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

SUBJECT: Responds to NRC 960606 ltr re violations noted in insp rept 50-244/96-03 on 960409-26.CA:3 CAMs will be maintained in Auxiliary Building for ALARA purposes & UFSAR Section 12.3.3.2 will be modified if needed.

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RG AND E

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ROBERT C. MECREDY
Vice President
Nuclear Operations

July 15, 1996

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

Subject: Reply to a Notice of Violation
NRC Integrated Inspection Report 50-244/96-03 and
Notice of Violation, dated June 6, 1996
R.E. Ginna Nuclear Power Plant
Docket No. 50-244

Dear Mr. Vissing:

Rochester Gas & Electric (RG&E) provides this reply within 30 days of receipt of the letter which transmitted the Notice of Violation. During an inspection conducted on April 9-26, 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:

1. 10 CFR 50.59 states that, a licensee may make changes in the procedures as described in the safety analysis report, without prior Commission approval, unless the proposed change involves...an unreviewed safety question.

   Contrary to the above, on August 22, 1994, the licensee made a change in the procedure described in the Updated Final Safety Analysis Report (UFSAR) Section 12.3.3.2, without prior Commission approval. This change was based on a determination that there were no unreviewed safety questions. The determination that there were no unreviewed safety questions was based on an inadequate design review.

   Specifically, Section 12.3.3.2 of the UFSAR was changed in December 1994, reducing the in-plant air monitors in the Auxiliary Building from three to one. The basis for the UFSAR change was the result of an inadequate air flow design analysis in May 1994 that incorrectly concluded that plant area radiation monitors and the plant vent monitor provided adequate airborne radioactivity monitoring for plant personnel.

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

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Rochester Gas and Electric (RG&E) denies that a violation of 10 CFR 50.59 occurred, in that the design analysis supporting the Safety Review and subsequent UFSAR change was not inadequate for the purpose to be served, and did not result in an unreviewed safety question (USQ). Per 10 CFR 50.59, changes may be made in the facility as described in the safety analysis report (for Ginna Station: the UFSAR) provided that no change is required of the plant technical specifications and no USQ exists. A USQ is determined to exist based on three criteria:

(1) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or

(2) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or

(3) if the margin of safety for an accident as defined in the basis for any technical specification is reduced.

The subject in-plant air monitors (referred to as "continuous air monitors" or "CAMs") are not addressed in the technical specifications. They are also not credited in the safety analysis to mitigate the consequences of any accident since there are no engineered safety feature filtration systems located in the Auxiliary Building (see bases for Ginna Improved Technical Specifications (ITS) Limiting Condition for Operation (LCO) 3.7.10 and UFSAR Section 3.11.3.2). Instead, the CAM units are installed for personnel safety issues only (i.e., ALARA). As such, RG&E contends that the CAM units are not "important to safety" in the context of 10 CFR 50.59. Therefore, even though a design analysis/safety review was performed which was subsequently considered inadequate by the NRC, there is no basis for concluding that there existed an USQ. There is also therefore no violation of 10 CFR 50.59.

We find this situation to be similar to the hypothetical example of rearranging locker rooms (which are described in UFSAR Section 1.2.3.10). If new lockers were added, designed to Uniform Building Code standards, but the wrong standard was used, and a locker subsequently fell down injuring an employee, we do not believe that a USQ exists, since the lockers are obviously not "important to safety", in the context of 10 CFR 50.59. The lockers and CAM units are only described in the UFSAR for additional information on the facility overall.

RG&E also disagrees that the design analysis used as the basis for the subject Safety Review and UFSAR Change Notice was inadequate for its purpose. Design Analysis DA-ME-94-050 determined, in essence, that the CAM units at the operating floor of the auxiliary building (near the drumming station) and at the basement level (near the Waste Evaporator) were no longer needed, since there was no longer a source of airborne radioactivity in these areas due to the termination of the waste evaporator process.

RM10B/13/14/14A were not meant to be an equivalent substitute to the CAM units. As noted in paragraph 2.2.4, these units were simply identified as a further justification (not sole justification) for removal of the CAM units. It is further noted in paragraphs 2.2.6 to 2.2.8 of that design analysis that the Radiation Work Permit process at Ginna controls work where radiological controls are needed (and use of portable CAMs, etc. would be used as necessary).

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

When the NRC inspector first brought this issue to the attention of Ginna staff, prompt actions were taken to place 3 CAMs in the Auxiliary Building. Although RG&E denies that a violation of 10 CFR 50.59 occurred, we agree to maintain 3 CAMs in this building for ALARA purposes, subject to the discussion provided in paragraph (4) below. As a result, the air monitoring in the Auxiliary Building will continue to function in a conservative manner with respect to RG&E analyses.

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

Although RG&E denies that a violation of 10 CFR 50.59 occurred, we recognize the need to maintain agreement between the plant configuration and the UFSAR. Therefore, UFSAR Section 12.3.3.2 will be modified if needed, per paragraph (4) below.

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

RG&E has been, and continues to be in full compliance with the requirements of 10 CFR 50.59. In addition, further discussion of the May 1994 design analysis with the NRC will be scheduled, and the UFSAR will be modified, if needed, by December 16, 1996.

2. 10 CFR 20.1501 states that the licensee shall make or cause to be made, surveys that: (1) may be necessary for the licensee to comply with the regulations in this part; and (2) are reasonable under the circumstances to evaluate concentrations or quantities of radioactive material. 10 CFR 20.1802 states that the licensee shall control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage.

Contrary to the above, on March 29, 1996, equipment was surveyed by the licensee and determined to be free of licensed material and released. The equipment arrived at another nuclear power plant on March 30, 1996, was surveyed, and was determined to contain up to 35,000 disintegrations per minute (dpm) per 15 square centimeters of licensed material.

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

RG&E accepts the violation. We acknowledge that an inadequate contamination survey was performed on the equipment and vehicle. One component was contaminated with a fixed particle of 35,000 dpm/15 cm^2 and two other components had fixed contamination of up to 15,000 dpm/100 cm^2.

Weaknesses in the technique for the determination of fixed contamination was the reason for the violation. When the materials were removed from the contaminated area and placed into the truck, both the truck and materials were thoroughly smeared to ensure that there was no loose contamination, but were inadequately frisked for fixed contamination.

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

Reviews of the incident with radiation protection personnel emphasized the expectations that all release surveys be performed carefully and be well documented.

A tagging and logging process was developed for the identification of those items which had been in contaminated areas. This process also documented that both a smear and a frisking survey had been completed on the item. These tags are now attached to all items which were previously in contaminated or restricted areas, to identify that they were free released as a result of the surveys. This program is still in place following an evaluation that occurred during the shutdown.

In order to ensure a higher statistical confidence with the frisking program, a low background area was established for frisking to insure that high backgrounds did not impact the fixed contamination technique. A procedure was in effect which established a background limit of less than 200 cpm with an HP-210, Pancake type probe. For large area probes (50 cm^2 or greater) the background limit is posted on the probe.

The 1996 Steam Generator Replacement (SGRP) outage presented a severe test of the radioactive materials control program and enhancements due to the increased volume of materials which were handled. As a result of the above mentioned actions, there have been no other instances where materials were transported from Ginna as clean or otherwise free released, and were subsequently identified as contaminated by other licensees.

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

As part of the incident follow up, a barrier analysis was performed to review the situation and to evaluate what additional enhancements could be made for the control of materials leaving the Ginna Station contaminated areas. As a result, specific actions which supplemented those listed in part (2) were identified. These include the following:

- The application of lessons learned from this event,
- The implementation of programs to inspect incoming items for contamination and
- Improved inspection of items prior to their free release

(4) The date when full compliance will be achieved.

Full compliance was achieved on 4/1/96 when the radioactive waste technician arrived at the facility which stored the materials in question and completed the survey review. This determined that there were no further objects which originated from Ginna which were contaminated with either fixed or loose contamination.

Additional program enhancements will be completed by 12/31/96.

Very truly yours,

Robert C. Mecredy

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