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# NRR/OD & ET SIGNIFICANT TOPICS - CURRENT AND EMERGENT

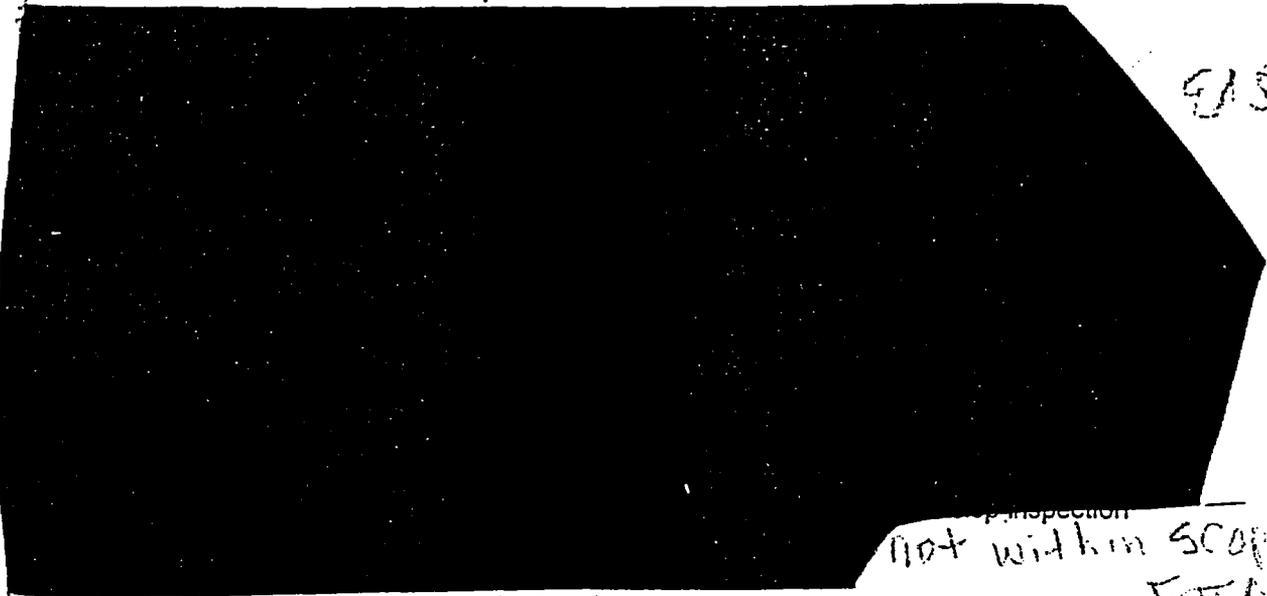
(April 2004)

The contents of this document are intended to be an internal, informal collection of significant topics, current and emergent, identified by ET members for their use as a source document to provide recent data on the topics covered within. It may not contain the most up-to-date data, but should provide status information current within the last month. The date at the beginning of each subject provides the date the subject was last updated.

Information in this record was deleted  
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Act, exemptions 5  
FOIA- 2004-277

W/S

3. Fire Protection



**Manual Actions Rulemaking** (Updated 4/30/04 - Contact: David Diec)

**Background**

During triennial fire protection inspections, regional inspectors identified that licensees are using unapproved manual actions to satisfy the fire protection criteria in Section III.G.2 of Appendix R to 10 CFR 50. The inspectors identified these issues as Unresolved Items for review by NRR staff.

The staff determined that a change to 10 CFR Part 50, Appendix R, was required for a licensee to use manual actions instead of meeting the requirements stated in Section III.G.2. The staff developed a rulemaking plan to revise 10 CFR Part 50, Appendix R, Section III.G.2 to allow the use of acceptable manual actions.

On July 2, 2003, the Commission approved the rulemaking plan in its SRM dated September 12, 2003 (ADAMS ML032550222; WITS #200300194).

**Current Status:**

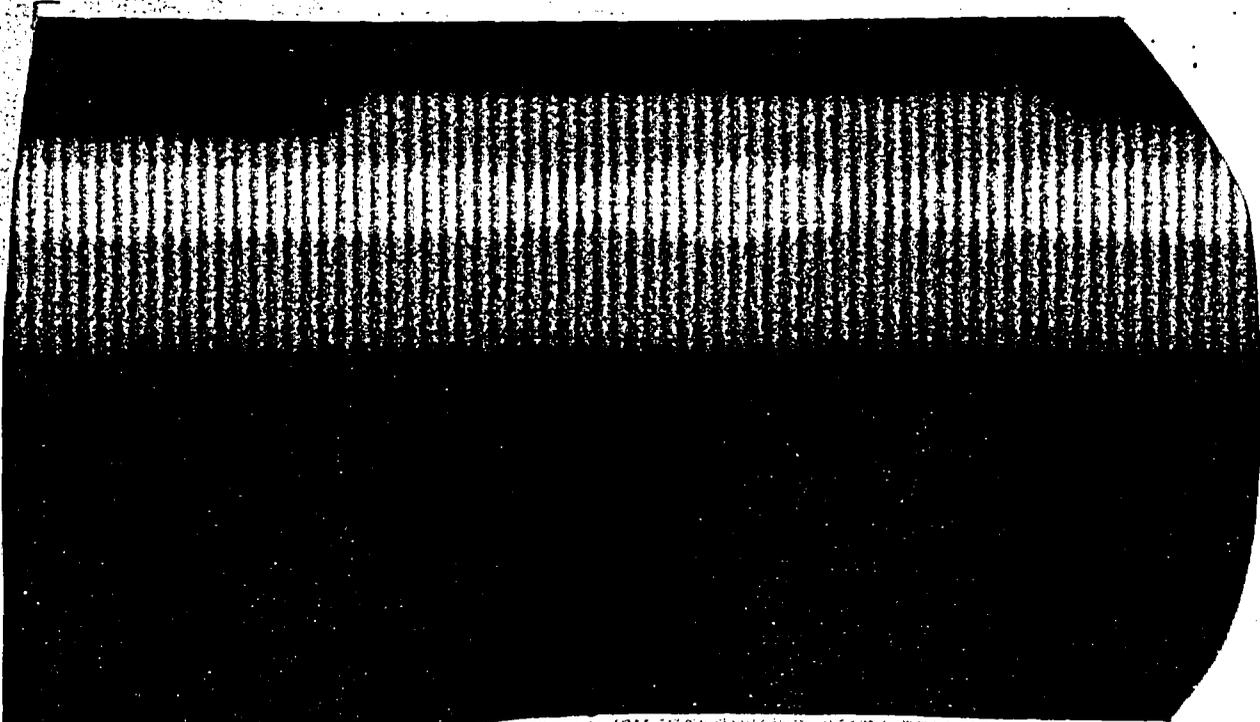
On November 26, 2003, the staff published the notice of opportunity for public comment on its draft criteria for determining the effectiveness of manual actions to achieve post-fire safe shutdown (68FRN-66501), with a 30-day comment period. Subsequently, the staff granted an additional 30 days extension of opportunity for public comment based on a large number of requests from stakeholders. The notice granting the extension was published in the Federal Register Notice on December 15, 2003 (68 FR 69730), with the comment period ending on January 26, 2004.

In addition, the Office of Enforcement is working to issue an Interim Enforcement Policy to address noncompliance by licensees in the interim period until the operator manual actions rule

becomes effective. However, as of the close of the comment period, the staff has received a number of substantive public comments, focused primarily on the rulemaking itself, which may require modifications to its draft acceptance criteria. Included is a letter from Congressmen Markey and Dingell to the Chairman questioning the rulemaking effort. The staff prepared a response to be issued by the Chairman on 4/30/04. The staff also plans to modify the draft criteria to address the human reliability issue raised by both the public and the ACRS. To support this, two expert elicitation workshops are being facilitated by RES, the first completed on 4/1-2/04, the second scheduled for 5/4-5/04. Results from these workshops will be included in the draft Regulatory Guide that will accompany the proposed rule language.

Finally, the staff briefed the Chairman on fire protection issues, including post-fire operator manual actions activities, on February 9, 2004. The staff again briefed the Chairman, and Commissioner Merrifield, on April 12, 2004, to discuss plans for "closure" of fire protection issues.

Documentation of the technical bases for manual action acceptance criteria, including safeguards impact assessment, basis for limiting applicability of acceptance criteria to III.G.2 area, and time margin is scheduled to be completed by 5/21/04, and the input will be provided to OE for the development of an enforcement discretion SECY. The enforcement discretion SECY is scheduled to be provided to the EDO by July 2004. The proposed rule is scheduled to be provided to the Commission for consideration by December 2004.



Not within scope of FOIA

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