

BACKGROUND

Sunil Weerakkody, Chief
Fire Protection & Special Projects
Office of Nuclear Reactor Regulation

11/10/2003

N-22

OBJECTIVE

Present Interim Feasibility Criteria
and Bases

Receive Public Feedback

BACKGROUND

- 10 CFR 50.48 imposed fire protection (FP) requirements from App. R, Paragraph III.G.2, to pre-1/1/1979 licensed plants
 - Three acceptable methods to protect at least one shutdown train during a fire when redundant trains are located in same fire area
 - 3-hr passive fire barrier
 - 20-ft separation and no intervening combustibles, with fire detection and automatic suppression
 - 1-hr passive fire barrier with fire detection and automatic suppression

BACKGROUND (continued)

- For post-1/1/1979 licensed plants, App. R provisions were incorporated into Branch Technical Position (BTP) CMEB-9.5-1 and NUREG-0800 (Standard Review Plan)
 - Plant-specific FP programs and commitments were reviewed against one of these, becoming part of the post-1/1/1979 plant licensing bases (thereby incorporating the provisions of App. R, Paragraph III.G.2)

BACKGROUND (continued)

- Since mid-1990's, NRC inspections of licensee FP programs have indicated many instances of reliance on “operator manual actions” rather than the accepted protective provisions of III.G.2
 - Unless approved as an “exemption” (pre-1/1/1979 plant) or “deviation” (post-1/1/1979 plant), such actions do not comply with III.G.2 [Committee to Review Generic Requirements, May 2002]

BACKGROUND (continued)

- More importantly, some of these “operator manual actions” may not have been feasible, thereby creating doubt that safe shutdown could be assured
- NRC and nuclear industry agreed to suspend debate over past history and focus on regulatory action that would permit these actions **provided their feasibility could be assured**

BACKGROUND (continued)

- In March 2003, NRC issued FP Inspection Procedure, Attachment 71111.05, Enclosure 2 – *Inspection Criteria for FP Manual Actions*
 - “For an interim period, while rulemaking is in progress ... acceptance criteria can be developed which would facilitate evaluations of certain manual actions.”

BACKGROUND (continued)

- March 2003 inspection criteria were based on NRC inspection experience and addressed the following
 - Diagnostic instrumentation
 - Environmental considerations
 - Staffing and Training
 - Communications and Accessibility
 - Procedures
 - Verification and validation

BACKGROUND (continued)

- In June 2003, NRC issued SECY-03-0100, *Rulemaking Plan on Post-Fire Operator Manual Actions*
 - “... [T]here is insufficient evidence that the generic use of these actions poses a safety issue ... that requires prompt action ... [E]nforcement may not be the best remedy ... [because] ... [l]icensees ... might flood the NRC with exemption or deviation requests, which could divert NRC resources ...”

BACKGROUND (continued)

- SECY-03-0100 (continued)
 - “... To resolve the regulatory compliance issue, the staff ... has concluded that generic guidance and acceptance criteria for feasible operator manual actions should be developed ... Documenting compliance ... would demonstrate that safety has been maintained and that the operator manual actions do not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.”

BACKGROUND (continued)

- SECY-03-0100 (continued)
 - “Even with Commission consent to proceed with rulemaking, licensees using unapproved operator manual actions would be in non-compliance ... Upon receiving Commission approval of the ... rulemaking plan, the staff will develop an interim enforcement policy to allow discretion, ... provided these licensees have documented the feasibility ... in accordance with the staff’s proposed preliminary generic acceptance criteria.”

BACKGROUND (continued)

- In September 2003, the Commission issued a Staff Requirements Memorandum (SRM) on SECY-03-0100 approving “the staff’s recommendation to proceed with rulemaking ... to revise the FP program requirements contained in Appendix R of 10 CFR Part 50 and the associated guidance.”

BACKGROUND (continued)

- SRM on SECY-03-0100 (continued)
 - “... [T]he Commission has approved the staff’s plan to develop an interim enforcement policy to deal with these compliance issues ... The staff should leverage its past experience to develop the general acceptance criteria and expedite this rulemaking effort.”
 - NRC staff position
 - Use existing March 2003 inspection criteria as basis for interim feasibility criteria

BACKGROUND (continued)

- SRM on SECY-03-0100 (continued)
 - “... The interim enforcement policy ... in no way obviates the need for licensees to continue documenting the technical feasibility of their operator manual actions.”
 - NRC staff position
 - Technical feasibility of operator manual actions remains paramount
 - Develop additional criteria as appropriate to assure technical feasibility