

8/21/02 DSA
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MANUAL ACTIONS ET BRIEF

AUGUST 21, 2002

Objective: To decide how to address industry concern regarding the use of feasible manual actions in lieu of the Fire Protection safe shutdown provisions of 10 CFR 50, Appendix R III G.2. Industry's concern is that the current regulation may result in a large number of exemption requests and enforcement findings that would be an unnecessary regulatory burden to both the industry and the NRC.

Success: To authorize the staff to proceed with rulemaking.

Briefing Topics:

Issue

The Current Regulation
Safety Approach
Industry Position

Background

Inspector Training
NEI letter January 11, 2002
CRGR review and NRC Response
Meeting with NEI
NRC Staff Analysis

Planned Actions

Rule Change
Interim Enforcement Policy
Interim Inspection Guidance

Next Step

Decision

0/25

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The Current Regulation

- **10 CFR part 50, appendix R, section III.G.2 requires redundant train separation within the same fire area**
 - **three hour rated fire barriers;**
 - **one hour rated fire barriers with detection and suppression; or,**
 - **20 foot horizontal separation, no intervening combustibles, and detection and suppression**

Safety Approach

- **A Fire in a redundant train area without this level of train separation could challenge post-fire safe shut down capability**
- **NRC has allowed appropriate manual actions in lieu of the above separation provisions**
 - **in original licensing basis**
 - **through exemptions and deviations**
- **Some licensees have put manual actions in place to comply with III.G.2 under their change control process**

Industry Position

- **Licensee basis: no adverse impact on ability to achieve post-fire safe shut down**
- **No exemption or deviation request thought necessary for feasible manual actions**
- **Implemented in accordance with Operating License change control process**

Inspector Training

- **NRC Inspectors Training on Manual Action Provided in Fall 2001**
- **NEI was provided copy of lesson plan.**

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NEI Letter

- **NEI Letter January 11, 2002 provided Industry Position of Use of Manual Actions for safe shutdown in fire events**
 - **Potential Backfit**
 - **No Exemption or Deviation Request thought necessary**

CRGR Review and NRC Response

- **NEI concern with potential backfit was addressed in letter May 16, 2002 (ML021410026)**
- **No new staff position in training**
- **NRC would work with industry to resolve concerns**

Meeting with NEI

- **NEI/Staff Meeting June 20, 2002 reached consensus on the following:**
 - **Feasible Manual Action should be allowed in lieu of 10 CFR 50 Appendix R III.G.2.**
 - **The focus should be on safety - Do manual actions meet appropriate acceptance criteria?**
 - **The potential for a large number of exemption requests for feasible manual actions would be an unnecessary regulatory burden for both the industry and the staff**
 - **OGC would be consulted on alternative interpretations of the regulations**

NRC Staff Analysis

- **Alternative interpretations of the existing regulation were considered**
- **OGC/OE/DIPM/DRIP consulted**

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Planned Actions

- **Rule Change**
- **Interim Enforcement Policy can accompany a rule change once initiated**
- **Interim Inspection Guidance can be issued in the near future**
 - **Inspectors to use manual action acceptance criteria from inspector training**
 - **Minor violation for failure to obtain exemption or deviation if manual actions are adequate**
 - **III.G.2. violations for inadequate manual actions**
 - **For violation closeout inspections, minor violations are expected to be entered in the corrective action program**
 - **Rulemaking expected to obviate need for corrective action**
 - **Regulatory guide 1.189 revision to define feasible manual action**

Next Step

- **Rulemaking Plan**