



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

November 12, 2009

EA-09-249

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. 05000244/2009008)

Dear Mr. Carlin:

This letter provides you the final significance determination of the preliminary White finding sent to you with the NRC letter dated November 12, 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 mid-cycle assessment letter issued on September 1, 2009 [ML092440230]. The finding, described in detail in the subject inspection report, is associated with failure to preclude recurrence of a significant condition adverse to quality (SCAQ) associated with the turbine-driven auxiliary feed water (TDAFW) pump governor control valve, that led to a failure of the TDAFW pump to operate on July 2, 2009. The finding was identified during an inspection, for which a preliminary exit was held on August 27, 2009. The final exit meeting was conducted on October 7, 2009.

In a telephone conversation with Mr. Glenn Dentel of NRC, Region I, on October 2, 2009, you 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. Please note that by declining to request a Regulatory Conference or submit a written response, you relinquished your right to appeal the final SDP determination, in that by not doing either, you would not meet the appeal requirements stated in the Prerequisite and Limitation sections of Attachment 2 of IMC 0609.

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 10 CFR 50, Appendix B, Criterion XVI, "Corrective Actions," which requires, in part, that "measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and non-conformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition." The violation is cited in the attached Notice of Violation (Notice). In

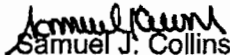
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

In addition to this White Finding, Ginna's Mitigating System Performance Index for the heat removal system (auxiliary feedwater system) crossed the Green to White performance indicator threshold based upon the 3rd quarter 2009 data submittal. In accordance with Inspection Manual Chapter 0305, the PI and the finding will not be "double-counted" in the NRC's Action Matrix. The White performance indicator was a direct result from the unavailability and reliability associated with this inspection finding.

As a result of our review of Ginna performance, including this White finding, and in consideration of the White Performance Indicator, and the previous White finding issued to you on June 8, 2009 [ML091550004], we have assessed Ginna to be in the Degraded Cornerstone column of the NRC's Action Matrix. Therefore, we plan to conduct a supplemental inspection using Inspection Procedure 95002, "Inspection for One Degraded Cornerstone or Any Three White Inputs in a Strategic Performance Area," when your staff has notified us of your readiness for this inspection. Although our June 8, 2009 letter indicated we were planning to perform Inspection Procedure 95001 for the previous White finding, the NRC has determined that it will encompass the 95001 inspection activities as part of the 95002 inspection. The 95002 inspection procedure is conducted to: (1) provide assurance that the root and contributing causes of individual and collective (multiple white inputs) risk-significant performance issues are understood; (2) independently assess the extent of condition and the extent of cause of individual and collective (multiple white inputs) risk-significant performance issues; (3) independently determine if safety culture components caused or significantly contributed to the individual and collective (multiple white inputs) risk-significant performance issues; and, (4) provide assurance that the corrective actions for risk-significant performance issues are sufficient to address the root and contributing causes and 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,


Samuel J. Collins
Regional Administrator

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

Enclosure: Notice of Violation

cc w/encl: Distribution via ListServ

J. Carlin

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Sincerely,
/RA/
Samuel J. Collins
Regional Administrator

Docket No. 50-244
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cc w/encl: Distribution via ListServ

SUNSI Review Complete: gtd (Reviewer's Initials)

DOCUMENT NAME: S:\enf-allg\Enforcement\Proposed-Actions\Region1\Ginna White NOV October 2009.doc

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OFFICE	RI/ORa	RI/DRP	RI/DRS	RI/DRP	RI/DRS
NAME	ADeFrancisco/aed**	GDentel	CCahill	JClifford	DRoberts
DATE	10/20/09	10/27 /09	10/21 /09	10/30 /09	10/ 29 /09
OFFICE	RI/ORa	RI/ORa	HQ/OE*	RI/RA	
NAME	KFarrar/MB for KF	DHolody	*GBowman	SCollins/sjc	
DATE	10/28 /09	10/ 28 /09	11/05/09	11/08/09	

OFFICIAL RECORD COPY

OE provides quick review (not a formal concurrence). This was provided verbally to A. DeFrancisco on 11/05.

**see previous concurrence page

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-09-249

During an NRC inspection, for which a final exit meeting was conducted on October 7, 2009, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50, Appendix B, Criterion XVI, "Corrective Actions," states, in part, "Measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition."

Contrary to the above, after identifying corrosion on the turbine-driven auxiliary feed water (TDAFW) pump governor control valve stem on April 11, 2005, a significant condition adverse to quality, R.E. Ginna Nuclear Power Plant, LLC did not take adequate measures to determine the cause and prevent recurrence. The cause of the condition was left uncorrected and resulted in additional stem corrosion that led to binding of the governor control valve and the failure of the TDAFW pump on July 2, 2009.

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-09-249" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the 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 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 12th day of November 2009