



ROCHESTER GAS AND ELECTRIC CORPORATION • 89 EAST AVENUE, ROCHESTER, N.Y. 14649-0001



AREA CODE 716 546-2700

ROBERT C. MECREDY
Vice President
Nuclear Operations

June 7, 1996

U.S. Nuclear Regulatory Commission
Document Control Desk
Attn: Guy S. Vissing
Project Directorate I-1
Washington, D.C. 20555

Subject: Reply to a Notice of Violation
NRC Integrated Inspection Report 50-244/96-01 and Notice of Violation, dated
May 8, 1996
R.E. Ginna Nuclear Power Plant
Docket No. 50-244

Dear Mr. Vissing:

During an NRC inspection conducted on January 28 to March 23, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. Technical Specifications (TS) Section 5.4.1 requires, in part, that written procedures be established, implemented and maintained covering applicable procedures recommended in Regulatory Guide 1.33, Revision 2, Appendix A, February 1978. Regulatory Guide 1.33 recommends a written administrative procedure covering procedure adherence and temporary procedure change methods. The licensee's administrative procedure A-601.3, "Procedure Control - Temporary Changes," was established to meet the above recommendation and requires that a independent reviewer (PIR) review associated 10CFR50.59 safety reviews for adequacy and completeness. Procedure A-601.3 also requires the shift supervisor review temporary procedure changes for impact on operations.

Contrary to the above, on March 8, 1996, administrative procedure A-601.3 was not properly implemented and did not prevent the authorization of work that physically rendered both pressurizer power-operated relief valves (PORVs) inoperable for a total of 1 hour and 37 minutes when the reactor plant was in Mode 3. A pending temporary change to procedure M-37.150 was altered to permit maintenance on both PORVs simultaneously without the PIR reviewing the associated 10CFR50.59 safety evaluation for adequacy and completeness. Once the temporary procedure change was altered, the associated 10CFR50.59 safety evaluation was no longer adequate or complete since two inoperable PORVs in Mode 3 is a condition prohibited by TS Section 3.4.11, Condition F. In addition, the shift supervisor did not adequately review the temporary procedure change for its impact on plant operations, in that he authorized work to proceed that disabled both PORVs simultaneously.

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- (1) the reason for the violation, or, if contested, the basis for disputing the violation:

Rochester Gas & Electric Corporation (RG&E) accepts the violation. We acknowledge that both PORVs were made inoperable when the air/nitrogen supply lines were disconnected from the valve actuators. Allowing work to be done on both PORVs simultaneously was accomplished by adding a note to a proposed temporary procedure change package (that had been developed in August 1995, as part of the original work package). After adding the note to the procedure change package on March 8, 1996, the Safety Review form was signed off by the independent reviewer. This independent review, performed on March 8, was neither complete nor adequate, due to incorrect assumptions regarding the effect of the change on equipment operability.

Weaknesses in the procedure change process and Safety Review process allowed a procedure change to be made which evaluated only the end result of the maintenance activity, without evaluating the impact on equipment operability during the performance of the activity. Ineffective communications between groups resulted in incorrect assumptions by members of plant staff. These incorrect assumptions led to concurrence between operations and maintenance personnel on the acceptability of the activity, and operations personnel then authorized performance of the activity.

- (2) the corrective steps that have been taken and the results achieved:

The corrective action taken for the weaknesses in the procedure change process was to issue a letter to all operators, planners and PIRs. This letter emphasized that the work scope must be fully understood, that a questioning attitude must be maintained, and that the Safety Review be thorough. This action has resulted in a heightened awareness on the part of operators, planners, and PIRs when performing Safety Reviews.

- (3) the corrective steps that will be taken to avoid further violations:

The procedure change process and Safety Review process are being revised to include an evaluation of the condition of equipment during procedure usage, to explicitly address potential equipment impacts from procedure changes. Outage Management Guidelines (OMGs) for forced outages will be revised to include the lessons learned from this event. Maintenance and outage planners, PIRs, and operating shift personnel will be trained on the changes to the procedure change process and Safety Review process, the changes to the OMGs, and the lessons learned from this event.

- (4) the date when full compliance will be achieved:

Full compliance was achieved on March 9, 1996, when both PORVs were restored to operable status.



- B. 10 CFR Part 50.47(b)(8) requires adequate emergency facilities and equipment to support the emergency response, and 10 CFR Part 50.47(b)(9) requires adequate methods, systems, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition. The licensee's Nuclear Emergency Response Plan (NERP), Section 4.3.12, Laboratories, states "the second laboratory (Environmental Laboratory) is used for environmental samples ... and duplicates the main laboratory equipment and could be used for diluted post-accident samples if needed." Section 6.3.9, Plant Laboratories, states in part, "Separate laboratory facilities are provided for assessing the effect of the plant on the environs."

Additionally, 10 CFR Part 50.47(b)(14) requires, in part, periodic exercises be conducted to evaluate major portions of the emergency response capabilities, and periodic drills be conducted to develop and maintain key skills. The NERP, Section 7.1.5, Drills and Exercises, states, in part, "A plant environs radiological monitoring drill (onsite and offsite) will be conducted annually in conjunction with training for and during the annual exercise. This shall include collection and review of analyses procedures for environmental samples." Appendix H of the NERP cross-references Section 7.1.5 to Objective N.2.d of NUREG-0654, Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants, which states, in part, "Plant environs and radiological monitoring drills (onsite and offsite) shall be conducted annually. These drills shall include collection and analysis of all sample media ..."

Contrary to the above, as of March 14, 1996 adequate methods (procedures) did not exist to utilize the laboratory capabilities at the Assessment Facility (Environmental Lab) to handle, transport and analyze a post accident sampling system (PASS) sample and to assess potentially contaminated samples collected offsite during radiological emergency conditions. Additionally, the licensee has never exercised (under drill conditions) bringing simulated radioactive samples from either the in-plant laboratory or from offsite into the Assessment Facility for analysis.

- (1) the reason for the violation, or, if contested, the basis for disputing the violation:

Rochester Gas & Electric Corporation (RG&E) does not agree with the violation. The basis for disputing the violation is that RG&E maintains it has met its commitments under NRC regulations as well as under the RG&E Nuclear Emergency Response Plan (NERP) for all major portions of its emergency response program, and has regularly demonstrated the adequacy of the key elements of the NERP. RG&E maintains that adequate methods exist to handle, transport, and analyze in-plant post-accident samples and that it also has adequate assessment capability for potentially contaminated samples collected offsite.

Three principal issues form the basis for RG&E's disagreement with the violation.



First, the Environmental Laboratory is not intended or described in the Ginna Updated Final Safety Analysis Report (UFSAR) or NERP as the primary method for analysis of in-plant post-accident samples. RG&E has satisfied NUREG-0737 (Item II.B.3) and NUREG-0654 (Item I.2) requirements through the installation, operation and maintenance of its PASS, associated system operating procedures, and personnel qualifications.

The PASS is designed to allow radiation protection personnel to obtain primary reactor coolant, containment sump and containment atmosphere radioactivity and chemistry measurements under post-accident conditions within the prescribed timeframes and exposure guidelines of NUREG-0737. The in-plant Primary Chemistry Laboratory and Count Room (in-plant laboratory), for which additional radiation shielding was installed because of NUREG-0737 requirements, is available for the processing and analysis of dilute post-accident samples. All aspects of these processes are described in detail in plant radiochemistry procedures.

The use of the in-plant laboratory (versus the use of the Environmental Laboratory) in support of the PASS is discussed in the NRC Safety Evaluation of RG&E's implementation of NUREG-0737, Item II.B.3, dated April 24, 1984. The Environmental Laboratory, located outside of the plant protected area, is identified in Sections 4.3.12 and 6.3.9 of the NERP solely to provide back-up analytical capability for diluted samples if the in-plant laboratory were unavailable. The Environmental Laboratory is designed primarily to support the Radioactive Effluent Controls Program (required by Ginna Technical Specification (TS) 5.5.4) and not to support the PASS Program (required by TS 5.5.3).

The use of the Environmental Laboratory as a back-up to the in-plant laboratory, as identified in the NERP, is similar to the multiple options presented in the Emergency Operating Procedures (EOPs). These options are provided in the NERP and EOP's to address all conceivable scenarios, even though the accident analysis does not credit their use or availability. Similarly, the PASS is intended to interface with the in-plant laboratory in meeting the requirements of NUREG-0737, while the NERP provides an option for the use of the PASS in the unforeseen and unassumed instance that the in-plant laboratory is unavailable.

While the Environmental Laboratory provides additional capability for analysis of dilute post-accident samples, a unique series of post-accident analysis procedures is not needed, because the same mainframe computer screens are accessed for sample analysis in either the in-plant laboratory or the Environmental Laboratory. Thus, the Environmental Laboratory relies on post-accident sample processing and analysis procedures used for the in-plant laboratory and counting facilities.

RG&E maintains that it has met its regulatory commitments through the PASS and associated dedicated in-plant facilities and procedures. RG&E does not believe it is reasonable for the NRC to impose additional regulatory requirements for a back-up laboratory, which, if not explicitly met, are treated as a violation of federal regulations.

The second principal issue centers on the NRC's statement that adequate methods (procedures) did not exist to utilize the Environmental Laboratory to assess potentially contaminated samples collected offsite during radiological emergency conditions. The primary use of the Environmental Laboratory is the day-to-day processing of environmental samples (containing low radioactivity concentrations) under the radiological environmental monitoring program (REMP). The scope and requirements of the REMP laboratory analysis capabilities and operations are described in detail in the Offsite Dose Calculation Manual (ODCM) and in a series of formal laboratory operational procedures.

For emergency conditions, a separate series of emergency plan implementing procedures are utilized for the collection and assessment of post-accident environmental samples, including airborne particulate and radioiodine, soil, water and vegetation. Mobile survey teams are trained to collect samples, conduct radiological count rate readings in the field, transmit the readings, package and transport the samples to a laboratory. Normally, the samples are transported to the Survey Center, where a decision is then made by the Dose Assessment Staff (based upon accident conditions) whether to analyze samples in the Environmental Laboratory or another offsite facility. (The availability of the James A. FitzPatrick Environmental Laboratory is an option, and is identified under a letter of agreement included in the NERP)

It is recognized that samples containing higher levels of radioactivity require additional precautions for sample segregation, handling and isotopic analysis. Indeed, such measures were successfully invoked during RG&E's response to the post-plume contamination following the 1982 Ginna steam generator tube rupture event. Established radiation protection procedures and processes (such as the Radiation Work Permit) are available to set up necessary controls for sample segregation and handling. Post-plume sampling and assessment procedures are also described in other emergency plan implementing procedures. RG&E agrees that additional detailed procedural guidance for contaminated sample processing and analysis in the Environmental Laboratory could be a desirable enhancement to its program. However, the present capability to assess potentially contaminated environmental samples meets the requirements of federal regulations.

The third principal issue is the NRC's contention that RG&E should have explicitly demonstrated the processing and analysis of simulated in-plant or environmental samples in the Environmental Laboratory during drill conditions. As discussed above, RG&E's PASS and the in-plant laboratory (including the Count Room) constitute the primary method for the collection, processing and analysis of in-plant post-accident samples.



These facilities are not only used routinely for normal plant operations, but are also included in emergency drills each year. RG&E maintains that these actions fulfill its regulatory commitment with regard to required in-plant post-accident sampling capability.

RG&E maintains that it has also satisfied NRC expectations for the demonstration of radiological assessment capabilities during drills and exercises conducted over several years. RG&E conducts annually, as a minimum, an exercise and practice drill which include objectives to assess the offsite impact of a radiological release to the environment and the deployment of offsite survey teams to perform sample collection and radiological measurements. Typical drill extent-of-play guidelines require survey teams to measure ambient radiation levels, perform airborne particulate and radioiodine measurements and to measure post-plume ground deposition levels as the drill scenario permits. Air samples are returned to the Survey Center, typically at the end of the drill scenario.

Survey teams are also trained and equipped to collect other environmental sample media. However, plume-exposure drill scenarios usually do not permit sufficient time for the real-time collection and laboratory analysis of other types of samples. The Dose Assessment staff at the RG&E Emergency Operation Facility (EOF) routinely discusses post-plume environmental sampling plans near the end of the exercise, using emergency plan implementing procedures. The EOF staff established a comprehensive post-plume sampling plan during the 1987 Ginna Ingestion Pathway Exercise, in concert with New York State and Department of Energy dose assessment organizations.

In conducting its NRC-evaluated exercise program in this manner, RG&E maintains that it has complied with the requirements of NRC regulations as well as those identified in the NERP. RG&E agrees that explicit utilization of the Environmental Laboratory (or another offsite laboratory) to demonstrate post-accident environmental processing and analysis could add an additional element of realism to its drill and exercise program. However, it does not agree that there is currently a flaw in its accident assessment capability that would warrant a violation.

- (2) the corrective steps that have been taken and the results achieved:

Since RG&E maintains that there was no violation of 10 CFR Part 50.47 or the requirements of the NERP, no corrective steps are required. However, RG&E views the NRC concerns as appropriate enhancements to our program. RG&E appreciates the NRC input, which provides us with the opportunity to make our program more flexible in responding to unanticipated emergency issues.

- (3) the corrective steps that will be taken to avoid further violations:

Since RG&E maintains that there was no violation of 10 CFR Part 50.47 or the requirements of the NERP, no corrective steps are required to avoid further violations. However, RG&E views the NRC concerns as appropriate enhancements to our program.



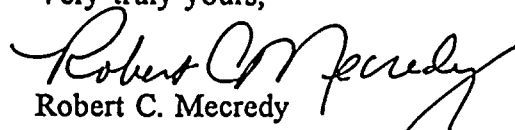
As a result of these NRC concerns, RG&E will undertake the following enhancements:

- a. The Radiation Protection and Chemistry group will review existing post-accident sample transportation and storage protocols. Additional guidance will be provided, as appropriate, on the handling of radioactive samples at the Environmental Laboratory.
- b. The 1996 emergency planning activities will include a demonstration of the Environmental Laboratory (or other offsite laboratory) for processing samples from the survey teams under drill conditions.
- c. Survey team training includes obtaining post-plume samples. This item will be reinforced in future survey team training.

(4) the date when full compliance will be achieved:

RG&E has been, and continues to be in full compliance. Any enhancements will be in place and demonstrated by October 16, 1996.

Very truly yours,


Robert C. Mecredy

xc: U.S. Nuclear Regulatory Commission
Mr. Guy S. Vissing (Mail Stop 14C7)
Project Directorate I-1
Washington, D.C. 20555

U.S. Nuclear Regulatory Commission
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U.S. NRC Ginna Senior Resident Inspector



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 MECREDY, R.C. Rochester Gas & Electric Corp.
 RECIP. NAME RECIPIENT AFFILIATION
 VISSING, G.S.

SUBJECT: Responds to NRC 960508 ltr re violations noted in insp rept
 50-244/96-01 on 960128-0323.C/A: issued ltr to all operators,
 planners & PIRs w/ listed emphasis. Util does not agree w/
 violation B. Basis for disputing violation listed.

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AREA OFFICE

ROBERT J. MURPHY
Vice President
General Counsel

June 7, 1996

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Docket No. 50-244

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During an NRC inspection conducted on January 28 to March 23, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. Technical Specifications (TS) Section 5.4.1 requires, in part, that written procedures be established, implemented and maintained covering applicable procedures recommended in Regulatory Guide 1.33, Revision 2, Appendix A, February 1978. Regulatory Guide 1.33 recommends a written administrative procedure covering procedure adherence and temporary procedure change methods. The licensee's administrative procedure A-601.3, "Procedure Control - Temporary Changes," was established to meet the above recommendation and requires that a independent reviewer (PIR) review associated 10CFR50.59 safety reviews for adequacy and completeness. Procedure A-601.3 also requires the shift supervisor review temporary procedure changes for impact on operations.

Contrary to the above, on March 8, 1996, administrative procedure A-601.3 was not properly implemented and did not prevent the authorization of work that physically rendered both pressurizer power-operated relief valves (PORVs) inoperable for a total of 1 hour and 37 minutes when the reactor plant was in Mode 3. A pending temporary change to procedure M-37.150 was altered to permit maintenance on both PORVs simultaneously without the PIR reviewing the associated 10CFR50.59 safety evaluation for adequacy and completeness. Once the temporary procedure change was altered, the associated 10CFR50.59 safety evaluation was no longer adequate or complete since two inoperable PORVs in Mode 3 is a condition prohibited by TS Section 3.4.11, Condition F. In addition, the shift supervisor did not adequately review the temporary procedure change for its impact on plant operations, in that he authorized work to proceed that disabled both PORVs simultaneously.

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- (1) the reason for the violation, or, if contested, the basis for disputing the violation:

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- (4) the date when full compliance will be achieved:

Full compliance was achieved on March 9, 1996, when both PORVs were restored to operable status.

- B. 10 CFR Part 50.47(b)(8) requires adequate emergency facilities and equipment to support the emergency response, and 10 CFR Part 50.47(b)(9) requires adequate methods, systems, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition. The licensee's Nuclear Emergency Response Plan (NERP), Section 4.3.12, Laboratories, states "the second laboratory (Environmental Laboratory) is used for environmental samples ... and duplicates the main laboratory equipment and could be used for diluted post-accident samples if needed." Section 6.3.9, Plant Laboratories, states in part, "Separate laboratory facilities are provided for assessing the effect of the plant on the environs."

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Contrary to the above, as of March 14, 1996 adequate methods (procedures) did not exist to utilize the laboratory capabilities at the Assessment Facility (Environmental Lab) to handle, transport and analyze a post accident sampling system (PASS) sample and to assess potentially contaminated samples collected offsite during radiological emergency conditions. Additionally, the licensee has never exercised (under drill conditions) bringing simulated radioactive samples from either the in-plant laboratory or from offsite into the Assessment Facility for analysis.

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The PASS is designed to allow radiation protection personnel to obtain primary reactor coolant, containment sump and containment atmosphere radioactivity and chemistry measurements under post-accident conditions within the prescribed timeframes and exposure guidelines of NUREG-0737. The in-plant Primary Chemistry Laboratory and Count Room (in-plant laboratory), for which additional radiation shielding was installed because of NUREG-0737 requirements, is available for the processing and analysis of dilute post-accident samples. All aspects of these processes are described in detail in plant radiochemistry procedures.

The use of the in-plant laboratory (versus the use of the Environmental Laboratory) in support of the PASS is discussed in the NRC Safety Evaluation of RG&E's implementation of NUREG-0737, Item II.B.3, dated April 24, 1984. The Environmental Laboratory, located outside of the plant protected area, is identified in Sections 4.3.12 and 6.3.9 of the NERP solely to provide back-up analytical capability for diluted samples if the in-plant laboratory were unavailable. The Environmental Laboratory is designed primarily to support the Radioactive Effluent Controls Program (required by Ginna Technical Specification (TS) 5.5.4) and not to support the PASS Program (required by TS 5.5.3).

The use of the Environmental Laboratory as a back-up to the in-plant laboratory, as identified in the NERP, is similar to the multiple options presented in the Emergency Operating Procedures (EOPs). These options are provided in the NERP and EOP's to address all conceivable scenarios, even though the accident analysis does not credit their use or availability. Similarly, the PASS is intended to interface with the in-plant laboratory in meeting the requirements of NUREG-0737, while the NERP provides an option for the use of the PASS in the unforeseen and unassumed instance that the in-plant laboratory is unavailable.

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The third principal issue is the NRC's contention that RG&E should have explicitly demonstrated the processing and analysis of simulated in-plant or environmental samples in the Environmental Laboratory during drill conditions. As discussed above, RG&E's PASS and the in-plant laboratory (including the Count Room) constitute the primary method for the collection, processing and analysis of in-plant post-accident samples.

These facilities are not only used routinely for normal plant operations, but are also included in emergency drills each year. RG&E maintains that these actions fulfill its regulatory commitment with regard to required in-plant post-accident sampling capability.

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- (2) the corrective steps that have been taken and the results achieved:

Since RG&E maintains that there was no violation of 10 CFR Part 50.47 or the requirements of the NERP, no corrective steps are required. However, RG&E views the NRC concerns as appropriate enhancements to our program. RG&E appreciates the NRC input, which provides us with the opportunity to make our program more flexible in responding to unanticipated emergency issues.

- (3) the corrective steps that will be taken to avoid further violations:

Since RG&E maintains that there was no violation of 10 CFR Part 50.47 or the requirements of the NERP, no corrective steps are required to avoid further violations. However, RG&E views the NRC concerns as appropriate enhancements to our program.

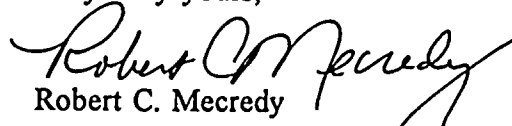
As a result of these NRC concerns, RG&E will undertake the following enhancements:

- a. The Radiation Protection and Chemistry group will review existing post-accident sample transportation and storage protocols. Additional guidance will be provided, as appropriate, on the handling of radioactive samples at the Environmental Laboratory.
- b. The 1996 emergency planning activities will include a demonstration of the Environmental Laboratory (or other offsite laboratory) for processing samples from the survey teams under drill conditions.
- c. Survey team training includes obtaining post-plume samples. This item will be reinforced in future survey team training.

(4) the date when full compliance will be achieved:

RG&E has been, and continues to be in full compliance. Any enhancements will be in place and demonstrated by October 16, 1996.

Very truly yours,


Robert C. Mecredy

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