

June 8, 2009

EA-09-045

Mr. John Carlin, Vice President  
R. E. Ginna Nuclear Power Plant, LLC  
1503 Lake Road  
Ontario, NY 14519

SUBJECT: FINAL SIGNIFICANCE DETERMINATION OF WHITE FINDING, WITH  
ASSESSMENT FOLLOW-UP, AND NOTICE OF VIOLATION – R.E. GINNA  
NUCLEAR POWER PLANT [NRC Inspection Report No. 05000244/2009002]

Dear Carlin:

This letter provides you the final significance determination of the preliminary White finding sent to you with the NRC letter dated May 4, 2009, as well as the result of our assessment of the current performance of R.E. Ginna Nuclear Power Plant (Ginna). This updated assessment of Ginna supplements, but does not supersede, our annual assessment letter issued on March 4, 2009. The finding, described in detail in the subject inspection report, is associated with inadequate implementation of the preventative maintenance (PM) program for the turbine-driven auxiliary feedwater (TDAFW) pump governor that led to a failure of the pump to operate properly during a December 2, 2008, surveillance test. The finding was reviewed during an inspection completed on March 31, 2009, for which an exit meeting was held on April 16, 2009.

In a telephone conversation with Mr. Glenn Dentel of NRC, Region I, on May 13, 2009, Mr. Thomas Harding, Director of Licensing, indicated that R.E. Ginna Nuclear Power Plant, LLC did not contest the characterization of the risk significance of this finding and did not desire to discuss this issue in a Regulatory Conference or to provide a written response. Therefore, after considering the information developed during the inspection, and having assessed the finding using the reactor safety significance determination process, the NRC has concluded that the finding is appropriately characterized as White, a finding of low to moderate safety significance. The NRC has also determined that the finding is a violation of Technical Specification 5.4.1.a, "Procedures," which requires, in part, that the applicable procedures recommended in Appendix A of Regulatory Guide (RG) 1.33, "Quality Assurance Program Requirements (Operations)," shall be established, implemented and maintained, including the development of preventive maintenance schedules to specify lubrication schedules. The violation is cited in the attached Notice of Violation (Notice). In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a White finding.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

As a result of our review of Ginna performance, including this White finding, we have assessed Ginna to be in the Regulatory Response column of the NRC's Action Matrix. Therefore, we plan to conduct a supplemental inspection using Inspection Procedure 95001, "Inspection for One or Two White Inputs in a Strategic Performance Area," when your staff has notified us of your

readiness for this inspection. This inspection procedure is conducted to provide assurance that the root cause and contributing causes of risk significant performance issues are understood, the extent of condition is identified, and the corrective actions are sufficient to prevent recurrence.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

*/RA/*

Samuel J. Collins  
Regional Administrator

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

Enclosure:  
Notice of Violation

cc w/encl:

M. J. Wallace, Vice - President, Constellation Energy  
B. Barron, President, CEO & Chief Nuclear Officer, Constellation Energy Nuclear Group, LLC  
M. Korsnick, Sr. Vice President, Nuclear Operations, Constellation Energy Nuclear Group, LLC  
C. Fleming, Esquire, Senior Counsel, Nuclear Generation, Constellation Nuclear Energy Nuclear Group, LLC  
T. Harding, Director, Licensing, Constellation Energy Nuclear Group, LLC  
P. Eddy, Electric Division, NYS Department of Public Service  
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law  
A. Peterson, SLO Designee, New York State Energy Research and Development Authority  
F. Murray, President & CEO, New York State Energy Research and Development Authority  
G. Bastedo, Director, Wayne County Emergency Management Office  
M. Meisenzahl, Administrator, Monroe County, Office of Emergency Management  
T. Judson, Central New York Citizens Awareness Network

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Sincerely,

**/RA/**  
 Samuel J. Collins  
 Regional Administrator

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

Enclosure:  
 Notice of Violation

cc w/encl:

- M. J. Wallace, Vice - President, Constellation Energy
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- M. Korsnick, Sr. Vice President, Nuclear Operations, Constellation Energy Nuclear Group, LLC
- C. Fleming, Esquire, Senior Counsel, Nuclear Generation, Constellation Nuclear Energy Nuclear Group, LLC
- T. Harding, Director, Licensing, Constellation Energy Nuclear Group, LLC
- P. Eddy, Electric Division, NYS Department of Public Service
- C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law
- A. Peterson, SLO Designee, New York State Energy Research and Development Authority
- F. Murray, President & CEO, New York State Energy Research and Development Authority
- G. Bastedo, Director, Wayne County Emergency Management Office
- M. Meisenzahl, Administrator, Monroe County, Office of Emergency Management
- T. Judson, Central New York Citizens Awareness Network

**SUNSI Review Complete:**     JRH     (Reviewer's Initials)

**Non-Public Designation Category:** MD 3.4 Non-Public     N/A     (A.3 – A.7 or B.1)

DOCUMENT NAME: s:\enf-allg\Enforcement\Proposed-Actions\Region1\Ginna AFW Final White, Nov.doc

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\*OE provides quick review (not a formal concurrence).

\*\*see previous concurrence page

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## NOTICE OF VIOLATION

R.E. Ginna Nuclear Power Plant, LLC  
R.E. Ginna Nuclear Power Plant

Docket No. 50-244  
License No. DPR-18  
EA-09-045

During an NRC inspection, for which an exit was conducted on April 16, 2009, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Technical Specification 5.4.1.a, "Procedures," requires, in part, that the applicable procedures recommended in Appendix A of Regulatory Guide (RG) 1.33, "Quality Assurance Program Requirements (Operations)," shall be established, implemented and maintained. RG 1.33, Appendix A, Section 9 (b), states, "Preventive maintenance schedules should be developed to specify lubrication schedules, inspection of equipment, replacement of such items as filters and strainers, and inspection or replacement of parts that have a specific lifetime such as wear rings." Ginna procedure M-11.5C, "Auxiliary Feedwater Pump Minor Mechanical Inspection and Maintenance", Rev. 29 (M-11.5C), which is an 18 month inspection requirement for the turbine driven auxiliary feedwater pump (TDAFW), contains steps which would have ensured proper cleaning and lubrication maintenance on the governor linkage.

Contrary to the above, during March 2008, licensee's technicians did not perform steps for cleaning and lubrication maintenance on the governor linkage in accordance with procedure M-11.5C. The steps to perform these activities were removed during the maintenance work planning. The subsequent lack of proper lubrication led to the operational failure of the TDAFW pump during testing on December 2, 2008.

This violation is associated with a White SDP finding.

Pursuant to the provisions of 10 CFR 2.201, R.E. Ginna Nuclear Power Plant, LLC is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-09-045" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or significance, (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 adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 8th day of June 2009