

From: David Diec
To: Alex Klein / NRR
Date: 9/8/03 11:32AM
Subject: Re: Suzie will be making a presentation at the NEI FPIF and will speak about FP issue management. If yo

per your request.

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>>> Alex Klein 09/05/03 02:28PM >>>

Suzie will be making a presentation at the NEI FPIF and will speak about FP issue management. If you have time, can you please provide me with a 2-3 sentence summary of where manual rulemaking stands and any successes so far. Thanks.

CC: Catherine Haney; David Trimble; Eileen McKenna; Gareth Parry; John Hannon; Phil Qualls; Ray Gallucci; Sunil Weerakkody

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With regards to the application of post-fire operator manual actions, we met and discussed this issue in a number of meetings with the industry, and our position is that the current regulation as stipulated in Paragraph III.G.2 of Appendix R to Part 50 does not explicitly recognize the use of operator manual actions to ensure and maintain safe shutdown as a result of a fire event.

As you are all aware, Paragraph III.G.2 specifies three acceptable methods for protecting the safe shutdown of one of the redundant shutdown trains from a fire when they both located in the same fire area. The expectation of the regulation is that protection and separation and activation of the systems identified in the safe shutdown train from control room will bring the plant to and maintain it in a more stable condition. However, a number of relatively simple operator manual actions have been given credit by the staff through more general deviations or exemption requests. We also note that industry has interpreted the regulation such that operator manual actions have been recognized and allowed by the staff through inspection findings. Operator manual actions have been widely used to meet the Paragraph III.G.2, and not all these manual actions have been approved by the staff.

As we indicated in the staff's proposed rulemaking plan for post-fire operator manual actions made publically available by the Commission in July 2003, that we are concerned about the feasibility of those actions. The staff's proposed rulemaking on this issue is aimed to identify the role, limitation, and feasibility of operator manual actions and to recognize the application of these operator manual actions in a post-fire event as an added option to meet the fire protection of safe shutdown capability.

We have received recommendations from NEI and inquiries from public interests groups on this effort. The Commission is currently voting on the staff's proposed plan and we have also briefed the ACRS on this issue on September 9, 2003. Our next step is to continue a dialog and engage the industry to identify the appropriate role, limitation, and application of these manual actions, as well as identify appropriate regulatory discretionary actions. We are also aware that operator manual actions are identified in a number of parallel efforts such as NFPA-805 rulemaking and associated circuits analysis. Our position is that the guidance and acceptance criteria for feasible operator manual actions need to be robust and have a high probability of success, regardless of where they are applied.