

# DRAFT

Date

**MEMORANDUM TO:** Wayne D. Lanning, Director, DRS, RI  
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**FROM:** Cynthia A. Carpenter, Chief  
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**SUBJECT:** DISPOSITIONING FIRE PROTECTION FINDINGS RELATED TO  
MANUAL ACTIONS USED IN LIEU OF SEPARATION REQUIREMENTS

This memorandum reinforces existing Reactor Oversight Program (ROP) guidance related to subject findings, to enhance consistency of their treatment and dispositioning within the ROP.

Situations may arise where a licensee is found to be in non-compliance with separation requirements (e.g., III.G.2), but has procedurally implemented a set of specific manual operator actions to achieve safe shutdown for fires occurring in the associated areas. Under existing ROP guidance (IMC 0612), such an issue must first be determined to be a licensee performance deficiency. If so, it is a finding and if it is determined not to be willful or have impeded the regulatory process, then it must be characterized for significance. If the staff cannot make a determination regarding whether the issue is a performance deficiency (e.g., typically this may arise if the licensee asserts that it is meeting its current licensing basis), and the question cannot be resolved prior to the issuance of the inspection report, then an Unresolved Item (URI) may be opened to track the staff's resolution. A URI can be opened for one of only two reasons: 1) further information or review is needed to determine whether there is a finding, or 2) the Significance Determination Process (SDP) has not yet produced a final result.

If the issue is a finding, then it is tested against the "minor" criteria per IMC 0612 Appendix B. If the finding is greater than minor, then it is characterized by the applicable SDP. In the case where a licensee has implemented manual actions, such actions may be taken into account in the SDP as an interim compensatory measure, similar to a fire watch being stationed when the licensee removes a fire door from service. If the inspector concludes that the manual actions are reasonable, then this could provide sufficient justification that the increase in CDF and LERF risk is negligible and that the finding significance may be characterized as "green." If manual actions were not implemented, or were found not to be reasonable (e.g., could not be implemented as documented, or otherwise were not likely to fulfill their objective), then the SDP should be conducted without crediting these actions. Inspection guidance is being developed to

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help improve the consistency of inspector evaluation of reasonableness of manual actions. However application of such inspection guidance in no way provides regulatory approval to allow a licensee to substitute manual actions in lieu of meeting physical separation or other requirements.

If the inspector concludes that the finding significance is green and if the licensee has entered the issue into their corrective action program, then the non-compliance is an NCV and the finding is documented in accordance with IMC 0612 requirements. If the finding is determined to be greater than green, then the non-compliance is an NOV and the finding is documented in accordance with IMC 0612 requirements.

In those cases where manual actions are providing an interim compensatory measure, the licensee corrective action program is expected to track the finding to final resolution. In these cases, final resolution may involve a change to the fire protection regulations, currently being pursued by NRR, that generically provides for some use of manual actions that meet specific criteria. An approved rulemaking plan and related interim enforcement discretion guidance is expected within about one year. Licensees will likely monitor this action closely and if the final rule change does not provide the expected relief for a specific situation, a licensee must either restore full compliance without reliance upon manual actions, or alternatively submit a formal request for relief to the staff.

If you have any questions regarding this, please contact Doug Coe, IIPB at (301) 415-2040 (Email DHC) or Eric Weiss, SPLB at (301) 415-3264 (Email EWW).

cc: