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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Office of Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

ATTN: Rulemaking and Adjudications Staff

SUBJECT: Public Comment on Draft Regulatory Guide DG-1136 (RIN 3150 AH-54)

Dear Mr. Meyers:

Enclosed please find a copy of the written comments for draft Regulatory Guide DG-1136 submitted by Engineering Planning and Management, Inc. (EPM). We hope that you find the comments helpful.

Should you have any questions regarding the comments, please do not hesitate to call me at (508) 875-2121.

Very truly yours,

Robert Kalantari
Engineering Manager

Enclosure

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EPM Comments/Questions

1. It is clear in the FRN that some manual actions were approved via the exemption process, however, the new rule should state and/or define in a footnote what "previously approved" manual actions are (i.e., docketed NRC correspondence such as a FP SER and associated supplements, Inspection Reports, etc.).
2. The need for diagnostic instrumentation varies and is largely dependent on the type of procedure (symptom-based versus event-based). A significant amount of diagnostic indication (system/equipment-related) is required operable if post-fire operating procedures are symptom-based procedures. Whereas, the only diagnostic indication needed for licensees that use event-based procedures (beyond the process monitoring indications identified in IEIN 84-09) is the detector/alarm and subsequent confirmation that a fire exists in a given area. This point is discussed in some detail in Section B of DG-1136 (Scope of Regulatory Guide) and Section C.3.1 (3). However, when reading Section C.2.5, "Available Indication," one is lead to believe that "adequate diagnostic instrumentation, unaffected by the fire, is provided to detect that a specific spurious operation has occurred" regardless of what type of procedure used.
3. Non-Appendix R plants (post-1978 licensing) are clearly excluded from this Rulemaking. The footnote on pg 10903 of the FRN states that "Post-Jan 1, 1979 licensees who use operator manual actions without NRC approval may or may not be in compliance with applicable fire protection requirements." Is the criteria for which these plants are evaluated against any different than what is contained in the DG and/or proposed rule?
4. In Section III.C of the FRN (Response to Stakeholder Comments), the NRC's response concerning 'Demonstration Criterion' implies that not all operating shifts need to demonstrate the credited manual actions for all Fire Areas. This is in contrast to the wording of III.B (addition of Paragraph III.P) under Demonstration, where it is stated that "To continue taking credit for operator manual actions, licensees must complete demonstrations such that all operating crews successfully perform the coordinated sets of operator manual actions taken as a result of a fire in a specific fire area."
5. The FRN clearly states that t=0 is "initial fire detection." Has the NRC defined this in earlier guidance? Please footnote and/or provide direct reference back to earlier guidance if applicable.
6. In Section III.B of the FRN, proposed Paragraph III.P.1: Consider replacing "free of fire damage" to "free of, or recoverable from, the effects of fire damage." The new rule would specifically address fire-damaged devices that are nevertheless credited.



7. The rulemaking pertains only to manual actions taken outside containment to achieve and maintain hot shutdown conditions. Does this mean that actions to maintain HSD that are taken inside containment (e.g., IP3 operating charging AOVs) are by definition illegal?
8. Other than 92-18 circuit configurations, MOVs are generally not considered to be adversely affected by fire to the point of inoperability. The FRN implies that this may not be acceptable (Pg 10907, 1st column).
9. The FRN and DG specifically identify that the new rule is part of Appendix R (Sections III.G.2 and III.P). As such, if a plant chooses to adopt 10CFR50.48(c) and comply with the NFPA 805 performance-based approach to fire protection, the requirements of the new rule would not apply. This may be a point worth noting in the final rulemaking document.
10. The new rule is aimed at addressing manual actions that apply to III.G.2 Areas. Not all plants readily identify the compliance strategy in their current documentation and differences in opinion have occurred between the regulator and the licensee as to whether an area is III.G.1 and III.G.2. Unless the rule is applied across the board or the licensees are required to establish a basis as to what compliance strategy each given area meets, then there will still be confusion as to the rule's applicability.
11. Actions that have not been "previously approved" are generally defined in the FRN as those actions that were added during a reconstitution effort that took place to address the TSI deficiency of the early-to-mid 1990 timeframe. By limiting this rule to III.G.2, manual actions that may have been added by the licensee to non-III.G.2 areas under these reconstitution efforts escape the scrutiny of the proposed feasibility acceptance criteria. The new rule needs to make sure that any and all manual actions are feasible and should not be applying acceptance criteria only to a subset of unapproved manual actions.

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