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ANO BACKFIT ANALYSIS

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Backfit Panels: October 26, 2001  
January 17, 2002

Major Points of Discussion:

**I. NRC's Past and Present Positions Regarding the Use of Manual Actions for Meeting the Requirements of 10 CFR Part 50, Appendix R, Section III.G**

- The regulations, Statements of Consideration, NRC generic correspondence, and ANO-specific SERs are in agreement that the use of manual actions is not an acceptable method for complying with 10 CFR Part 50, Appendix R, Section III.G.2, unless specifically reviewed and approved in an exemption.
  - ▶ The position to disallow the use of manual actions for meeting 10 CFR Part 50, Appendix R, Section III.G.2 is not an imposition of a regulatory staff position interpreting the Commission rules that are either new or different from a previously applicable staff position.
- Statements from recent NRC inspection reports (used by the licensee to demonstrate an NRC position that differs from the finding) were taken from general scope descriptions. Entergy also used statements from IP 71111.05 and inspection guidance from the NRC web page to support their position. The current licensing basis, as defined in 10 CFR 54.3(a), does not include statements from NRC inspection procedures, reports, or guidance.
  - ▶ Inspection procedures are not approved staff positions. Licensees cannot be required to implement positions discussed in an inspection procedure or manual unless the same positions exist in the form of approved staff positions.
  - ▶ Conclusion: By issuing this finding, the NRC is not imposing a position that is new or different. Therefore this is not a backfit specific to ANO.

**II. ANO's Position Regarding 10 CFR Part 50, Appendix R, Section III.G (Entergy states that "The use of manual actions ... is permitted by 10CFR50 Appendix R, Section III.G.1, and does not violate 10CFR50 Section III.G.2.")**

- ▶ Licensees must meet the requirements of Section III.G.1 and either III.G.2 or III.G.3 for the protection of equipment necessary for achieving and maintaining hot shutdown conditions, or request an exemption.
- ▶ Section III.G.2 provides three specific methods for preventing fire damage to equipment and cables necessary for achieving and maintaining safe shutdown, and to circuits whose damage could adversely affect safe shutdown.

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- ▶ Section III.G.3 provides the option of using alternative or dedicated shutdown capability for those fire areas in which the licensee cannot meet the requirements of Section III.G.2.

- ▶ Conclusion: Licensee must meet the requirements of Section III.G.1 and either III.G.2 or III.G.3

[REDACTED]

### III. NRC Review and Approval of Manual Actions for Meeting the Requirements of 10 CFR Part 50, Appendix R, Section III.G in 14 Fire Zones at ANO

- ▶ The NRC reviewed the use of manual actions identified by the licensee in 14 fire zones for the purposes of alternative shutdown (Section III.G.3).
- ▶ As stated the SER, for all other areas the licensee was expected to either comply with Section III.G.2 or request an exemption.
- ▶ Neither Fire Zone 98J nor 99M was identified in the list of 14 requiring manual actions for the purposes of alternative shutdown.
- ▶ In addition, the licensee did not request an exemption for the use of manual actions for complying with Section III.G.2.

- ▶ Conclusion: For

[REDACTED]

### IV. NRC's Tacit Approval of the Licensee's Methodology for Complying with 10 CFR Part 50, Appendix R, Section III.G

- ▶ Tacit approval is indicated if the NRC has not acted in a reasonable time on a licensee submittal, and the licensee has moved ahead to implement the proposal (NUREG 1409).

[REDACTED]

- Simply not challenging a licensee's practice in an inspection report is not considered tacit approval (NUREG 1409).
- Even if the NRC had tacitly approved (which it did not) the use of manual actions for meeting Section III.G.2, this approval would have been dependent on the licensee meeting the conditions described in their submittal.

- ▶ For Fire Zones 98J and 99M, the licensee did not meet these conditions.

- Conclusion: For Fire Zones 98J and 99M, the NRC did not tacitly approve the use of manual actions for complying with Section III.G.2.