

From: Tajuan Gorham  
To: Rani Franovich  
Date: 11/12/03 9:39AM  
Subject: Re: FOLLOW UP TO MY VOICE MAIL

Hi Rani,

Per email from Mike Johnson dated 9/3/03, DSSA believes that no action should be taken in response to the ticket. His email is attached. I spoke with the DSSA secretary to have this noted in the comment field of the incoming (which is the process for appropriate action tickets) and to have the document declared an OAR in ADAMS.

If you have any questions about this decision, please contact Mike Johnson.

Thanks, TJ

>>> Rani Franovich 11/12/03 08:01AM >>> *MLP*

Hi TJ,  
Many thanks for following up on this item and for offering to check with DSSA on the status. That would be great. Please include Sunil, Eva and Ray in your correspondence to me on what you find out. They are interested in knowing as well...  
Thanks again,  
Rani

>>> Tajuan Gorham 11/10/03 08:56AM >>> *MLP*

Rani,

G20030512 was an appropriate action ticket which means we were not required to respond. The ticket was assigned to DSSA and they had until 9/5/03 to decide whether they were going to take action on the ticket or not. It appears that they did not take action. I checked the incoming in ADAMS and DSSA did not state in the comment field that they were not going to take action so I really am not sure what is going on with this ticket. If you like I can check with DSSA and get back to you. Let me know.

Thanks, TJ

>>> Rani Franovich 11/07/03 01:52PM >>> *MLP*

Hi Chuck,  
You may or may not be familiar with an August 18, 2003, letter from the NEI to the Chairman in which the industry expresses its concerns WRT the dispositioning of issues involving FP manual actions. A green ticket (G20030512) was issued on this letter. I have searched ADAMS to see if we have issued a response and did not find one. I can only assume that we are still developing our response but could not confirm this with TJ Gorham, who is out of the office today.

Nevertheless, it may be worthwhile to read the letter and consider the concerns expressed by NEI so you can gauge and prepare for the potential reaction from the utility. The accession number is ML032410263.

Hope this helps.  
Rani

*MLP Release*

*✓*  
*5*  
*DDD-15*

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>>> Charles R. Ogle 11/05/03 12:18PM >>> *RII*

Dave, I really appreciate the effort that you have put into this issue, and your proposed compromise. However, I would like to explore issuing the report as written. (The acceptable manual actions are captured in the green NCV.)

My logic:

- 1) It is the right thing to do. We know the risk of these findings from a phase III. They are green. The licensee is working to fix the problem. Keeping even a portion of the URIs open does little in my view to enhance safety.
- 2) We stand the potential to lose credibility with the folks we regulate and the public if we can deal with the actions we find unacceptable but can't deal with the issues we find acceptable.
- 3) I think that we should deal with issues with the facts that we have at hand using the guidance we have at hand. We can deal with the acceptable manual actions with the info we currently have. I think it sends the wrong message to the inspectors, licensees and public about our current criteria for manual actions if we say that we need to keep the issue open pending development of revised criteria. Further, I think the revised criteria have the potential to be different enough so as to potentially require additional, substantial inspection work with little value to enhance safety.
- 4) There is the real potential that the manual actions may be replaced by the licensee by the time that the enf discretion/revised criteria are issued. That would make it very difficult to re-inspect.

With this said, and so it is not perceived as a threat, what process do I need to follow to issue the report with out you all's concurrence? I am interested in your recommendations as to what level this should be handled at?

Further, so as to comply with our internal ROI on not getting concurrence I need to know if you have a safety concern with anything in the report. Also, any other feedback related to the report (style, format, editorial) would be appreciated.

CC: Eva Brown; Michael Johnson; Ray Gallucci; Sunil Weerakkody; Sylvia Washington

**From:** Michael Johnson } MJR  
**To:** FAST  
**Date:** 9/3/03 3:07PM  
**Subject:** G20030512  
**Place:** FAST

DSSA believes that no action should be taken in response to the subject ticket.

The GT relates to NEI comments on the Rulemaking Plan that is with the Commission for consideration. The Chairman forwarded NEI's letter to the staff *for appropriate action*.

Staff action, prior receipt of a Commission decision would be premature and outside of the process.

Recommend closing this item. We will respond to direction provided by the Commission in its SRM on the Plan.

**CC:** Black, Suzanne; Gillespie, Frank; Hannon, John; Matthews, David; Skeen, David; Washington, Sylvia; Weerakkody, Sunil