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Serial: PE&RAS 05-042  
May 23, 2005

Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

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~~PROPOSED RULE #~~ 50  
(70 FR 10901)

12

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USNRC

May 24, 2005 (11:30am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**ATTENTION:** Rulemakings and Adjudications Staff

**SUBJECT:** Comments on Proposed Rule: *Fire Protection Program—Post-Fire Operator Manual Actions Draft Regulatory Guide: Issuance, Availability* (70 FR 10901, March 7, 2005) – RIN 3150-AH-54

Ladies and Gentlemen:

Progress Energy endorses the Nuclear Energy Institute (NEI) comments on operator manual actions and this draft regulatory guide submitted by Mr. Alexander Marion in his letter dated May 23, 2005.

In addition, we have the following comments:

Page 2, item (4): This item needs clarification regarding where the fire detectors and automatic fire suppression system should be installed. It is unclear as to whether it is in the area where the fire occurs, or the area where the manual action takes place. The Federal Register Notice (70FR10909 and 10910) states that it applies only where the fire occurs, but the guidance needs to be clearer.

Having said that, once the fire does damage to a cable, having the automatic fire suppressor would not be of any value since the manual actions would still have to be taken. Automatic suppression in the area of the fire may reduce the fire area risk due to the fire, but it does not make the manual action more feasible or reliable.

Page 5 Footnote 2: The definition of Operator Manual Action here, and on page 10, is confusing. After reading the entire document, it appears that the intent is to include any action performed outside of the Control Room, during the period up to and including achieving Hot Shutdown. This definition is too broad with respect to Appendix R III.G.2. For the purposes of this guideline, the definition should exclude those actions that are not performed as a result of the fire. In other words, if actions are contained within the procedure that are expected actions required by a reactor trip coincident with a Loss of Offsite Power (LOOP), then those actions should be excluded from the requirements of this guideline, with the exception of the requirement to include their overall impact on shift resources and the timeline.

Template = SECY-067

SECY-02

Page 7, 3<sup>rd</sup> paragraph: Variations in the characteristics of the fire should not have an impact on the variability of crew performance time since one always assumes the worst case fire for the event.

Page 8 discussion on required time margin and same guidance in section C: There is inadequate supporting documentation to justify the excessive amount of margin required by the proposed guidance (factor of 2 to 4 times, with a minimum additive time of 10 minutes for performance).

- Radiation exposure should not be a factor since the application of Appendix R precludes parameters from exceeding those postulated for a normal plant trip with a LOOP.
- Location of the fire is already included in the development of the procedure; therefore, it could result in a longer time to complete the action but not demonstrate a need for increased margin.
- The discussion regarding the calculation of required times uses the term “reasonable calculation.” However, the requirement is for a conservative calculation using worst case assumptions. Neither of these provides a basis for the increase in required margin.
- Lighting is used as a factor, while Appendix R requires the use of 8 hour battery pack lights.
- The factors proposed above are unprecedented in the industry for Appendix R or Emergency Operating Procedures (EOPs).

Page 13, paragraph c.2.2.(1) third bullet: This requirement specifies that assumptions for the personnel performing actions should be that they are at the most limiting site location possible when called on to perform the action. This was already accounted for in the feasibility study and should not be counted here again.

Page 13, next to last paragraph: ANSI/ANS-58.8-1994 is referenced as a justification for requiring the additional time margin; however, nowhere does the ANSI standard require that a certain degree of margin be assured. This document provides a method for establishing calculation methodologies for performance of actions that are intended to replace automatic protection features. The only requirement was that the impact of the action be in place prior to the calculated time of the action requirement. If this standard were implemented for “as is” for Appendix R related local actions, there would be no requirement for a margin. Appendix R III.G.2 does not require that redundant, automatic controls for systems or components be available to achieve safe shutdown

The application of ANSI/ANS-58.8-1994 is inappropriate for Appendix R manual actions. This standard is intended to provide the technical requirements for manual actions in lieu of automatic actions required to mitigate Design Basis Accidents. Postulated Appendix R fires are not Design Basis Accidents.

Page 21, paragraph C.2.10 staffing: The requirement specifies that an operator be “dedicated” for the performance of the local manual actions and have no collateral duties such as Control Room Watch Stander or Fire Fighting. The statement should be reworded to state that the individual used to perform the action can not be an individual also credited for fighting the fire, or an individual whose use would result in reduction of Control Room Staff below minimum required. Simply worded as is now, it means a person dedicated to solely perform the discrete action.

Page 23, last paragraph: The term “prompt corrective action” should be defined or stated as take action in accordance with the licensee’s corrective action program.

Page 34, paragraph C.3.7, 2<sup>nd</sup> bullet: This requirement states that portable equipment must be subject to “configuration control.” This term has specific meaning to most licensees that is far more limiting than the appeared intent of this requirement. If the intent is to provide for periodic audits as stated in the paragraph then remove the term “configuration control” and leave the term “periodic audits.”

Page 36, paragraph C.3.9: There is no need to post lengthy descriptions of required egress routes in the procedure, except in a very few isolated cases. The location of the fire is always expected to potentially impact routes, and the minimum qualified individual will know what the routes are.

Page 38, last bulleted item: This is covered under normal fire brigade training and does not belong in operator training required for the SSD procedures.

Page 39, last bulleted item: This item contains several undefined terms (excessive, unduly, reasonably). This item should be better defined or eliminated.

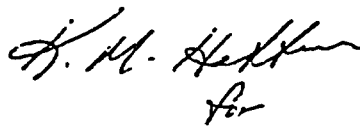
The regulatory analysis of this proposed rule significantly underestimates the cost impact to licensees. Section 3.2.3 “Types of Costs Incurred” states:

*For every exemption request submitted, NRC review is required. This analysis assumes that it will take 110 hours to review an exemption request, at an average rate of \$88/hour, for a total cost of \$9,680 to review each exemption request.*

This is contradicted by the NRC’s previous Federal Register Notice 70FR8678 “10 CFR Parts 170 and 171 Revision of Fee Schedules; Fee Recovery for FY 2005; Proposed Rule” which states that the part 170 hourly rate for NRC review time is \$205/hour.

Please contact me at (919) 546-4579 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "T. M. Groblewski" with a stylized flourish below it.

Tony Groblewski  
Supervisor - Corporate Regulatory Affairs

TG/kmh

cc: Alexander Marion (Electronic Copy Only)

**From:** Carol Gallagher  
**To:** Evangeline Ngbea  
**Date:** Tue, May 24, 2005 11:03 AM  
**Subject:** Comment on Fire Protection Program Proposed Rule

Van,

Attached for docketing is a comment from Tony Groblewski, Progress Energy, that I received via the rulemaking website on 5/23/05.

While the majority of his comment deals with DG-1136, there is a portion that comments on the regulatory analysis for the proposed rule.

Carol

**Mail Envelope Properties (42934238.81A : 2 : 21030)**

**Subject:** Comment on Fire Protection Program Proposed Rule  
**Creation Date:** 5/24/05 11:03AM  
**From:** Carol Gallagher

**Created By:** CAG@nrc.gov

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