

07/19/02

MEMORANDUM TO: Christopher I. Grimes, Program Director
Policy and Rulemaking Program
Division of Regulatory Improvement Programs, NRR

FROM: Joseph L. Birmingham, Project Manager **/RA/**
Policy and Rulemaking Program
Division of Regulatory Improvement Programs, NRR

On June 20, 2002, the staff of the Nuclear Regulatory Commission (NRC) met with industry and Nuclear Energy Institute (NEI) representatives on the use of manual actions to achieve safe shutdown for fire events. The meeting was a followup to a May 16, 2002 letter to NEI on the use of manual actions to achieve safe shutdown, particularly to satisfy the requirements of Section III.G.2 of Appendix R to 10 CFR Part 50 (ADAMS Acc# **ML021410026**). In that letter, the staff discussed the need to obtain NRC review and approval of the use of manual actions. The meeting attendees are listed in attachment 1. Attachment 2 (ADAMS Acc# **ML021720391**) is the material presented by NEI during the meeting.

Suzanne Black, of the NRC, began the meeting with a review of recent staff correspondence and actions on the subject of manual actions and indicated that the staff was interested in what industry wished to present. Alex Marion, of NEI, responded that industry and the staff seemed to have developed a different understanding of the need for review and approval of manual actions and that industry wished to present information on related staff reviews. He stated that the large attendance of industry at the meeting was an indication of the importance industry attributed to this issue. Fred Emerson, of NEI, then presented the material in Attachment 2.

Mr. Emerson then went over the topics of the presentation which were to present the goals for the meeting, the industry position, industry's understanding of the regulatory view, the bases for the industry position, and conclusions and recommended actions. The goals for the meeting were for the staff to understand the industry position and rationale and for industry and staff to agree on a pathway for resolving the generic issue. The generic issue was whether the use of manual actions for redundant shutdown requires prior NRC approval. Details of the presentation are in Attachment 2.

Industry's position is that the staff has acknowledged the use of manual actions for redundant shutdown in regulatory guidance, Safety Evaluation Reports, numerous inspections, and plant specific correspondence and meetings. From a feasibility aspect, industry believes the use of manual actions is feasible when supported by appropriate analysis. Industry believes regulatory requirements permit the use of manual actions and that past staff guidance and inspections reflect this. Further, industry believes that the staff's current correspondence indicates a change in the staff's position on manual actions.

The NRC pointed out that staff inspections do not approve exemptions or deviations from regulations and may not have had a goal of verifying whether manual actions had been reviewed and approved by the NRC.

Industry then reviewed the regulations relevant to fire protection and in particular post-fire safe shutdown. This review included Sections III.G.1, III.G.2, and III.J of Appendix R to 10 CFR Part 50; NUREG-0800; various regulatory guides; and SECY 83-269, Attachment C. Industry concluded that the regulatory guidance acknowledged the use of manual actions to achieve safe shutdown and did not specify the need for prior approval. Industry observed that manual actions are permitted for other types of accident response such as in the emergency operating procedures.

Industry then presented the results of a recent survey of plants by NEI. Industry concluded that the results showed most plants use manual actions for redundant shutdown without having obtained exemptions or deviations, the staff has reviewed the implementation and feasibility of manual actions on many occasions, use of manual actions for redundant shutdown has not been questioned by NRC as a compliance issue until recently, and that a generic resolution for use of manual actions is needed.

Industry recommended that, based on the above, the staff should suspend enforcement pending resolution of the issue and that staff inspection guidance be revised to reflect the resolution.

The staff requested documentation of the examples provided in the industry presentation. The staff discussed the differences in types of manual actions. Additionally, the staff discussed the need for criteria for "feasible" manual actions. The staff then caucused and after reconvening noted the following: 1) the staff understands the industry concern; 2) after further deliberation, NRC will determine if it is appropriate to permit the use of certain manual actions without prior NRC approval; and 3) the staff will consider preparing additional guidance and acceptance criteria for manual actions. The staff will consult with the Office of the General Counsel (OGC) to determine whether existing rule language permits the use of manual actions for redundant shutdown, or whether a rule revision would be required. In the interim, the staff does not intend to suspend inspection or enforcement related to manual actions. The staff noted that violations would be written for manual actions that were not considered to be feasible but would not be focused on whether feasible manual actions had received prior NRC approval. The staff agreed to consider the need for revised or additional inspection and enforcement guidance.

At this point, the staff asked for public comment or questions. One person asked about the status of a finding for failure to have NRC review and approval of a manual action that was feasible. The staff responded that resolution of that finding would need to proceed. Another person asked whether a generic communication such as a Regulatory Information Summary would be used to provide the staff position. The staff indicated that a generic communication would be used if appropriate.

At this point, the meeting was adjourned.

Subsequent to the meeting, NEI provided information requested by the staff during the meeting. The information is available in ADAMS Package ML021980381, Accession # ML021980365.

Project No. 689

Attachments: As stated

cc: See list

**ATTENDEES FOR NRC/NEI
MEETING ON MANUAL ACTIONS FOR SAFE SHUTDOWN
June 20, 2002**

Suzanne Black	NRC\DSSA
Eric Weiss	NRC\DSSA\SPLB
Phil Qualls	NRC\DSSA\SPLB
Paul Lain	NRC\DSSA\SPLB
Matt Yoder	NRC\DSSA\SPLB
See-Meng Wong	NRC\DSSA\SPSB
Joe Birmingham	NRC\DRIP\RPRP
Peter Koltay	NRC\DIP\IIPB
Eva Brown	NRC\DLPM
Geary Mizuno	NRC\OGC
Alex Marion	Nuclear Energy Institute
Fred Emerson	Nuclear Energy Institute
Michael Bauser	Nuclear Energy Institute
William Burns	Southern Nuclear
Gary Cooper	Cooper Engineering
David S. Lee	Progress Energy
Vincent Rubano	Florida Power and Light
Steve Hardy	Progress Energy
Andy Robosky	South Carolina Electric & Gas (VC Summer)
Allen Dunstan	Florida Power and Light (Turkey Point)
Nancy Chapman	SERCH\Bechtel
Paul B. Bolden	Appendix R Solutions
Jim Lechner	NPPD
Deann Raleigh	LIS, Scientech
Bill McDevitt	Framatome ANP DE&S
Kiran Mathur	PSEG
Tom Carlisle	Dominion, Virginia Power
Fleur de Peralta	TRI-EN Corporation
David Hampshire	PG&E
David Parker	Southern Company
Woody Walker	Entergy
Dale E. James	Entergy
Les England	Entergy
Frank Garrett	APS
Elizabeth Kleinsorg	Kleinsorg Group
Chris Pragman	Exelon
Sheldon Trubatch	Law Off. Of Sheldon Trubatch
Richard L. Gray	American Electric Power
Patricia L. Campbell	Winston & Strawn
Pedro Salas	TVA
Alan Dahbni	NMC\Palisades
Kent N. Smith	Progress Energy
Mike Cash	Duke Energy
Doug Brandes	Duke Energy

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fae@nei.org

*See previous concurrence

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cc: via email

Mr. Ralph Beedle
Senior Vice President
and Chief Nuclear Officer
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708
reb@nei.org

Mr. Anthony Pietrangelo, Director
Risk & Performance Based Regulation
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708
arp@nei.org

Mr. Alex Marion, Director
Engineering
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708
am@nei.org

Mr. Fred Emerson, Sr. Project Manager
Fire Protection
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708
fae@nei.org

Patricia Campbell
Winston and Strawn
PCampbel@winston.com