

From: R. Michelle Schroll (SECC)
To: EDO Extension Request
Date: Tue, Jun 29, 2004 2:26 PM
Subject: Re: REQUEST FOR EXTENSION FOR PROPOSED RULEMAKING ON POST-FIRE OPERATOR MANUAL ACTIONS (WITS #200300194)

No objections. Paper is due to Commission on 12/27/04.

>>> EDO Extension Request 06/21/04 10:49AM >>>
Bev

Bill Dean approved the extension for 20030194. The new EDO due date is: 12/17/04.

-NRM/DRP

>>> Beverly Sweeney 06/18/04 04:20PM >>>
See attached e-mail from Matthews stating his approval.

SUBJECT: REQUEST FOR EXTENSION FOR PROPOSED RULEMAKING ON POST-FIRE OPERATOR MANUAL ACTIONS (WITS #200300194)

On September 12, 2003, an SRM was issued on the subject rulemaking with an EDO suspense date of September 6, 2004, for submitting the proposed rule to the Commission. The rulemaking plan (SECY-03-0100) approved by this SRM informed the Commissioners that revision to fire protection requirements contained in Appendix R of 10 CFR Part 50 and the associated guidance would allow operator manual actions, with detection and suppression capability, as part of methods that ensure the capability of the licensee to bring the reactor to and maintain it in a safe hot shutdown condition. This SRM also approved development of an interim enforcement policy.

The staff is seeking a 14 week extension of the rulemaking suspense date to December 17, 2004 based on the time that was needed to develop a concept of time-margin to address stakeholders' and ACRS' comments regarding the reliability of operator manual actions, additional stakeholder interaction regarding the role of fire detectors and suppression systems, and the limited scope of operator manual actions with respect to Paragraph III.G.2 of Appendix R. The additional stakeholder interaction will occur on June 23, 2004.

Background

On November 26, 2003, as part of the development of the interim enforcement policy, the staff published interim acceptance criteria for operator manual actions, with the initial comment period ending on December 26, 2003 (68FR66501). The staff, subsequently, extended the comment period until January 26, 2004, based on a high level of stakeholder interest. To date, the staff has received more than 460 comments from stakeholders. The Nuclear Energy Institute (NEI) and several other industry stakeholders objected to the requirement for fire detection and automatic fire suppression to be installed in the area where the fire occurs, and to limiting the scope of the operator manual actions rulemaking to Paragraph III.G.2. Nearly all of the remaining comments, including those from Public interest groups such as the Union of Concerned Scientists (UCS) and the Nuclear Information and Resource Service (NIRS), firmly objected to the proposed addition of operator manual actions.

The ACRS and others commented on the reliability of the use of operator manual actions. In response to the concern about the reliability of operator manual actions, the staff and its contractor, Sandia National Laboratory was asked to develop an approach to apply a concept of time-margin for fire related operator manual actions, when used in conjunction with fire detection and suppression systems that ensure such actions would be accomplished reliably with a high level of confidence. The approach involved the use of an expert panel which required additional time that was not contemplated when the original schedule was

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established.

The staff is in the final phase of completing this work and associated regulatory guidance. This effort, in addition to competing resource needs to support the interim enforcement policy, has resulted in 14 week delay and has impacted the staff's September delivery of the proposed rule to the Commission.