

August 15, 2003

Mr. Robert L. Clark
Office of Nuclear Regulatory Regulation
U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

Subject: Request for Exercise of Enforcement Discretion
Rochester Gas & Electric Corporation
R.E. Ginna Nuclear Power Plant
Docket No. 50-244

Dear Mr. Clark:

Rochester Gas & Electric (RG&E) requests that the NRC exercise discretion not to enforce compliance with the actions required in Ginna Station Improved Technical Specifications (ITS), Required Action 3.0.4, in accordance with the requirements of 10 CFR 50.4, the "General Statement of Policy and Procedure for NRC Enforcement Actions", (Enforcement Policy), NUREG-1600, and using the guidance contained in NRC Inspection Manual, Part 9900. The request, background information, and justification is attached.

This request was initially discussed with the NRC staff during conference calls on August 15, 2003, at approximately 1215 EST and 1650 EST. RG&E received verbal approval for the exercise of enforcement discretion during a phone conversation between Mr. Patrick D. Milano (NRC NRR) and Mr. Joseph A. Widay (Vice President and Plant Manager - Ginna Station), at approximately 2240 EST on that same date.

Therefore, RG&E requests that a Notice of Enforcement Discretion (NOED) be issued pursuant to the NRC's policy regarding exercise of discretion for an operating facility. RG&E requests that this enforcement discretion be effective for the period beginning on August 15, 2003 at 2300 EST and ending when the repairs and testing of the B Motor Driven Auxiliary Feedwater Pump are completed and the pump has been declared operable (not to exceed the allowed outage time of seven days).

I declare under penalty of perjury under the laws of the United States of America that I am authorized by Rochester Gas and Electric Corporation to make this request and that the foregoing is true and correct.

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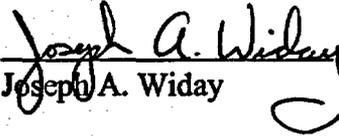
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If you should have any questions regarding this submittal, please contact Mr. Thomas Harding, 585-771-3384.

Very truly yours,

Executed on August 15, 2003


Joseph A. Widay

attachment

xc: Mr. Robert L. Clark (Mail Stop O-8-C2)
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Director, Division of Licensing Project Management
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Mr. Hubert J. Miller
Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

U.S. NRC Ginna Senior Resident Inspector

JUSTIFICATION

1. THE TECHNICAL SPECIFICATION OR OTHER LICENSE CONDITIONS THAT WILL BE VIOLATED:

Ginna Station Improved Technical Specifications (ITS) 3.0.4 requires that when an LCO is not met, entry into a MODE or other specified condition in the Applicability shall not be made except when the associated ACTIONS to be entered permit continued operation in the MODE or other specified condition in the Applicability for an unlimited period of time.

RG&E is requesting that the NRC exercise enforcement discretion and allow Ginna Station to enter Modes 2 and 1 with the B Motor Driven Auxiliary Feedwater Pump inoperable, contrary to the requirements of ITS 3.0.4.

2. THE CIRCUMSTANCES SURROUNDING THE SITUATION:

Ginna Station is currently in Mode 3 due to a Reactor Trip resulting from the recent grid disturbance and far ranging blackout in the North Eastern United States. Following the reactor trip the B Motor Driven Auxiliary Feedwater Pump was damaged due to an improper alignment. This places the plant in a seven day allowed outage time per Ginna Station ITS Required Action 3.7.5.B. Ginna Station ITS 3.0.4 does not allow a mode change from Mode 3 to Modes 2 and 1 in this condition. Significant repairs are required for the damaged pump. In order to restore power to the New York State electrical grid, a return to power is desired by the New York Independent System Operator (NYISO). RG&E intends to comply with Required Action 3.7.5.B (seven days) and is not seeking to extend the allowed outage time for the equipment inoperability.

Relevant historical events are the inoperability of the A Motor Driven Auxiliary Feedwater Pump due to a spurious trip of the associated lube oil pump on August 12, 2003 during periodic testing. Although no root cause was determined, a thermal overload device was replaced and the pump tested satisfactorily. The A Motor Driven Auxiliary Feedwater Pump was restored to operable status on August 14, 2003 and performed normally following the plant trip. The root cause for the inoperability of the B Motor Driven Auxiliary Feedwater Pump is known and does not affect the operability of the remaining auxiliary feedwater pumps.

3. THE SAFETY BASIS FOR THE REQUEST:

The Auxiliary Feedwater System is a safety-related system that provides feedwater to the steam generators (SGs) when the main feedwater pumps are unavailable. Ginna has five sources of safety related auxiliary feedwater including; two Motor Driven Auxiliary Feedwater (MDAFW) Pumps rated at 200 GPM each, one Turbine Driven Auxiliary Feedwater (TDAFW) Pump rated at > 400 GPM, and two Standby Auxiliary Feedwater (SAFW) Pumps rated at 200 GPM each. The minimum auxiliary feedwater flow for the most limiting UFSAR Chapter 15 accident is 200 GPM. In an accident situation, the A MDAFW Pump and the TDAFW Pump will automatically start and supply flow which far exceeds the required amount of flow. In addition, the SAFW pumps would be manually started if required by Ginna Emergency Operating Procedures. The total available flow is approximately five times the minimum required for postulated events.

Presently, all safety related loads are being supplied from the two stable offsite power circuits and both Diesel Generators are operable. Therefore, safety related equipment have both normal and backup power available. The present New York State electrical grid is stable to the point that more power may be added at this time. The RG&E transmission system procedures provide priority to returning power to Ginna Station in the event that offsite power is lost.

A review of PSA data indicates no significant increase in the probability of an evaluated accident, even when assuming a loss of offsite power. Due to the multiple and diverse sources of auxiliary feedwater and the proposed compensatory measures, RG&E concludes that this proposal is risk neutral and that there is no net increase in risk to the public health and safety.

In contrast, there is significant benefit and decrease in risk to the public by restoring the power grid to full capacity given the extremely warm temperatures being experienced in the affected region and the lack of capacity.

4. THE JUSTIFICATION FOR THE DURATION OF THE NONCOMPLIANCE:

RG&E proposes to allow plant restart with the B MDAFW Pump inoperable up until such time as the pump has been repaired, tested, and declared operable, not to exceed the allowed outage time of seven days. As discussed above, RG&E concludes that there is no net increase in risk.

5. THE BASIS FOR CONCLUDING THAT THE NONCOMPLIANCE WILL NOT BE OF POTENTIAL DETRIMENT TO THE PUBLIC HEALTH AND SAFETY AND THAT NO SIGNIFICANT HAZARD CONSIDERATION IS INVOLVED:

RG&E has evaluated the noncompliance, and has concluded that there is no potential detriment to the public health and safety, and involves no significant hazards. The evaluation is provided below.

1. Does the change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

Allowing a plant restart with the B MDAFW Pump inoperable does not physically alter any plant structures, systems, or components, and does not affect or create new accident initiators or precursors. The allowed outage time for a component is not an accident initiator; therefore, there is no effect on the probability of accidents previously evaluated.

The AFW system is required to mitigate the consequences of accidents previously evaluated in the Updated Final Safety Analysis Report. Allowing a plant restart does not significantly increase the consequences of an accident since the redundant MDAFW pump and TDAFW pump remain operable and capable of performing their design function. In addition, the SAFW pumps remain available for remote initiation from the Control Room. The requested action does not affect the types or amounts of radionuclides released following an accident, or the initiation and duration of their release.

Therefore, the probability of occurrence or the consequences of accidents previously evaluated are not significantly increased.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The requested action to allow a plant restart does not physically alter any structures, systems, or components, and does not affect or create new accident initiators or precursors. The accident analysis assumptions and results are unchanged. No new failures or interactions have been created.

Allowing a plant restart does not introduce new failure modes or mechanisms associated with plant operation, nor does it. Furthermore, the restoration of the B MDAFW Pump would not create a new accident type.

Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

The applicable margin of safety is the period of time that the B MDAFW Pump is inoperable. RG&E has determined that no net increase in risk is associated with allowing a plant restart with B MDAFW Pump inoperable. Although the proposed action deviates from a requirement in ITS 3.0.4, it does not affect any safety limits, setpoints in the ITS, or other operational parameters, nor does it affect any margins assumed in the accident analyses. The redundant MDAFW pump, TDAFW pump, and SAFW pumps continue to be operable to perform their required design function.

Therefore, the proposed action does not significantly reduce the margin of safety.

6. **THE BASIS FOR CONCLUDING THAT THE NONCOMPLIANCE WILL NOT INVOLVE ADVERSE CONSEQUENCES TO THE ENVIRONMENT:**

RG&E has evaluated the requested enforcement discretion request against the criteria for identification of licensing and regulatory actions requiring environmental assessment in accordance with 10 CFR 51.21. RG&E has determined that the requested action meets the criteria for a categorical exclusion set forth in 10 CFR 51.22(c)(9). This determination is based on the fact that the proposed action is being requested as enforcement discretion to a license issued pursuant to 10 CFR 50, and that the change involves no significant hazards considerations. Although the proposed action involves noncompliance with the requirements of an LCO:

(i) The proposed action involves no significant hazards consideration.

(ii) There is no significant change in the types or a significant increase in the amounts of any effluent that may be released offsite, since the proposed action does not affect the generation of any radioactive effluent nor does it affect any of the permitted release paths.

(iii) There is no significant increase in individual or cumulative occupational radiation exposure. The action proposed in this request for enforcement discretion will not significantly affect plant radiation levels, and, therefore, does not significantly affect dose rates and occupational exposure.

Accordingly, the proposed action meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9).

7. ANY PROPOSED COMPENSATORY MEASURE(S):

During the period of time that the NOED is in affect, RG&E will implement the following compensatory actions:

Steps will be taken to ensure operability of the following components/systems which have been determined to impact plant risk. This will include limiting access to the equipment areas and deferring routine elective maintenance and testing of this equipment.

- A Charging Pump
- A and B Diesel Generators
- A MDAFW Pump
- C and D SAFW Pumps
- TDAFW Pump
- Residual Heat Removal System
- Component Cooling Water System
- A and B 120v DC Batteries

Each operating shift that takes the watch will be briefed on the loss of AFW conditions.

8. PORC REVIEW:

This request has been reviewed and recommended for approval by the Ginna Station Plant Operations Review Committee (PORC).

9. NRC CRITERION:

This request is based on Section B, paragraph 2.2, from Part 9900, "When severe weather or other natural phenomena result in a government entity or a responsible independent entity making the assessment that the need for power and immediate overall public (non-radiological) health and safety considerations constitute an emergency situation."

RG&E considered that the condition satisfied this criterion. Compliance with TS 3.0.4 would have no corresponding health and safety benefit and there is significant benefit and decrease in risk to the public by restoring the power grid to full capacity given the extremely warm temperatures being experienced in the affected region and the lack of capacity. Based on the above, the criteria were satisfied.

10. MARKED-UP PAGES FROM GINNA STATION IMPROVED TECHNICAL SPECIFICATIONS SHOWING THE PROPOSED TECHNICAL SPECIFICATION CHANGES:

No ITS changes are required.

11. INFORMATION FOR SEVERE WEATHER OR OTHER NATURAL PHENOMENA-RELATED NOEDs:

A severe and widespread blackout of the Northeastern United States occurred on August 14, 2003. System wide generating capacity must be added to fully energize the New York State electric power grid to meet the needs of the residents.

William J. Museler, President and CEO of the New York Independent System Operator (NYISO), 518-356-6070, is the official making the assessment of the emergency.

Potential consequences to delay startup for repair of the B MDAFW Pump could impair the efforts to restore the grid. With the exception of the B MDAFW Pump, all plant equipment necessary for the startup are operable.

Both Emergency Diesel Generators are operable. Both off site power sources are stable at this time. Startup and connection to the grid will actually serve to enhance the reliability of the offsite sources.

The plant is stable after a reactor trip resulting from the blackout and associated electrical transient. Provided that the grid continues to supply offsite sources of power, the continuing emergency will have no impact on plant safety. However, should the situation be allowed to worsen, and offsite power sources are interrupted, safety margins would decrease due to unavailability of plant equipment such as Reactor Coolant Pumps and other non vital support equipment. Redundancy of power sources would also decrease.

RG&E is working around the clock to repair the inoperable B MDAFW Pump. The repairs are anticipated to be complete within 48 hours. Efforts to restore generation to the grid continue across the entire system.