

# CATEGORY 1

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SUBJECT: Forwards LER 98-004-00 re improperly performed surveillance due to procedure non-adherence. Licensee does not agree that, for equipment item that is otherwise known to be operable, reporting of missed surveillance should be required.

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NOTES: License Exp date in accordance with 10CFR2,2.109(9/19/72). 05000244

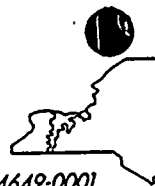
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ROBERT C. MECREDY  
Vice President  
Nuclear Operations

December 17, 1998

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

Subject: LER 1998-004, Improperly Performed Surveillance, Due to  
Procedure Non-Adherence, Resulted in Condition  
Prohibited by Technical Specifications  
R.E. Ginna Nuclear Power Plant  
Docket No. 50-244

Dear Mr. Vissing:

In accordance with 10 CFR 50.73, Licensee Event Report System, item (a) (2) (i) (B), which requires a report of, "Any operation or condition prohibited by the plant's Technical Specifications", the attached Licensee Event Report LER 1998-004 is hereby submitted.

Although we are submitting this LER in accordance with the guidance provided in NUREG-1022, Revision 1, we do not agree that, for an equipment item that is otherwise known to be operable, the reporting of a missed surveillance should be required. The Ginna Station Technical Specifications Bases for Surveillance Requirement 3.0.3 allows the plant to defer declaring equipment inoperable for up to 24 hours for a missed surveillance. No Limiting Condition for Operation (LCO) is entered and no equipment is declared inoperable, if the resultant surveillance test proves that the equipment is operable. Since there is no operation or condition prohibited by the Technical Specifications, 10 CFR 50.72 and 10 CFR 50.73 do not apply, and no report should be made.

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The philosophy behind the Ginna Station Technical Specifications and Bases were presented to the NRC in a letter from RG&E (Mecredy) to NRC, dated May 14, 1996, which is attached. RG&E has never received a formal response to this letter, and hereby requests such a response. We note that the advanced notice of proposed rulemaking (ANPR) for 10 CFR 50.72 and 10 CFR 50.73, dated July 23, 1998, indicates that singular events such as missed surveillances should not be reported. We believe that a conforming response to our May 14, 1996, letter will supersede NUREG-1022, Revision 1, which is a guidance document, and allow us not to report missed surveillances for operable equipment in the future.

This event has in no way affected the public's health and safety.

Very truly yours,



Robert C. Mecredy

Attachments:    1.    LER 1998-004  
                  2.    Letter dated May 14, 1996

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

