



# Operator Manual Actions Regulatory Expectations

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# Operator Manual Actions Regulatory Expectations

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- Meeting Objectives
  - Inform stakeholders of staff plans to closeout operator manual actions issues
  - Inform stakeholders of regulatory expectations with respect to operator manual actions
  - Inform stakeholders of future enforcement discretion
  - Initiate discussion with industry on their plans for exemption requests



# Rulemaking Background

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- Background:
    - NRC published proposed rule in March 2005
    - Public comments received by May 2005
    - Staff developed policy paper SECY-06-0010 recommending withdrawal of the rulemaking in January 2006 (ML053350238)
    - Commission approved staff recommendations in SRM-SECY-06-0010 (ML060390744)
    - Federal Register Notice will be published in near future
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# NRC Plans

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- Plans
  - Issue a Regulatory Issue Summary discussing the staff's compliance expectations
  - Continue inspecting licensees' compliance with the regulations and licensing basis through the Reactor Oversight Process
  - Address the Commission action items in SRM-SECY-06-0010
    - Enforcement discretion
    - Standard Review Plan section 9.5.1
    - Information from industry about exemption requests



# Operator Manual Actions Regulatory Expectations

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- Goal
  - Ensure continuing compliance with fire protection regulations and licensing basis



# Operator Manual Actions Regulatory Expectations

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- Paragraph III.G.2 states ‘Except as provided for in paragraph G.3 of this section, where cables or equipment...of **redundant trains of systems necessary to achieve and maintain hot shutdown conditions are located within the same fire area** outside of primary containment, one of the following means of ensuring that one of the redundant trains is free of fire damage shall be provided...’



# Operator Manual Actions Regulatory Expectations

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- Paragraph III.G.2 of Appendix R requires one of three means of ensuring that one of the redundant trains of systems in the same fire area is free of fire damage
  - 3-hour fire barrier
  - More than 20 feet with no intervening combustibles or fire hazards and with fire detectors and an automatic fire suppression system in the fire area
  - 1-hour fire barrier and with fire detectors and an automatic fire suppression system in the fire area



# Operator Manual Actions Regulatory Expectations

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- Paragraph III.G.2 does not permit reliance upon operator manual actions in lieu of the specific methods provided in (a), (b), or (c) to ensure that one of the redundant safe shutdown trains in the same fire area is free of fire damage.



# Operator Manual Actions Regulatory Expectations

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- Pre-1979 licensee using operator manual actions instead of the specific methods in (a), (b), or (c) without an NRC-approved exemption is not in compliance with the regulations.
- Post-79 licensee using operator manual actions may or may not be in compliance depending on the specific licensing commitments and how the change was justified to demonstrate it does not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.



# Operator Manual Actions Regulatory Expectations

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- Licensees have several ways to achieve compliance when redundant trains of systems necessary to achieve and maintain hot shutdown conditions are located within the same fire area



# Operator Manual Actions Regulatory Expectations

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- Achieving Compliance
  - III.G.2 (a), (b), or (c)
  - III.G.3 alternative or dedicated shutdown capability
  - 10 CFR 50.48(c) *National Fire Protection Association Standard NFPA 805*
  - Exemptions



# Operator Manual Actions Regulatory Expectations

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- Achieving Compliance
  - The NRC will continue to verify compliance with regulations through the Reactor Oversight Process
  - The NRC expects noncompliances identified by NRC inspectors or licensees to be addressed by licensees through corrective actions



# Operator Manual Actions Regulatory Expectations

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- Compensatory actions
  - The NRC expects licensees to take prompt compensatory actions for noncompliances
  - Compensatory actions in accordance with the licensee's fire protection program
  - RIS 2005-07
  - Inspection Procedure 71111.05T



# Operator Manual Actions Regulatory Expectations

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- Corrective actions
  - The NRC expects timely completion of the corrective actions
  - RIS 2005-20 *“Revision to Guidance Formerly Contained in NRC Generic Letter 91-18”*  
September 26, 2005 (ML052020424)



# Operator Manual Actions Rulemaking Closure

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**Chris Nolan, Chief**  
Enforcement Policy and Program Oversight  
Office of Enforcement



# Operator Manual Actions Enforcement Discretion

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- Enforcement discretion guidance
  - EGM 98-02 (ML003710123)
    - NRC plans to terminate EGM 98-02 six months from date of *Federal Register Notice* withdrawing the operator manual actions rulemaking
    - Noncompliances identified after the termination date of EGM 98-02
      - Enforcement discretion associated with EGM 98-02 will no longer be available



# Operator Manual Actions Enforcement Discretion

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- Enforcement discretion (future revision, pending)
  - Previously identified noncompliances or those identified during the six month time period are eligible for enforcement discretion provided certain conditions are met
    - Take prompt compensatory actions
    - Initiate corrective actions within six months
    - Complete the corrective actions within 3 years of the FRN date
  - Noncompliances identified after the termination of EGM 98-02
    - Enforcement discretion associated with EGM 98-02 will no longer be available



# Operator Manual Actions

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Initiate discussions with licensees  
about plans to submit exemption  
requests



# Exemption Requests

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## Why NRC is engaging licensees

- SRM dated February 8, 2006 stated:
  - “the staff should seek to obtain information from licensees about their plans to submit exemption requests and ensure...appropriate staff planning and resources...”



# Exemption Requests

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The Commission's stated expectations:

- SRM dated January 18, 2005
  - “although the exemption process is available...the Commission considers the...rulemaking...or 10 CFR 50.48(c) more desirable in order to minimize the need for future exemption requests”
- SRM dated February 8, 2006
  - “the Commission continues to support the risk-informed and performance-based option for bringing closure to issues in the fire protection area”



# Exemption Requests

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- Industry feedback regarding their plans to submit exemption requests
  - consider the Commission's desire to minimize future exemption requests
  - 10 CFR 50.12 requirements



# Exemption Requests

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What information does the NRC need to obtain from licensees

- Schedule – when do licensees plan to submit exemptions
  - consider need for timely corrective actions (3 years from date of FRN)
- Number of exemption requests – will licensees plan to submit a single exemption request(s) at one time or over a time period; how many licensees plan to submit exemption requests



# Exemption Requests

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- Feedback from licensees
  - Future meetings
    - Issues Management Protocol?



# Operator Manual Actions Summary

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- Staff plans to close out operator manual actions issue
- Regulatory expectations
- Compliance expectations
- Enforcement discretion
- Exemption request information from licensees