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Subject: Letter RS-04-015, Comments on Draft Manual Actions Interim Acceptance Criteria, 68 FR 66501

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Subject: Comments on Draft Manual Actions Interim Acceptance Criteria, 68 FR 66501 and 68 FR 69730.

References: January 27, 2004 letter from Alex Marion, NEI, to Chief, Rules and Directives Branch, NRC, transmitting Comments on Draft Manual Actions Interim Acceptance Criteria, 68 FR 66501 and 68 FR 69730.

We appreciate the opportunity to provide industry comments on the NRC's draft manual actions interim acceptance criteria noticed in 68 FR 66501. We understand that these criteria, when finalized, will be used by the NRC's interim enforcement discretion policy pending completion of a proposed change to the fire protection rule. We believe that these criteria, in general, offer a framework for consistent licensee treatment of manual actions for fire protection safe shutdown and for consistent NRC review of manual actions during inspections conducted in this interim period.

We concur with the industry comments provided by NEI in Reference 1, which indicate that many of the elements in the proposed criteria, such as the expectation that automatic fire detection and suppression be provided in the area crediting manual actions, do not improve safety sufficiently to warrant their inclusion.

In addition, rather than changing Appendix R Section III.G.2, we recommend that the NRC issue generic industry guidance clarifying that manual actions are permissible to satisfy all subsections of Appendix R Section III.G, and that manually operating equipment locally satisfies the "emergency control stations" provision of Appendix R Section III.G.1. This approach maintains maximum consistency with existing NRC guidance, and avoids the creation of a separate set of standards that are only applicable to "III.G.2" manual actions. Otherwise, establishing criteria specifically applicable to Appendix R Section III.G.2 will lead to new disputes when manual actions previously credited to satisfy Sections III.G.1 and III.G.3 are reviewed during the inspection process.

Our recommendation is based on the previous NRC guidance and interactions regarding the use of manual actions to achieve post fire safe shutdown, as outlined in Ref. 1, including Generic Letter 81-12 and Regulatory Guide 1.189. Together, these documents span over 20 years of regulatory guidance, and in each case they indicated to the industry that manual operation of valves, switches and circuit breakers, etc., has historically been allowed, and encouraged, to operate equipment and isolate systems to achieve post fire safe shutdown. The NRC's historical use of guidance documents to permit manual actions for post fire safe

shutdown versus explicit language in the 10CFR50 regulations is consistent with how the NRC has permitted manual actions for other regulated events under 10CFR50. The NRC has addressed the acceptability of manual actions generically for all regulated events under 10CFR50 via various Staff guidance documents, including Generic Letters, Reg Guides, and NUREGs, etc., and thru their endorsement of consensus standards that also permit manual actions, such as ANS/ANSI and IEEE. This consistency throughout 10CFR50 indicates that no revision to 10CFR50, Appendix R is required to specifically permit manual actions. Additionally, this proposed guidance can also establish the NRC's current expectations regarding manual action acceptance criteria.

Please note that the proposed criteria, with the changes recommended in Reference 1, are consistent with the methodologies already in use across our fleet when crediting manual actions to operate required equipment or to mitigate fire induced spurious operation. Specifically, when assessing manual action feasibility, consideration is already provided for associated manpower and time constraints, communication, emergency lighting, procedural guidance or additional training considering operator familiarity, and the accessibility to the equipment in the anticipated environment considering the potential exposure effects of fire, heat, smoke, and suppressants. In addition, since 1984, manual actions to satisfy both normal and alternate post fire safe shutdown strategies at our sites have been reviewed on numerous occasions, by both NRR and Regional NRC Staff, and in each case were determined to be acceptable.

We look forward to discussing the comments and concerns with NRC staff, via NEI, in an effort to create fair and unambiguous criteria while this process proceeds. Please contact Chris Pragman (610-765-5682) or Dan Roberts (630-657-3894) with any questions about this information.

Respectfully,



Keith R. Jury
Director – Licensing and Regulatory Affairs

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