIONER ZECH: Until they get it in and you
20 look at it? It is a backlog for you?

21 MR. KNIGHT: Yes.

22 COMMISSIONER BERNTHAL: Is the backlog getting
23 better or worse?

24 MR. JOHNSTON: We are holding even.

25 MR. KNIGHT: The resources that we have available

1 right now are being as of late have been devoted largely to
2 assisting I&E in the inspections

3 COMMISSIONER ASSELSTINE How many fire protection
4 engineers do you have?

5 MR. JOHNSTON Three

6 MR. KNIGHT. There are three fire protection
7 engineers

8 MR. JOHNSTON. I am sorry, two officially assigned
9 to the branch now

10 MR. KNIGHT We are also utilizing in addition to
11 that third fire protection engineer, utilizing outside
12 contracting to gain assistance to help us improve our present
13 schedule.

14 COMMISSIONER ASSELSTINE Is that about the steady
15 number of people that we have had, fire protection engineers?
16 Has it gone up or down?

17 MR. KNIGHT: We might have had four.

18 MR. JOHNSTON. We have had three professional fire
19 protection engineers on the staff for about three years We
20 have lost some and we have hired some to replace but the
21 average has been three

22 COMMISSIONER ASSELSTINE If you had ten, how fast
23 could you cut down the backlog?

24 MR. JOHNSTON We are approaching that from a
25 different point of view We have made a contract with

1 Franklin Institute to provide for doing this with outside
2 help

3 CHAIRMAN PALLADINO. On this one, I think you
4 probably could get help so you could get rid of this backlog
5 or least bring it way down.

6 MR. KNIGHT: The prognosis, I think, is very good
7 The contractual help that we have brought on board is just now
8 starting to produce products that we can review and get out
9 and the projected schedule looks very good.

10 CHAIRMAN PALLADINO Let me see if I can summarize
11 what I think I have heard The total population is 67
12 plants We have 31 of them completed at least based on the
13 information you are giving us today

14 MR. KNIGHT: That is right.

15 CHAIRMAN PALLADINO The schedule is such that all
16 67 will be complete both on modifications and on --

17 MR. KNIGHT: Alternate shutdown.

18 CHAIRMAN PALLADINO: --alternate shutdown by 1990.
19 Yet we have had requests beyond 1990. How does that jibe?

20 MR. JOHNSTON: We may get a request from a utility
21 to go beyond 1990 but we do not have to grant it and in the
22 very few cases that we have actually had, in one particular
23 case we did not grant it and they revised their estimates and
24 are coming in 1987 or 1988 when they will be complete.

25 CHAIRMAN PALLADINO. What happens if they don't make

1 those dates? Then do you take enforcement action?

2 MR. KNIGHT: That's right

3 MR. JOHNSTON: They will be out of compliance with
4 the rule and subject to enforcement

5 COMMISSIONER ROBERTS: What about the last category
6 that you haven't talked about, operating in non-compliance
7 approved compensatory measures?

8 MR. JOHNSTON: There is a date by which they are to
9 complete. They are included in the list.

10 MR. KNIGHT: They have exceeded the 50-48 schedule
11 That is the basis for marking them in non-compliance. There
12 is a date that the staff and the utility have agreed upon when
13 they will be complete or at least when they are projecting
14 completion.

15 I might add that perhaps even more importantly,
16 there is agreement upon what has to be done.

17 COMMISSIONER ROBERTS: For the approved compensatory
18 measures?

19 MR. KNIGHT: For the compensatory measures as well
20 as what has to be done for completion

21 COMMISSIONER ROBERTS: Has any enforcement action
22 been taken against these people?

23 MR. KNIGHT: I don't believe so.

24 MR. VOLLMER: There are a number of plants pending
25 enforcement action.

1 COMMISSIONER ROBERTS. Out of this group?

2 MR. VOLLMER: I am not sure I am not sure which
3 group they are referring to I would have to look to answer
4 that

5 COMMISSIONER ROBERTS. All right

6 CHAIRMAN PALLADINO Can I come back to the living
7 schedule Would all these living schedule arrangements still
8 come in by 1990?

9 MR. KNIGHT: The representation on the bar chart is
10 all of the information we presently have, all of the schedule
11 agreements, all the schedule or projections that we currently
12 have are represented there

13 CHAIRMAN PALLADINO: Let me say what I was trying to
14 get at The staff administers living schedules and you make
15 adjustments so that you can accommodate to the needs of the
16 utility and our own needs. Fire Protection is one of the
17 items that would be considered. In a sense by saying we are
18 going to delegate Fire Protection scheduling and the living
19 schedule to you would leave me with just a little gnawing
20 concern that maybe Fire Protection be one of the slips, the
21 things that slip, and then 1997 is the new date

22 I was saying that I would like the staff to be doing
23 this. Can we set some target or some goal or some hard date
24 that says even with the living schedule, we are going to shoot
25 for getting these things completed by 1990 if that is the best

1 we can do?

2 MR. KNIGHT: That certainly is as the Commission
3 directs

4 CHAIRMAN PALLADINO I am trying to decide how I
5 want to write up my vote sheet.

6 COMMISSIONER ASSELSTINE How about 1987?

7 CHAIRMAN PALLADINO: I am just trying to understand
8 the living schedule. When you talk about living schedules, in
9 order to have flexibility . have to allow some things to
10 slip if you are going to accommodate unforeseen things.

11 The thing I am looking for is to make sure that
12 unless it is a very big crisis, I don't want to see it be Fire
13 Protection constantly slip and how do I protect against that?

14 MR. DIRCKS: I don't think we have too many of these
15 facilities negotiating a living schedule. That may be an
16 issue. But going back to setting dates, the Commission in the
17 past have set dates and you have never really had very much of
18 a success in those dates.

19 We have had this date problem around for a number of
20 years and every time you bump up against those dates, you go
21 through a lot of agony in moving those dates around. You can
22 set a 1987 date but I will bet you that you will be back here
23 trying to figure out how to work around that date in 1987.

24 CHAIRMAN PALLADINO Maybe what I am looking for is
25 that the staff give due consideration of Fire Protection as a

1 priority item in its dealings on living schedules.

2 MR. DIRCKS I think why we are here is because we
3 have seen this Fire Protection thing meandering around. Now
4 not all of it is the fault of the agency and not all of it is
5 the fault of those licensees. As we have pointed out, there
6 were cases where some of these licensees moved ahead and
7 thought they were in compliance and then got the shock that
8 they were not in compliance.

9 Some moved ahead and said they were in compliance
10 knowing they probably were not in compliance and I can tick
11 off a few examples here which you already know

12 COMMISSIONER ASSELSTINE And some --

13 MR. DIRCKS. And some have moved very rapidly just
14 in the past few months to get into compliance and we think
15 that it is because we have gone through this extra effort of
16 trying to provide additional guidance and trying to say what
17 is good and what is bad and what is acceptable and what is not
18 acceptable.

19 I think these meetings that we have had, these
20 workshops, have contributed to an accelerating number of
21 plants moving into compliance.

22 I think that is the secret, to lay out what we think
23 is acceptable and what is not acceptable and we can move these
24 plants into compliance

25 We are seeing results but the first years of this

1 thing have been agony. It is like a professor trying to give
2 an examination and the class fails, the whole class.

3 COMMISSIONER ASSELSTINE Not all the class failed.

4 MR DIRCKS Not all, but you keep citing Calvert
5 Cliffs and I am going to suggest something. We have a letter
6 in here from this Nuclear group, the Fire Protection group,
7 you may want to ask them why some succeed and why some fail.
8 Asking us, you are going to get a third-hand answer because we
9 don't know.

10 We are interested as well as you. But you might
11 just confront them, why do some succeed and not others. But
12 again even if you had a class of 100 and one passes, now that
13 could reflect on the inability of the class to accept the
14 professor's instruction. It could also mean that the
15 professor is not teaching the course correctly.

16 CHAIRMAN PALLADINO: At the University, we had to
17 admit the latter assumption often.

18 (Laughter.)

19 COMMISSIONER ROBERTS: Is that a polite way of
20 reminding me that at one time you told me the staff didn't
21 invent Appendix R, the Commissioners did?

22 (Laughter.)

23 COMMISSIONER ROBERTS. I would like to hear your
24 answer.

25 MR. DIRCKS: Generally true, yes. There were

1 elements within the staff, yes. They wanted elements of
2 Appendix R in but the problem is that when it came up, there
3 were many, many positions negotiated and licensees moved ahead
4 and Appendix R was an abrupt change and that built up a good
5 deal of many of the problems we are facing today.

6 COMMISSIONER ASSELSTINE: Yes. There is no question
7 that it led to a fair degree of resentment. People felt that
8 they had done a lot of work before and the Commission came in
9 and said, "That approach is no longer acceptable."
10 Recalcitrance in not complying with a rule you don't like does
11 not impress me very much.

12 If there are difficulties in understanding it, that
13 is one thing but if it is, "We don't like this rule. We tried
14 to stop you in Court and we are just not going to comply with
15 it," if that is the problem, if there is a real correlation
16 between those who have been the most adamant opponents of
17 this, that is a different situation.

18 MR. DIRCKS: I don't try to ascribe motives to this
19 thing now. It is just a problem that we all face. Now how do
20 we get it back on track and get some progress here. That is
21 what I think we are trying to do.

22 CHAIRMAN PALLADINO: Let me give the floor to
23 Commissioner Zech.

24 COMMISSIONER ZECH: I just want to say that I think
25 this is of course my first opportunity to be involved in this.

1 COMMISSIONER BERNTHAL: I bet you regret that,
2 Lando, don't you?

3 COMMISSIONER ROBERTS: It won't be your last

4 COMMISSIONER ZECH: It is a very interesting
5 subject.

6 MR DIRCKS: This rivals equipment qualification.

7 COMMISSIONER ZECH: Yes, I can understand that. As
8 I see it, it is a very complex issue and it is an important
9 issue. We would not be thrashing around with it if it were
10 not important so even though it seems to me from my standpoint
11 that perhaps some of the guidance that has been put out has
12 been confusing or at least interpreted different ways, but
13 also from my perspective, too, I can understand that to a
14 degree because first of all we have so many different plants
15 out there

16 We are not standardized. I have visited a number of
17 then now across the country and I visited one here just a week
18 or so ago that had a rather unique way of meeting the Fire
19 Protection rule. They just kind of covered up everything with
20 a great big bunch of steel which was unique a little bit to
21 what I have seen but kind of build a house around some of the
22 equipment.

23 But I have seen a lot of different ways to comply or
24 at least try to comply with the Fire Protection rule.

25 So I submit that it is a complicated issue but it is

1 a serious one. It is not a frivolous issue. It is very
2 important and we are trying to protect different plants all
3 over the country that are built quite differently, different
4 utility approaches and so forth

5 So it is a complex issue and I appreciate that but
6 it seems to me that the whole issue deserves some kind of
7 priority perhaps which it has not received. That is just my
8 perception and I am not as knowledgeable as the staff on this

9 My inclination is to support the staff
10 recommendations as they have given them to us here but even
11 more than that in addition to those recommendations, it seems
12 to me that my desire is to say to you, "What can we do to
13 help?"

14 Do you need more fire protection engineers? How can
15 we improve things?

16 I feel as a Commissioner and I think my fellow
17 Commissioners would most likely agree that we are as
18 frustrated as you are. You have probably done a very
19 commendable job in this very complex issue but besides the
20 recommendations you have given us, is there any way that we
21 can help to improve the situation?

22 Do you have other thoughts? You don't have to
23 answer now but if you do have, if you need more fire
24 protection engineers or what can we really do to help you?
25 That is my concern.

1 CHAIRMAN PALLADINO: And tell us where we are going
2 to get them?

3 COMMISSIONER ZECH: I will help you get them

4 CHAIRMAN PALLADINO No. I meant within our ceiling
5 what are we going to give up?

6 COMMISSIONER ZECH: I will recommend that if you
7 want me to.

8 COMMISSIONER ASSELSTINE I agree.

9 (Laughter.)

10 CHAIRMAN PALLADINO. I don't think we want to debate
11 that subject here We have lots of places where we need
12 people but I do agree with the concept that we are here also
13 to make sure that you are getting the help you need insofar as
14 we can.

15 MR DIRCKS I would just mention that we have
16 talked of many things here but the focus is that generic
17 letter and the Interpretations document that we would like to
18 move on.

19 CHAIRMAN PALLADINO Can I ask you one other
20 question and then I would like to make a statement and I think
21 my statement is going to go right to the heart of what I think
22 you want

23 Your recommendations in the paper are one, issue the
24 generic letter and then two, to conduct a Fire Protection
25 inspection in accordance, et cetera, with the resources of

1 section "B." Do we have to tell you to conduct the
2 inspections or isn't that something -- it seems like a strange
3 recommendation.

4 I just want to make sure that I am not missing
5 something.

6 MR. DIRCKS: I think all we want to do is make sure
7 you know what we are saying in that section "B "

8 MR. VOLLMER: Or you could instruct us to accelerate
9 them but I think the inspection problem is in hand.

10 CHAIRMAN PALLADINO I will make recommendations to
11 the Commissioners to look carefully at the generic letter I
12 think we ought to issue the generic letter. I do have this
13 desire and I would recommend a change. I think we need to have
14 some tie-in to an enforceable trail and this concept of
15 putting it in an FSAR, having it identified as a licensing
16 condition by reference, giving the licensees the flexibility
17 to make changes without having amendments, I think then this
18 would be a good generic letter and I would probably try to
19 write my vote sheet up promptly so you have the benefit and I
20 would encourage others to do so, also

21 COMMISSIONER ROBERTS Would you have an interest in
22 hearing from the Nuclear Utility Fire Protection group?

23 COMMISSIONER ASSELSTINE. Also, our fire protection
24 engineers I think are here and I would like to hear from them
25 and I understand OGC has some problems with this and they are

1 working on a paper. I would like to see their paper, too,
2 before we vote on this.

3 COMMISSIONER BERNTHAL: I have one question as
4 well. This concerns enforcement and I am not sure whether
5 this is what you are referencing, Joe, but I am reflecting on
6 the path that we set out on in the area of environmental
7 qualification and the enforcement of policy that we now have
8 in place there and I am wondering whether we are not headed
9 down the same road here.

10 I see nothing specific in the staff's recommendation
11 about what enforcement policy the Commission might adopt. Has
12 there been any thought on that or what is the proposal?

13 MR. VOLLMER: Enclosure seven was the enforcement
14 guidance we would use when we run across a deficiency during
15 an inspection. The enforcement you are talking about, I
16 think, deals with getting the job done.

17 COMMISSIONER BERNTHAL: That's right. What do we
18 do?

19 MR. VOLLMER: What I suggested when we discussed
20 slide six, I had indicated that we were recommending no
21 further 50.48 schedular exemptions and set a high standard for
22 schedular exemptions to 50.12 such as we did on EQ.

23 We have not proposed any particular fine if they
24 don't meet that and we haven't closed that part of the loop
25 but what I would suggest is that we treat it similar to EQ and

1 evaluate 50 12 exemption requests very carefully with not just
2 the background of what the licensee can do but perhaps how
3 aggressively he has pursued the issue and whether or not we
4 can really find a good reason for him to delay it as long as
5 in some cases some licensees wish to

6 MR DIRCKS I think what you are asking for is for
7 us to come back to you on enforcement

8 COMMISSIONER BERNTHAL. Yes, I would like to see
9 that and the reason is that as you probably know what we are
10 already running into on this EO business is the old complaint
11 that I understand very well, the business of small fines and
12 whether that is an appropriate mechanism of enforcement.

13 I don't know what the alternative is. If they would
14 rather be shutdown, then we could think about that, I suppose,
15 past some cut-off date

16 I just want to make sure that we understand what we
17 are going to do this time and think it out clearly

18 CHAIRMAN PALLADINO: That is a little different
19 from the thrust that I was trying to get at. I want to make
20 it enforceable

21 COMMISSIONER ASSELSTINE Yes

22 CHAIRMAN PALLADINO: Which then raises your
23 question.

24 COMMISSIONER BERNTHAL We still have to ask, "What
25 are we going to do?"

1 CHAIRMAN PALLADINO Two other questions were
2 raised, one, hearing from people that had differing
3 professional opinion and the other was, do we want to hear
4 from the utility people

5 I suggest that we take the second question up at
6 Agenda Planning

7 COMMISSIONER ASSELSTINE All right

8 MR DIRCKS Fine

9 CHAIRMAN PALLADINO Was wondering since we still
10 have affirmation and agenda planning and that isn't the end of
11 the day I was wondering if we could get a summary of where we
12 stand on the DFC's and then if one or more of the people here
13 feel they have to say something, we can do that

14 MR DIRCKS I think you just want to hear, you
15 don't want to resolve their differing professional opinion but
16 I am sure we have someone here who could explain --

17 COMMISSIONER ASSELSTINE What I was thinking about
18 maybe fairly simple concise statement of what they view the
19 problem to be, whether they still have concerns with this
20 package and if so, what their concerns are and I would ask
21 them the same question that Lando asked and that is what can
22 we do help, what do they think the answer is to get fire
23 protection resolved at these plants as expeditiously as
24 possible

25 CHAIRMAN PALLADINO I would have no objection to

1 that as a matter of fact, having that done in writing unless
2 some of these things are already resolved

3 COMMISSIONER ASSELSTINE I don't think any of them
4 are

5 CHAIRMAN PALLADINO The feedback I got was that
6 some of them were resolved

7 MR DIRCKS No I think there is a process that is
8 being followed

9 MR KNIGHT In this particular instance, one of the
10 individuals has recently reviewed the package that is now
11 before you and has come to his own individual conclusion that
12 his concerns are satisfied so that the situation is that in
13 headquarters there is one fire protection engineer remaining
14 who still has concerns and he is here today

15 COMMISSIONER ASSELSTINE How about the regions?

16 MR KNIGHT I would understand that there may
17 remain some concerns by people in the regions We haven't had
18 the opportunity to discuss those explicitly

19 CHAIRMAN PALLADINO Did you want to solicit a
20 summary statement from each of them?

21 COMMISSIONER ASSELSTINE Or if they had a spokesman
22 who was here who felt that he or she could explain it

23 CHAIRMAN PALLADINO I was hoping not to have to do
24 that today but to get some input

25 COMMISSIONER ASSELSTINE If they could do that,

1 that would be fine.

2 CHAIRMAN PALLADINO Let me get Bill's attention for
3 a minute

4 MR. DEBOS I just want to make sure you know that
5 we discussed the differing professional opinion on page nine
6 of the staff paper and it is important to note that the formal
7 resolution of the DPO's is being deferred pending the
8 Commission action on the recommendations of the steering
9 committee

10 COMMISSIONER ASSELSTINE The problem I had with
11 that though is what that sounds like is you are saying we are
12 going to hold off on the DPO's until the Commission approves
13 this and then we are going to go back to the DPO's and say
14 "Well, the Commission has decided this" and their answer is,
15 "No, you are wrong "

16 That is what bothered me a little bit about that
17 approach

18 MR. VOLLMER That certainly was not the intent of
19 it We have gone through with these particular DPO's, the
20 manual chapter process and the resolution, I think, absent the
21 fact that the Commission wanted to hear about the
22 interpretations and the questions and answers, in other words,
23 the generic package, the DPO would have been resolved.

24 However, since the Commission had interest in this,
25 it would not have been a good idea to resolve that absent

1 getting the Commission into it and the intent was not to have
2 the Commission resolve the DPO

3 CHAIRMAN PALLADINO Bill, let me ask you how you
4 would feel about asking those that have letters to summarize
5 their present position

6 MR. DIRCKS Do you want it in a written statement?

7 CHAIRMAN PALLADINO I was thinking written

8 MR. DIRCKS Fine

9 COMMISSIONER ASSELSTINE How many of them are here
10 at headquarters and how many are in the regions?

11 MR. KNIGHT There is one individual remaining in
12 headquarters and two in the region

13 COMMISSIONER ASSELSTINE How many of them are here
14 today?

15 MR. KNIGHT The gentleman who is at headquarters is
16 here today, at least to my knowledge

17 COMMISSIONER ASSELSTINE Rather than prolong this I
18 think what I would like to do is maybe just get together with
19 him separately and maybe talk by phone to the regional folks
20 and get a clear understanding and a written summary is fine as
21 well

22 CHAIRMAN PALLADINO Yes. I think if we could get
23 that within a few days, that would help

24 At Agenda Planning, I am also going to ask OGC for
25 the schedule on their paper.

1 COMMISSIONER ASSELSTINE When their paper will be
2 ready, yes

3 CHAIRMAN PALLADINO So my encouragement to get the
4 vote will be based on all information being available

5 COMMISSIONER ASSELSTINE Good

6 COMMISSIONER BERNTHAL Was the Franklin Institute
7 contract sole source or competitive?

8 MR KNIGHT We had people here from the Division
9 of Licensing negotiate it.

10 MR DIRCKS We could find out

11 COMMISSIONER BERNTHAL You don't need to do it
12 now I would like to know as a matter of curiosity

13 COMMISSIONER ASSELSTINE One last question, the
14 staff's backfitting analysis on this interpretation of the
15 regulation, when is that going to be done under the
16 backfitting rule? This is an interpretation of a regulation
17 so the backfitting rule applies to it I was just wondering
18 when your cost benefit analysis was going to be done

19 (Laughter)

20 CHAIRMAN PALLADINO We are going to have to address
21 some of these things

22 COMMISSIONER ASSELSTINE Maybe you can answer that
23 in writing.

24 CHAIRMAN PALLADINO: Let me do a little housekeeping
25 chore. We have affirmation that was scheduled for 3 30 and in

1 order to help us expedite, I would request everyone to remain
2 seated. I am going to adjourn this meeting, open up the
3 affirmation meeting and that should take not more than one
4 to 4 half hours and then we can adjourn for another
5 planning.

6 So unless there is anything more to come on this
7 meeting, let me thank you participants. I do think you have
8 helped me understand the picture much better and I commend you
9 for the presentation.

10 We will adjourn this meeting with thanks.

11 (Whereupon, the Commission meeting was adjourned at
12 4:07 o'clock p.m. to reconvene at the Call of the Chair.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings
before the United States Nuclear Regulatory Commission in the
matter of COMMISSION MEETING

Name of Proceeding Status of Interpretation of Appendix E --
Fire Protection (Public Meeting)

Cocket No.

Place Washington, D. C.

Date Thursday, October 3, 1985

were held as herein appears and that this is the original
transcript thereof for the file of the United States Nuclear
Regulatory Commission

(Signature) Marilynn M. Nations
(Typed Name of Reporter) Marilyn Nations

Ann Riley & Associates, Ltd.

UNITED STATES NUCLEAR REGULATORY COMMISSION

COMMISSION MEETING

OCTOBER 3, 1985

STATUS OF INTERPRETATION OF APPENDIX R

FIRE PROTECTION

FIRE PROTECTION EVENTS

- NRC COMMISSION PUBLISHES RULE ON FIRE PROTECTION - NOV. 1981
- NUCLEAR UTILITY FIRE PROTECTION GROUP (NUFPG) FORMED - 1981
- EXEMPTION REQUESTS SUBMITTED AND REVIEWED - 1982-83
- INSPECTIONS FOR COMPLIANCE WITH APPENDIX R BEGAN - FALL 1983
- STAFF ISSUES GENERIC LETTER 83-33 - FALL 1983
- NUFPG ORGANIZES WORKSHOP ON APPENDIX R TO SOLICIT INDUSTRY EXPERIENCE - FEBRUARY 1984
- NRC HOLDS REGIONAL WORKSHOPS - SPRING 1984
- FIRE PROTECTION POLICY STEERING COMMITTEE (FPPSC) FORMED - AUGUST 1984
- FPPSC REPORT COMPLETED AND ISSUED FOR PUBLIC COMMENTS - EARLY 1985
- PUBLIC COMMENTS EVALUATED AND INCORPORATED - MAY 1985
- CFR REVIEW - JULY 1985

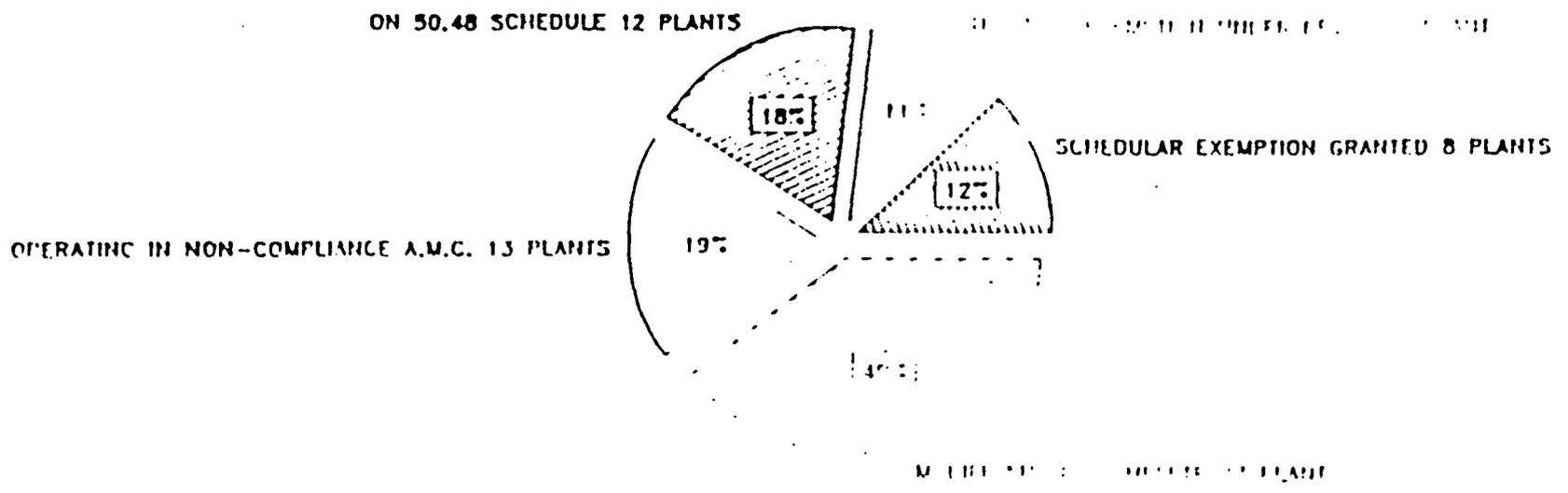
GENERIC LETTER

- NO FURTHER 50.48 SCHEDULAR EXEMPTIONS
- HIGH STANDARDS FOR SCHEDULAR EXEMPTIONS UNDER 50.12
- UTILIZE INTERPRETATION DOCUMENT
- INSPECTION PROGRAM
- DOCUMENT COMPLIANCE
- QUALITY ASSURANCE
- ADDITION OF FIRE PROTECTION PROGRAM TO FSAR

PLANTS LICENSED PRIOR TO JANUARY 1, 1979

APPENDIX R

COMPLETION STATUS OF FIRE PROTECTION MODIFICATIONS AS OF SEPTEMBER 1985



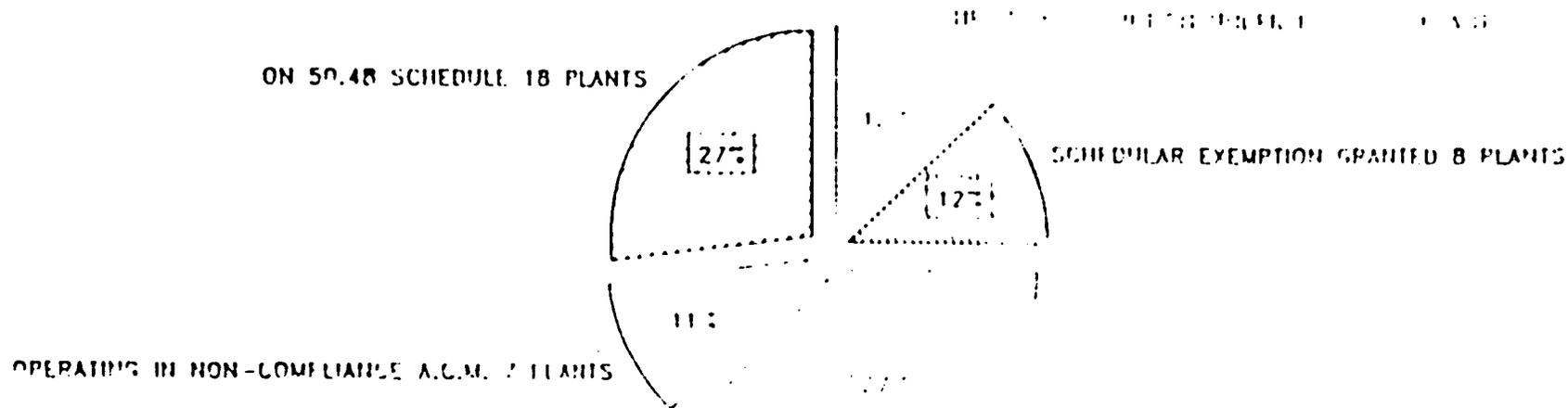
BREAK DOWN OF FIRE PROTECTION MODIFICATION STATUS

A.C.M. -- (APPROVED SUPPLEMENTARY MODIFICATIONS)

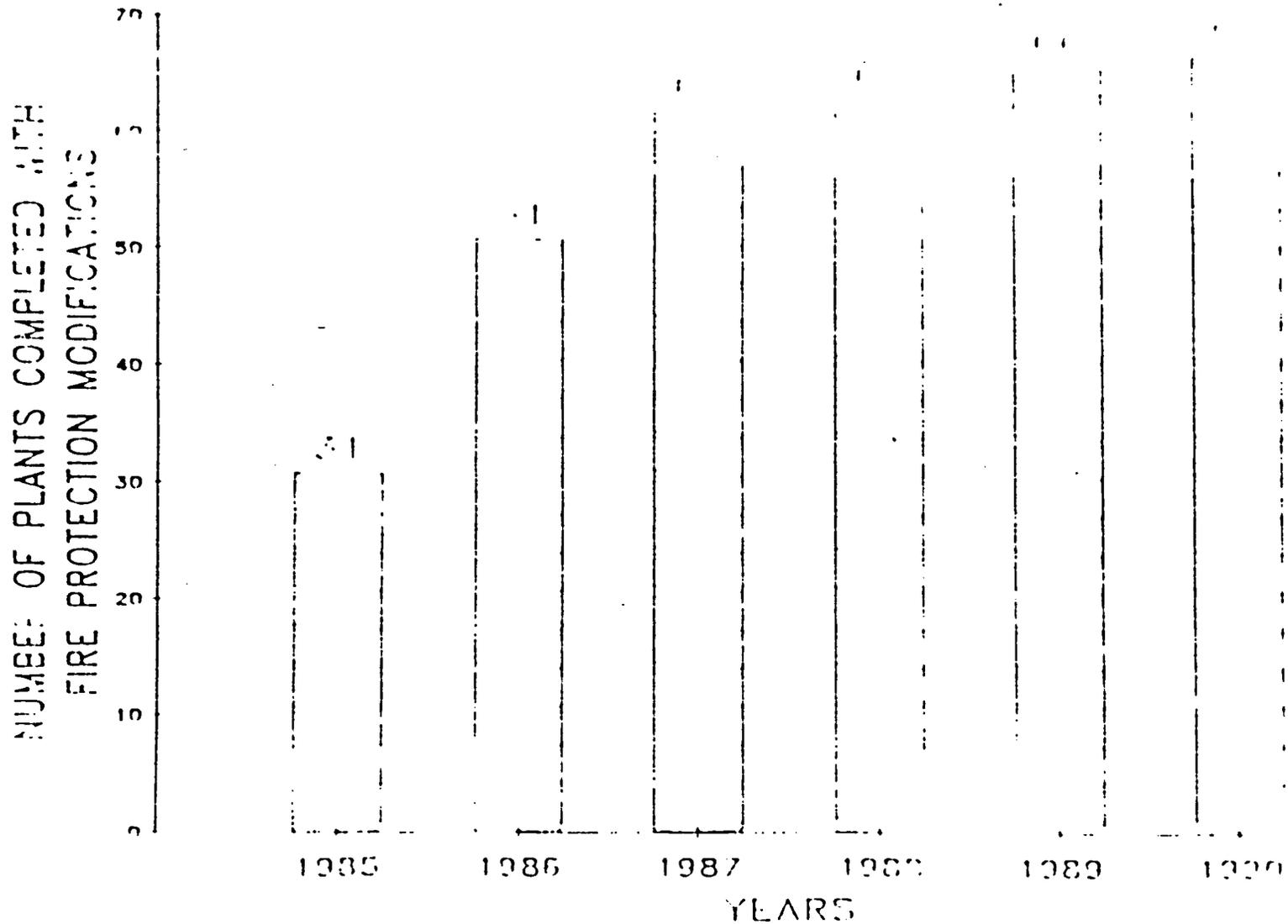
PLANTS LICENSED PRIOR TO JANUARY 1, 1979

APPENDIX R

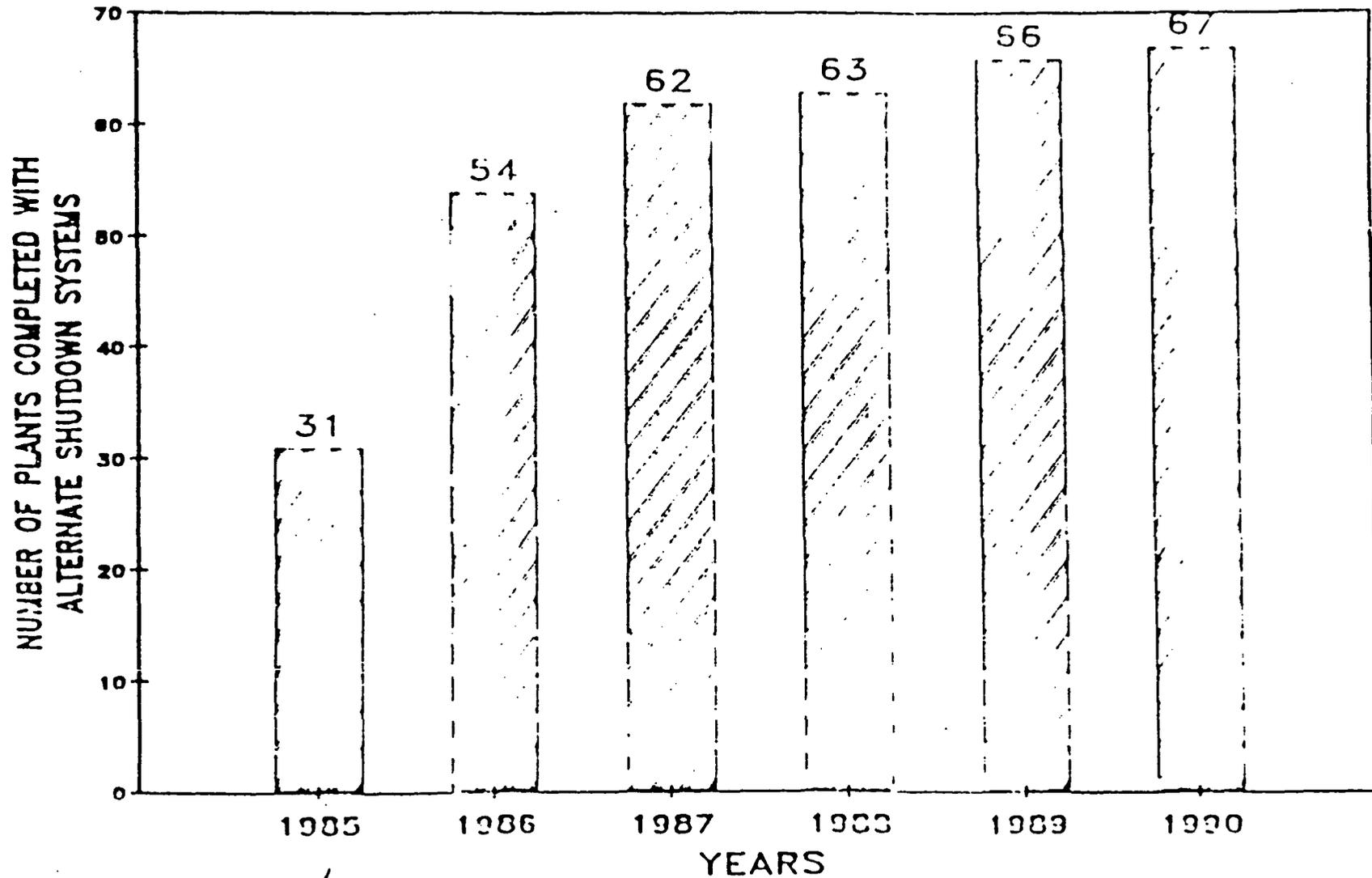
ALTERNATE SHUTDOWN SYSTEMS COMPLETION STATUS AS OF SEPTEMBER 1985



COMPLETION SCHEDULE FOR APPENDIX R FIRE PROTECTION MODIFICATIONS PLANTS LICENSED PRIOR TO JAN. 1, 1979



COMPLETION SCHEDULE FOR ALTERNATE SHUTDOWN SYSTEMS PLANTS LICENSED PRIOR TO JAN. 1, 1979



STAFF RECOMMENDATIONS

- ISSUE THE GENERIC LETTER
- INSPECT WITH PRESENT RESOURCES
- ENDORSE THE CRITERIA FOR ENFORCEMENT
- ENDORSE INCORPORATION OF FIRE PROTECTION PROGRAM IN
THE FSAP IN LIEU OF A LICENSE CONDITION

9/85

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