

▪ <u>Plant:</u>	▪ <u>Harris Nuclear Plant</u>	▪ <u>Submittal Date:</u>	▪ <u>10/26/06</u>
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▪ <u>Submitter Contact:</u>	▪ <u>Elizabeth Kleinsorg</u>	▪ <u>Phone</u>	▪ <u>704.651.5548</u>
▪	▪	▪	▪
▪	▪	▪ <u>Submitter Email:</u>	▪ <u>Insert email</u>

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**Subject:**

Interpretation of guidance?  Yes / No

Proposed new guidance not in NEI 04-02?  Yes / No

**Details:**

**NEI 04-02 guidance needing interpretation (include section, paragraph, and line numbers as applicable):**

Section B.2.2.4 Recovery Actions

**Circumstances requiring guidance interpretation or new guidance:**

Subsequent to the submittal of FAQ 06-0001, the following documents were issued by the NRC:

- 2006-05-26 - Public Meeting Notice 20060609 on Manual Action Clarifications ML061390156
- 2006-05-26 - Draft NRC Response to 05-03-06 NEI letter - ML061440251
- 2006-05-26 - Draft NRC Response to 03-29-06 EPM letter - ML061440237
- 2006-06-30 - RIS 2006-10 Regulatory Expectations With Appendix R Paragraph III.G.2 Operator Manual Actions – ML061650389
- 2006-07-19 - NRC Meeting Summary of 06-09-06 OMA Meeting ML061950327

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- 2006-07-19 - NRC Revision to Draft Response to EPM March 2006 letter - ML061980016
- 2006-07-19 - NRC Revision to Draft Response to NEI May 2006 letter - ML061980035

These documents provide additional clarification with respect to the acceptability of existing manual actions.

**Detail contentious points if licensee and NRC have not reached consensus on the facts and circumstances:**

None.

**Potentially relevant existing FAQ numbers:**

This FAQ supersedes FAQ 06-0001.

**Response Section:**

**Proposed resolution of FAQ and the basis for the proposal:**

Revise Section B.2.2.4, Recovery Actions to clarify the following:

- Operator Manual Actions on 'Fire Affected Train'.  
*"As discussed during a March 1, 2006, public meeting, if one of the redundant trains in the same fire area is free of fire damage by one of the specified means in paragraph III.G.2, then the use of operator manual actions, or other means necessary, to mitigate fire-induced operation or maloperation to the second train may be considered in accordance with the licensee's fire protection program and license condition since paragraph III.G.2 has been satisfied."*(RIS 2006-10)

Additional clarification was provided at the June 9, 2006 Public Meeting and was summarized in a subsequent NRC Internal Memorandum (July, 19, 2006 ML061950327, ML061980016)

- Conversion of Compliance Strategy from III.G.2 to III.G.3.  
*"Paragraph III.G.2 allows the licensee to use the alternative shutdown method described in paragraph III.G.3 of Appendix R if the licensee cannot meet the requirements of paragraph III.G.2."*(RIS 2006-10)
- Exemptions from Paragraph III.G.2 for Plants Licensed to Operate Before January 1, 1979  
*"The regulations in 10 CFR Part 50.48(b) impose the requirements of paragraph III.G.2 of Appendix R on plants licensed to operate before January 1, 1979 (pre-1979 licensees). As originally issued, 10 CFR 50.48, "Fire Protection," allowed licensees to request an exemption from compliance with one or more of the*

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*provisions of Appendix R if the licensee justified the exemption on the basis that the required modifications would not enhance fire protection safety in the facility or that the modifications might be detrimental to overall facility safety.*

*The staff's current basis for approving an exemption is provided in 10 CFR 50.12 "Specific Exemptions." In order for the NRC to approve such an exemption request, a licensee would have to identify all relevant credited operator manual actions by fire area or fire scenario.*

*The NRC has reviewed and granted exemption requests for the use of operator manual actions in lieu of the separation criteria of paragraph III.G.2 where the exemption criteria were met. These exemptions are specific to the licensee and the situation discussed in the exemption. Exemptions granted for specific conditions cannot be applied under other conditions. Although the rationale for an exemption may appear to be applicable to a similar situation for a second licensee, the staff cautions that NRC review and approval by issuance of an exemption would be necessary for the second licensee.*

*The appropriate regulatory vehicle (in the absence of a rulemaking or plant-specific Order) to provide dispensation from compliance with fire protection requirements is the issuance of an exemption under 10 CFR Part 50.12. Inspection reports, meeting minutes, and letters from licensees are examples of documents that do not provide dispensation from compliance with applicable fire protection requirements.*

*For pre-1979 licensees, a staff decision in a safety evaluation report (SER) that approves the use of operator manual actions, in lieu of one of the means specified in paragraph III.G.2, does not eliminate the need for an exemption. Pre-1979 licensees who have SERs, but not a corresponding exemption, which approve manual actions should request an exemption under 10 CFR Part 50.12, citing the special circumstances of section 50.12(a)(2)(ii), citing the SER as the safety basis, and confirming that the safety basis established in the SER remains valid. The staff expects to grant the exemption on these bases without further review. "(RIS 2006-10)*

- **Plants Licensed to Operate After January 1, 1979**

*"Since plants licensed to operate on or after January 1, 1979 (post-1979 licensees), are not required to meet the requirements of paragraph III.G.2, a staff decision in an SER that approves the use of manual operator actions does not require exemption under 10 CFR 50.12. Post-1979 licensees may be requested to demonstrate, as part of the NRC Reactor Oversight Process, that the use of an operator manual action would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire consistent with their license." (RIS 2006-10)*

**If appropriate, provide proposed rewording of guidance for inclusion in the next**

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**Revision:**

Revise NEI 04-02 as shown in attachment.

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**Attachment to FAQ 06-0012 Revision 0**  
**Excerpt from NEI 04-02 Revision 1 with changes tracked**

*B.2.2.4 Recovery Actions*

Operator manual actions will be transitioned as "recovery actions" in the new NFPA 805 licensing bases. Repairs will also be transitioned as "recovery actions".

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The information for operator manual actions that should be included in the summary for the fire area is: 1) whether the operator manual actions are currently allowed or were previously reviewed and approved by the NRC's Office of Nuclear Reactor Regulation (NRR), and 2) reference to documentation that demonstrates prior review and approval by the NRC. Operator manual actions that are currently allowed and/or have been previously reviewed and approved by the NRC (as documented in an approved exemption/deviation) can be transitioned without the need to use the change evaluation process. In some cases the previous approval may not be obvious, yet should be allowed. Examples include:

- Operation of fire affected equipment for fire areas that meet the separation requirements of Section III.G.1 of 10 CFR Part 50, Appendix R (or applicable sections of NUREG-0800). See Figure B-4
- Operation of fire affected equipment for fire areas that meet the protection requirements of Section III.G.2 of 10 CFR 50, Appendix R (or applicable sections of NUREG-0800) for redundant trains. See Figure B-5.
- Manual operation of normally operated manual switches and valves (valves de-energized during normal operation can be considered manual valves) where separation/protection is provided for redundant safe-shutdown trains in accordance with Section III.G.1 or III.G.2 of 10 CFR 50, Appendix R (or applicable sections of NUREG-0800).
- Operator manual actions credited for compliance with Section III.G.3 of 10 CFR 50, Appendix R (or applicable sections of NUREG-0800).
- Operator manual actions to address spurious actuations in the credited safe shutdown success path are allowed, as long as the spurious actuation does not disable the credited function during the time it takes to perform the operator manual action action.
- For pre-1979 licensees, a staff decision in a safety evaluation report (SER) that approves the use of operator manual actions, in lieu of one of the means specified in Section III.G.2 of 10 CFR 50, Appendix R, does not eliminate the need for an exemption. Pre-1979 licensees who have SERs, but not a corresponding exemption, which approves manual actions, should verify that the basis for acceptability in the SER is still valid. If the basis for acceptability is still valid, then no change evaluation is required.
- Since plants licensed to operate on or after January 1, 1979 (post-1979 licensees), are not required to meet the requirements of Section III.G.2 of 10 CFR 50, Appendix R, a staff decision in an SER that approves the use of manual operator actions does not require an exemption under 10 CFR 50.12. No change evaluation is required.

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<#>The operator manual action is currently credited in Non-Alternate Shutdown Procedure. The manual action was specifically discussed as acceptable in the SER however the NRC did not grant an exemption/deviation. This can be considered previously approved.¶  
<#>Operation of equipment for which cables and equipment for the redundant safe shutdown train are located in separate fire areas thus meeting Section III.G.1 of Appendix R to 10 CFR Part 50,¶  
<#>Manual operation of normally operated manual switches and valves where III.G.1 separation is provided for redundant safe-shutdown trains¶

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**Attachment to FAQ 06-0012 Revision 0**  
**Excerpt from NEI 04-02 Revision 1 with changes tracked**

Repairs or operator manual actions credited either for transitioning to or maintaining cold shutdown equipment will also be transitioned on a fire area basis and do not require a change evaluation. Information that should be summarized includes reference to documentation that demonstrates the equipment necessary for the repair/action is staged, the repair/action is proceduralized, and the repair/action is achievable in the necessary timeframe.

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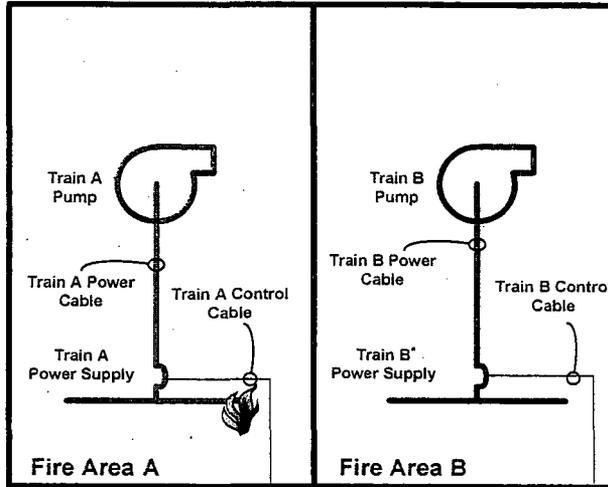
Operator manual actions are not allowed or have not been previously reviewed and approved by the NRC should be addressed for acceptability using the change evaluation process outlined in Chapter 5.3 of this guidance. The following methodology should be used to optimize this process:

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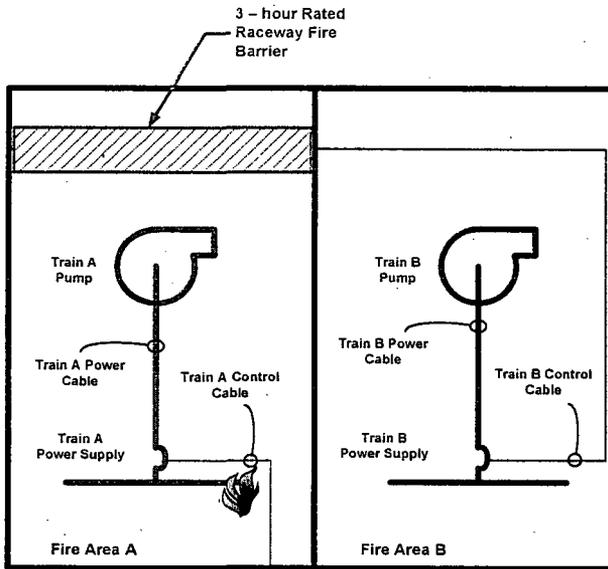
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**Attachment to FAQ 06-0012 Revision 0  
Excerpt from NEI 04-02 Revision 1 with changes tracked**



Fire Area A and B meet the separation criteria of 10 CFR 50 Appendix R Section III.G.1. A postulated fire in Fire Area A could result in the spurious starting of the Train A pump, which can be mitigated by a manual operator action to de-energize the Train A Power Supply to stop Pump A.

**Figure B-4 Acceptable Manual Action in Fire Area Meeting 10 CFR 50, Appendix R, Section III.G.1 Separation Criteria**



Fire Area B meets the separation criteria of 10 CFR 50 Appendix R Section III.G.2.a. A postulated fire in Fire Area A could result in the spurious starting of the non-credited Train A pump, which can be mitigated by a manual operator action to de-energize the Train A Power Supply to stop Pump A. This is functionally equivalent to Case in Figure B-1.

**Figure B-5 Acceptable Manual Action in Fire Area Meeting 10 CFR 50, Appendix R, Section III.G.2 Compliant – Manual Action for Fire Affected Train**