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April 24, 2007

Mr. Samuel Collins  
U. S. Nuclear Regulatory Commission, Region 1  
475 Allendale Road  
King of Prussia, PA. 19406-1415

**Subject:** R.E. Ginna Nuclear Power Plant  
Docket No. 50-244

Emergency Preparedness Emergency Response Organization Drill  
Participation Performance Indicator

- References:**
- (a) NEI 99-02 Revision 4, Regulatory Assessment Performance Indicator Guideline, dated April 2006
  - (b) Emergency Response Organization Drill Participation Performance Indicator Frequently Asked Question FAQ 411, effective July 1, 2006

Dear Mr. Collins,

This letter describes the basis for Ginna Station's Emergency Response Organization Drill Participation Performance Indicator rating for the first quarter 2007. We appreciate your review of the situation and specific circumstances that caused a significant decline in the value of the indicator. We request your consideration of these facts when determining follow up regulatory response.

Since late 2006, Ginna has been revising its method of assigning on-shift emergency response functions and undertook substantive changes in the assignment of personnel to these Emergency Response Organization (ERO) positions based on three factors:

1. **Elimination of the 30 minute responder:** Ginna's licensing basis permits certain ERO positions to be staffed by offsite personnel within 30 minutes, as opposed to having personnel continuously on site. Ginna was an outlier in comparison to the industry on this point, and Constellation management was determined to align with industry best practices.

2. Incorporation of the fire brigade team into the plant staff: Ginna met its requirement for fire brigade members by using long term contractors. Again, Ginna was an outlier in comparison to the industry on this point. Ginna chose to eliminate the contractors and increase the number of auxiliary operators on-shift.
3. Around the clock maintenance: Ginna did not have maintenance technicians on shift. Many plants, including other plants in our fleet, have found this to be very beneficial in quickly resolving equipment performance issues.

The solution Ginna chose to resolve these three issues and meet the requirements of the ERO involved assigning maintenance technicians to shift work. Approximately sixty (60) emergency communicators were trained and qualified in accordance with our standard training process. These personnel were assigned to ERO duty in a single quarter. Each individual attended classroom training and was individually evaluated to perform their emergency function as part of the task qualification process. They were not, however, provided an additional drill or exercise opportunity after their initial qualification which could be credited for the ERO Drill Participation Performance Indicator (PI) calculation. The strict application of NEI 99-02 (Reference a) and FAQ 411 (Reference b) in this situation would result in this PI rating transitioning into a YELLOW condition.

The interpretation of the PI calculation, as informed by FAQ 411, was not recognized until review of the performance data subsequent to the end of the 1<sup>st</sup> Qtr 2007. In addition to the condition caused by the maintenance personnel being assigned to the ERO in the 1<sup>st</sup> Qtr 2007, we have determined that FAQ 411 was not implemented correctly for some other personnel during the previous two quarters. Had it been, the PI rating for the 3<sup>rd</sup> Qtr 2006 and the 4<sup>th</sup> Qtr 2006 would have been affected. These effects would have resulted in the PI rating declining into the WHITE band at the end of the 4<sup>th</sup> Qtr 2006. Amended data will be submitted using the standard change process.

Despite these computation effects, Ginna believes that its Emergency Response capability was not degraded during the periods in question and that the discrepancies constitute administrative errors with no nexus to safety. Consistent with this conclusion, Ginna has submitted a FAQ to NEI to request that Ginna be allowed to either exclude these emergency communicators from the 1<sup>st</sup> Qtr 2007 PI calculation or allow for a reasonable period of time following qualification and assignment to the ERO before including them in the calculation.

Ginna believes that the elements per 10 CFR 50.47(b)(1) for assignment of responsibility and emergency response staffing for initial and continuing coverage; and, 10 CFR 50.47 (b)(2) for on-shift assignment of responsibilities and staffing and timely augmentation for emergency response capabilities are adequate and in compliance, even though the PI rating does not reflect this based on application of current guidance.

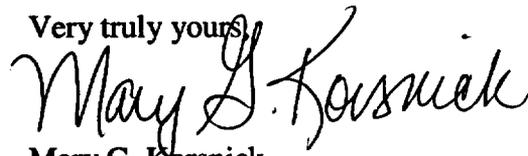
Ginna is using its Corrective Action Program to resolve this event. We have initiated a Category 1 Condition Report (CR 2007-002976) and will be performing a Root Cause

Analysis to assess the conditions leading to this event and develop appropriate measures to prevent recurrence.

Ginna is very concerned with the unwarranted negative impact that this PI rating may have on the public's perception of the Emergency Preparedness capabilities at Ginna and overall ability of Constellation Energy to safely operate the plant. We request that the NRC take the above circumstances into consideration when evaluating Ginna's performance in the Emergency Preparedness cornerstone.

Should you have questions regarding the information in this submittal, please contact Mr. Robert Randall at (585) 771-5219 or [Robert.Randall@constellation.com](mailto:Robert.Randall@constellation.com).

Very truly yours,



Mary G. Korsnick

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