



PO Box 1551  
411 Fayetteville Street Mall  
Raleigh NC 27602

Serial: PE&RAS 05-060  
July 12, 2005

Chief, Rules and Directives Branch,  
Division of Administrative Services  
Office of Administration  
U.S. Nuclear Regulatory Commission,  
Mail Stop T6-D59  
Washington, DC 20555-0001.

RULES AND DIRECTIVES  
BRANCH  
USNRC

5/13/05  
70 FR 25622

2005 JUL 19 AM 9:45

3

RECEIVED

**SUBJECT:** Comments on the Nuclear Regulatory Commission Proposed Generic Communication; *Clarification of Post-Fire Safe-Shutdown Circuit Regulatory Requirements* (70 FR 25622, May 13, 2005)

Ladies and Gentlemen:

Progress Energy is submitting the following comments related to the subject Federal Register notice.

1. This Regulatory Issue Summary (RIS) should not be issued since it is in direct conflict with the industry position on the acceptability of manual actions as provided by stakeholder comments related to the proposed manual action rule change. For example, 'Associated Circuits' Section B states that "...operator manual actions may not be credited for such (associated) circuits." This is a new interpretation from the perspective of the industry stakeholders and has been commented on under the proposed manual action rule change.
2. All references to manual actions in this draft RIS should be removed. Manual action requirements, including when they are allowed, should be addressed under the manual action rulemaking. To attempt to address manual actions here and in the manual action rulemaking will unnecessarily add to an already complex body of guidance on Fire Protection.
3. This RIS should also not be issued without addressing the "one-at-a-time" portion of the "any-and-all" statement. Attempting to address "any-and-all" without addressing the second part "one-at-a-time" is a flawed process. The two have been used as one statement since the beginning of Appendix R correspondence. The reference in the RIS confirms that the Staff's review practice was to consider each potential failure "where no two such spurious actuations or failures occur simultaneously" (ML050140123). This 1985 NRC practice would also conflict with the new requirements stated in Part B of the "any-and-all" discussion, where the Staff makes a statement about "combinations of multiple failures."

SISP Review Complete

Template = ADM-013

F-RIDS = ADM-03

Adm = A. Mackley (ANM)

4. The RIS interchanges terms without defining whether there are, or are not, differences (e.g., the Associated Circuits section discusses "any-and-all cables" where the Any-and-All section uses "any-and-all spurious actuations").
5. In the Associated Circuit Section B, in the context of III.G.2, the RIS identifies that the use of manual actions is not an acceptable means of resolving "associated" circuit concerns. Manual Actions are not prohibited by III.G.2. This is another example of why references to manual actions should be removed from the RIS, if it is issued.
6. The Emergency Control Station section introduces a new NRC position relative to what constitutes an acceptable control station. For example, some manual operator actions are needed at individual devices (valves, switches, and circuit breakers) for operation of the system for non-fire shutdown plant evolutions. This implies that the manual actions acceptable for other plant evolutions, including FSAR accidents, are no longer acceptable for Appendix R.
7. Any-and-All Section B implies both safe shutdown credited equipment and non-credited equipment is in scope. Only failures that are credited should be included. Equipment that cannot affect, and is not credited for, safe shutdown should not be included.
8. Any-and-All Section B includes review of all possible combinations. Only the safety significant combinations should be included and addressed. Safety significant combinations should be defined as those that can cause unrecoverable conditions in the plant before safe shutdown can be achieved. "All combinations" is a significant undertaking that does not add to the safety of the plant.

In summary, we urge the staff to reconsider the issuance of this RIS in that it is duplicative of other efforts, it introduces new NRC positions, and will complicate stakeholder understanding of Fire Protection regulations.

Please contact me at (919) 546-6967 if you have any questions.

Sincerely,



Richard T. Garner  
Acting Supervisor - Corporate Regulatory Affairs

RTG/kmh