

January 30, 2004

EA-04-003

Dr. Robert C. Mecredy
Vice President, Nuclear Operations
Rochester Gas and Electric Corporation
89 East Avenue
Rochester, New York 14649

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT 1-2003-021
(Ginna Nuclear Power Plant)

Dear Dr. Mecredy:

This letter refers to an investigation initiated by the NRC's Office of Investigations (OI), Region I, on March 12, 2003, at Rochester Gas and Electric's (RG&E) Ginna Nuclear Power Plant. This investigation was initiated to determine if a former Work Scheduling Manager, contrary to plant procedures, intentionally and without authorization, manipulated valves during cooldown for a refueling outage in March 2002. Based on the evidence developed during its investigation, OI concluded that the former Work Scheduling Manager deliberately manipulated two valves during a plant cooldown on March 20, 2002, without authorization to do so. A factual summary of the OI investigation is enclosed.

The former Work Scheduling Manager's deliberate actions apparently caused you to violate NRC requirements. Technical Specification 5.4.1 requires written procedures to be established, implemented and maintained covering certain activities recommended by Regulatory Guide 1.33, Revision 2, Appendix A. Appendix A.1.c requires administrative procedures to be established for "Equipment Control." RG&E Nuclear Operations Directive, ND-OPS, Rev. 10, Section 3.8, "Control of Plant Equipment," specifies that equipment manipulations are not allowed without the express consent and/or oversight of control room personnel. Contrary to this requirement, a former Work Scheduling Manager throttled valves without the express consent or oversight of control room personnel on March 20, 2002. In addition, the violation was deliberate since the former Work Scheduling Manager had knowledge of this procedural requirement, and nevertheless despite such knowledge, decided to manipulate these valves.

The apparent violation is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The current Enforcement Policy can be found on the NRC's web site at <http://www.nrc.gov/what-we-do/regulatory/enforcement.html>. While the act of an unauthorized licensee official deliberately manipulating plant equipment in violation of station procedures is significant, the actual consequences of this specific action were not. In addition, since you identified this violation, and based on our current understanding of your corrective actions, a civil penalty may not be warranted in accordance with the Enforcement Policy.

Before we make an enforcement decision, we are providing you an opportunity to request a predecisional enforcement conference. If you request a conference, it will be held at our office

in King of Prussia, PA. Because the issues to be discussed involve the apparent deliberate actions of an individual, the meeting will not be open for public observation, but will be transcribed. If you choose not to attend a conference, we request that you provide a written response to the apparent violation within 30 days of the date of this letter. The written response should be clearly marked as a "Response To An Apparent Violation In NRC Office Of Investigations Report 1-2003-021" and should include: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence addresses the required response. In addition, please be advised that the number and characterization of the apparent violation described here-in may change as a result of further NRC review.

Please contact Mr. James Trapp at (610) 337-5186 within 7 days of the date of this letter to notify the NRC of your decision. If we have not heard from you within 7 days, the NRC will proceed with its enforcement decision. You will be advised by separate correspondence of the results of our deliberations on this matter.

Additionally, during our investigation of this issue, we noted that you selected to use your disciplinary process rather than your station corrective action program to address the former work scheduling manager's valve manipulation without authorization. While not a requirement to use the corrective action program for all performance issues, there may have been merit in addressing this issue using your corrective action process; it could have provided an opportunity to (1) conduct a root cause evaluation, (2) determine if this issue had underlying implications such as production pressures, (3) provide your staff with the opportunity to learn from this error, and (4) allow this human performance issue to be trended. Therefore, either in a predecisional enforcement conference or in your response, we request that you discuss how the process you followed addressed the above important points.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). Should you have any questions regarding this letter, please feel free to contact Mr. James Trapp at (610) 337-5186.

Sincerely,

/RA/

A. Randolph Bough, Director
Division of Reactor Projects

Docket No. 50-244
License No. DPR-18

Enclosure: Factual Summary, OI Case No. 1-2003-021

cc w/encl: J. Laurito, President, Rochester Gas and Electric

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Enclosure

FACTUAL SUMMARY - OFFICE OF INVESTIGATIONS CASE NO. 1-2003-021

The NRC Office of Investigations (OI), Region I Field Office, initiated an investigation at Rochester Gas and Electric's (RG&E) Ginna Nuclear Power Plant. This investigation was initiated to determine if a former Work Scheduling Manager, contrary to plant procedures, intentionally and without authorization, manipulated valves during cooldown for a refueling outage in March 2002. Based on the evidence developed during its investigation, OI concluded that the former Work Scheduling Manager deliberately manipulated two valves during a plant cooldown on March 20, 2002.

On March 20, 2002, Ginna had just initiated a refueling outage and the plant was being cooled down. The Work Scheduling Manager contacted the Shift Supervisor to request that two service water valves be throttled to assist in cooling down the plant to below 100 °F so that outage work activities could proceed on schedule. The RCS temperature was at 105 °F. The Shift Supervisor advised the Work Scheduling Manager that he would look into it, but there were other responsibilities that an auxiliary operator (AO) needed to complete prior to looking at these valves to determine whether they should be adjusted. A short time later, when the AO arrived at the valves, he noted that the valves had already been throttled. The AO reported this to the Shift Supervisor.

The Shift Supervisor questioned the Work Scheduling Manager about the valves, and he denied having been there or adjusting the valves. Subsequently, when the Work Scheduling Manager was shown security logs indicating that he had been at the valves, he admitted to having adjusted the valves.

During questioning by OI, the Work Scheduling Manager admitted to opening the valves despite his lack of authority to do so. He admitted that he should have waited for the operations staff to complete the action, and that he made a conscious decision not to wait.