NUCLEAR ENERGY INSTITUTE

Alexander Marion
ACTING VICE PRESIDENT
NUCLEAR OPERATIONS
NUCLEAR GENERATION DIVISION

January 9, 2009

Mr. John A. Grobe
Associate Director for Engineering and Safety Systems
Office of Nuclear Reactor Regulations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Industry Survey of Operator Manual Action Exemptions.

Project Number: 689

Dear Mr. Grobe:

The Nuclear Energy Institute (NEI) recently completed an informal survey of its member utilities to determine the number of fire protection exemption requests, related to Operator Manual Actions, the Nuclear Regulatory Commission could expect to see pursuant to the actions of EGM 07-0004, issued on June 30, 2007, (ADAMS Accession No. ML0718303450).

Enforcement Guidance Memorandum (EGM 07-0004) provided guidance to the Industry on operator manual action enforcement discretion. Key points included:

1. September 6, 2007, was established as the end date for implementation of compensatory measures related to operator manual actions.
2. Confirmed March 6, 2009, as the date for the completion of corrective actions associated with noncompliances involving operator manual actions. These correction actions could either take the form of modifications that would remove the need for the action or a formal exemption request, submitted the NRC for approval, prior to the specified date.

In an effort to help determine the Industry response to the subject EGM, information was gathered from plants currently transitioning to NFPA 805, under 10CFR50.48(c), and others not planning a transition at this point.

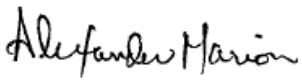
1776 I Street, NW | Suite 400 | Washington, DC | 20006-3708 | P: 202.739.8080 | F: 202.533.0164 | am@nei.org | www.nei.org

The survey confirmed that the currently forty-seven (47) plants transitioning to NFPA 805 do not intend on submitting exemption requests for Operator Manual Actions, as the treatment of such will be included within their License Application.

Of the remaining plants, forty-six (46) units responded to our survey. The vast majority of the responses indicated that they would be resolving any open issues concerning Operator Manual Actions using plant modifications. Nine (9) Stations indicated that they had either already submitted the required paperwork to the NRC or had plans in place to do so prior to the date stated in the EGM (March 6, 2009). Further, four (4) of the nine (9) stations indicated that their response would include previously approved Operator Actions and all nine (9) indicated that they would be submitting the required exemption paperwork for new actions.

If you have any questions regarding this information, please feel free to contact me at 202-739-8080; am@nei.org or Steven Hutchins 202-739-8025; sph@nei.org.

Sincerely,



Alexander Marion

c: Mr. Alex R. Klein, NRR/ADES/DRA/AFP, NRC
NRC Document Control Desk