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From: John Hannon <sup>HG</sup>  
To: Coe, Doug; Koltay, Peter; Payne, Charlie; Qualls, Phil; Weiss, Eric <sup>HG</sup>  
Date: 8/6/02 10:09AM  
Subject: Re: Need to discuss inspection guidance

What we need is clarification in the inspection procedure that would explain that the NRC is not going to pursue enforcement action for licensees who have failed to get exemptions or deviations for manual actions to meet III.g.2. (the administrative aspect). However, if the manual actions do not meet the smell test, then we will pursue the safety aspect through appropriate enforcement action. GL 91-18 was not what I was after here. We may need a meeting to make sure we are communicating effectively.

John N. Hannon  
Branch Chief  
Plant Systems Branch  
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>>> Peter Koltay 08/06/02 09:56AM >>>  
Phil,

as I am reviewing generic letter 91-18 rev 1, resolution of degraded and nonconforming conditions, I am wondering why we do not rely on this guidance to address the fire protection related manual action issues. It appears to be a reasonable (and possible required) interim solution. I recommend that we ask NEI (or request the individual licensees) through generic communications to identify plants where the removal of thermolag resulted in the loss of conformance with III.G.2 requirements, and describe the extent of compensatory measures including manual actions implemented. 91-18 requires licensees to prepare operability determinations and provide justifications for continued operations based on compensatory measures and on proposed permanent timely corrective actions.

>>> Phil Qualls 08/05/02 04:40PM >>>

Peter, we are pursuing rulemaking to address the feasible manual action issue to satisfy III.G.2 of Appendix R.

When the SECY paper for the rulemaking is issued, the enforcement folks will do an EGM.

In the interim, there are a lot of questions. We have been telling folks to treat manual actions in lieu of a III.G.2 barrier as a violation and follow the ROP. The training we provided has served as the basis for what is feasible. My management (John) said that something more is needed for the interim. A change to the inspection guidance on dealing with this issue seems the best way. For those MAs which would otherwise be acceptable and the licensee only failed to obtain an exemption, treat as minor/green or whatever the low level ROP treatment is these days.

For those MAs without proper supporting analysis and/or greater than green risk, proceed with SDP evaluation. Anyway this issue is to be discussed on the Friday counterpart (management) call. We want to know if we can say that inspection guidance for manual action issues is being developed.

Phil

CC: Whitney, Leon

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