

From: Charlie Payne *ICIT*
To: Norman Merriweather
Date: 4/17/03 10:23AM
Subject: Fwd: Re: DRAFT INSPECTION PROCEDURE ON MANUAL ACTIONS

This is the most recent guidance we have re: disposition of manual action findings. Note that the memo is DRAFT. I haven't seen an issued memo yet so it may still be "in process". I'll check and let you know. There's a second set of e-mails between Ogle and Coe I will send separately that discusses some other subtle aspects to consider.

Charlie...

NN-12

Mail Envelope Properties (3E9EB8CF.1E4 : 4 : 51305)

Subject: Fwd: Re: DRAFT INSPECTION PROCEDURE ON MANUAL
ACTIONS
Creation Date: 4/17/03 10:23AM
From: Charlie Payne
Created By: DCP@nrc.gov

Recipients	Action	Date & Time
nrc.gov		
ATL_PO.ATL_DO	Delivered	04/17/03 10:23AM
NXM (Norman Merriweather)	Opened	04/17/03 10:29AM

Post Office	Delivered	Route
ATL_PO.ATL_DO	04/17/03 10:23AM	nrc.gov

Files	Size	Date & Time
Mail MESSAGE	861	04/17/03 10:23AM

Options

Auto Delete:	No
Expiration Date:	None
Notify Recipients:	Yes
Priority:	Standard
Reply Requested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

To Be Delivered:	Immediate
Status Tracking:	Delivered & Opened

From: Doug Coe
To: Charles Casto; Cynthia Pederson; Dwight Chamberlain; Harold Christensen; Richard Crlenjak; Roy Caniano; Wayne Lanning
Date: 1/22/03 10:33AM
Subject: Re: DRAFT INSPECTION PROCEDURE ON MANUAL ACTIONS

Note to DRS Div Directors and Deputies:

Please remind your inspectors that inspection procedure guidance that has been issued for regional comment is not yet officially approved guidance and should not be used as the basis for discussions with licensees. Such draft guidance might contain new information or insights that can be utilized within the context of the currently approved inspection program.

Inspectors must in all cases remain sensitive to avoiding the appearance of imposing any standard or criteria on a licensee on the basis of inspection guidance (note the caution in IMC 2515 para. 2515-08).

In the specific case of manual actions used in lieu of meeting regulatory requirements, the draft inspection guidance is intended to encourage consistency in inspector judgement as to whether such manual actions are a reasonable interim compensatory measure until such time as the licensee effects a permanent resolution as part of their corrective action program or as a result of agency rulemaking action.

Also, based on discussions at the recent Div Dir counterpart meeting and followup discussion between IIPB/SPLB, the attached draft memo is being prepared to help clarify how fire protection manual action findings should be dispositioned within existing ROP/OE procedures/guidance. Please let me know if this draft memo addresses your need for clarification.

Doug

>>> Eric Weiss 01/16/03 04:41PM >>>

Doug-

At today's DSSA Staff meeting, Suzie Black asked that I convey to you a request that you remind the regions that they should not use the draft inspection procedure on manual actions until it is issue in final form. I understand that NEI brought this issue before the senior management meeting.

-Eric

CC: Bruce Boger; Cynthia Carpenter; David Matthews; David Nelson (HQ-OE); Eric Weiss; Gary Holahan; John Hannon; Laura Dudes; Suzanne Black

Mail Envelope Properties (3E2EB99C.234 : 0 : 21096)

Subject: Re: DRAFT INSPECTION PROCEDURE ON MANUAL ACTIONS
Creation Date: 1/22/03 10:32AM
From: Doug Coe

Created By: DHC@nrc.gov

Recipients

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ARL_PO.ARL_DO
DDC (Dwight Chamberlain)

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ATL_PO.ATL_DO
CAC1 (Charles Casto)
HOC (Harold Christensen)

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CDP1 (Cynthia Pederson)
RJC1 (Roy Caniano)

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RVC (Richard Crlenjak)
WDL (Wayne Lanning)

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owf2_po.OWFN_DO
BAB2 CC (Bruce Boger)
DJN CC (David Nelson (HQ-OE))
EWW CC (Eric Weiss)
GMH CC (Gary Holahan)
SCB CC (Suzanne Black)

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CAC CC (Cynthia Carpenter)
DBM CC (David Matthews)
JNH CC (John Hannon)
LAD CC (Laura Dudes)

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Files	Size	Date & Time
fire protection manual actions finding disposition.wpd		11103 01/15/03
07:19AM		
MESSAGE	2855	01/22/03 10:32AM

Options

Expiration Date:	None
Priority:	Standard
Reply Requested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

DRAFT

Date

MEMORANDUM TO: Wayne D. Lanning, Director, DRS, RI
Charles A. Casto, Director, DRS, RII
Cynthia D. Pederson, Director, DRS, RIII
Dwight D. Chamberlain, Director, DRS, RIV

FROM: Cynthia A. Carpenter, Chief
Inspection Program Branch
Division of Inspection and Support Programs
Office of Nuclear Reactor Regulation

John N. Hannon, Chief
Plant Systems Branch
Division of Systems Safety and Analysis
Office of Nuclear Reactor Regulation

SUBJECT: DISPOSITIONING FIRE PROTECTION FINDINGS RELATED TO
MANUAL ACTIONS USED IN LIEU OF SEPARATION REQUIREMENTS

This memorandum reinforces existing Reactor Oversight Program (ROP) guidance related to subject findings, to enhance consistency of their treatment and dispositioning within the ROP.

Situations may arise where a licensee is found to be in non-compliance with separation requirements (e.g., III.G.2), but has procedurally implemented a set of specific manual operator actions to achieve safe shutdown for fires occurring in the associated areas. Under existing ROP guidance (IMC 0612), such an issue must first be determined to be a licensee performance deficiency. If so, it is a finding and if it is determined not to be willful or have impeded the regulatory process, then it must be characterized for significance. If the staff cannot make a determination regarding whether the issue is a performance deficiency (e.g., typically this may arise if the licensee asserts that it is meeting its current licensing basis), and the question cannot be resolved prior to the issuance of the inspection report, then an Unresolved Item (URI) may be opened to track the staff's resolution. A URI can be opened for one of only two reasons: 1) further information or review is needed to determine whether there is a finding, or 2) the Significance Determination Process (SDP) has not yet produced a final result.

If the issue is a finding, then it is tested against the "minor" criteria per IMC 0612 Appendix B. If the finding is greater than minor, then it is characterized by the applicable SDP. In the case where a licensee has implemented manual actions, such actions may be taken into account in the SDP as an interim compensatory measure, similar to a fire watch being stationed when the licensee removes a fire door from service. If the inspector concludes that the manual actions are reasonable, then this could provide sufficient justification that the increase in CDF and LERF risk is negligible and that the finding significance may be characterized as "green." If

manual actions were not implemented, or were found not to be reasonable (e.g., could not be implemented as documented, or otherwise were not likely to fulfill their objective), then the SDP should be conducted without crediting these actions. Inspection guidance is being developed to help improve the consistency of Inspector evaluation of reasonableness of manual actions. However application of such inspection guidance in no way provides regulatory approval to allow a licensee to substitute manual actions in lieu of meeting physical separation or other requirements.

If the inspector concludes that the finding significance is green and if the licensee has entered the issue into their corrective action program, then the non-compliance is an NCV and the finding is documented in accordance with IMC 0612 requirements. If the finding is determined to be greater than green, then the non-compliance is an NOV and the finding is documented in accordance with IMC 0612 requirements.

In those cases where manual actions are providing an interim compensatory measure, the licensee corrective action program is expected to track the finding to final resolution. In these cases, final resolution may involve a change to the fire protection regulations, currently being pursued by NRR, that generically provides for some use of manual actions that meet specific criteria. An approved rulemaking plan and related interim enforcement discretion guidance is expected within about one year. Licensees will likely monitor this action closely and if the final rule change does not provide the expected relief for a specific situation, a licensee must either restore full compliance without reliance upon manual actions, or alternatively submit a formal request for relief to the staff.

If you have any questions regarding this, please contact Doug Coe, IIPB at (301) 415-2040 (Email DHC) or Eric Weiss, SPLB at (301) 415-3264 (Email EWW).

cc: