

From: Sunil Weerakkody *INRR*  
To: Nease, Rebecca *RIV*  
Date: 6/13/03 10:20AM  
Subject: Re: FYI: possible TIA on manual actions

Rebecca:

I want to acknowledge the receipt of the Email.. I assume Mark Salley is aware of this issue. I started on June 1st and I am in a mode where I address the most urgent or important issues..My apologies...I will eventually get back to you.

Sunil

>>> Rebecca Nease 06/13/03 10:34AM >>>

Congratulations on being selected fire protection section chief, and welcome to the NRC's fire protection world.

I have recently been selected as the Engr/Maint Branch Team Leader in Region IV, and as such will be handling the region's implementation of the fire protection inspection program.

I want to give you a "heads-up" on two similar licensing basis issues we have identified at post -1979 sites. The issues involve changes the licensees made to their fire protection program (FPP) in which manual actions were implemented in lieu of providing the physical protection required in 10 CFR Part 50 Appendix R, Section III.G.2.

1st example - PRE-DECISIONAL

Post-1979 plant - committed to III.G.2 - has the standard FP license conditions. The licensee removed Thermo-Lag and implemented manual actions to mitigate the effects of fire damage. They have procedures describing these manual actions. Before making the changes, the licensee presented several of these deviations in a meeting with the NRC. In the meeting summary, the project manager stated that these deviations did not need to be submitted for staff review, and that the licensee's change process was

[REDACTED]

In addition, NUREG 1409 provides guidance on what is considered tacit approval. Specifically, if a licensee submits a proposal for some type of action to the NRC, and the NRC does not take action in a timely manner, then the licensee can consider the lack of response to be tacit approval for the proposed action. *S*

[REDACTED]

This license condition states that the licensee may make changes to their FPP without NRC approval as long as the changes do not adversely affect their ability to achieve safe shutdown (SSD). *S*

[REDACTED]

DO WE HAVE A FINDING/VIOLATION? *S*

[REDACTED]

2nd ex'pl - Diablo Canyon IR 50-275/323-2003002

Post-1979 plant - committed to III.G.2 - has the standard license conditions. The licensee uses manual actions for meeting III.G.2. Some were described in the licensee's SSD methodology which was

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FOIA- 2013-358

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submitted to the NRC. The NRC did not discuss the manual actions in the SERs. Other manual actions were only submitted to the NRC as part of their emergency lighting submittal. The licensee listed the areas where manual actions were credited for SSD and described their proposed emergency lighting. The staff's SER emergency lighting discussion centered only on the effectiveness of the licensee's emergency lighting proposal. [REDACTED]

DO WE HAVE A FINDING/VIOLATION? [REDACTED]

CC: Johnson, Claude; Marschall, Charles; Mullikin, Ray