

May 3, 2001
EN-01-012

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Union Electric Company (SDP/EA-00-208)
Callaway Plant, Docket No. 50-483

Subject: ISSUANCE OF THE NRC'S RESPONSE TO THE LICENSEE'S DENIAL OF
VIOLATION AND DISPUTE OF THREE WHITE FINDINGS IN ALARA

This is to inform the Commission that on May 4, 2001, the NRC will issue its response to the licensee's denial of a violation of 10 CFR 20.1101(b) cited in a Notice of Violation (NOV) and dispute of the final significance determination of three White findings for deficiencies identified in the licensee's ALARA planning and controls program. The NOV and final significance determination letter were issued on January 9, 2001. The determination of three White findings placed the licensee in the degraded cornerstone column of the agency's action matrix which requires a supplemental inspection. On February 7, 2001, the licensee formally appealed the staff's final significance determination. In addition to the appeal, the licensee argued that the occupational radiation safety significance determination process (SDP) was "fatally flawed" and that its use constituted a backfit. The licensee formally replied to the NOV on February 15, 2001. In its denial of the violation, the licensee disagreed with the NRC staff's conclusion that the deficiencies identified in the licensee's ALARA planning and controls program constituted a violation and raised concerns that this conclusion was a backfit. The staff's response addresses the concerns raised in the licensee's letters dated February 7 and 15, 2001.

The NRC staff concluded that: (1) the NRC did not impose a regulatory staff position that is new or different from a previously applicable staff position relative to the application of the SDP or assessing the violation of 10 CFR 20.1101(b), (2) the violation occurred as stated in the NOV, (3) the occupational radiation safety SDP is not "fatally flawed" as asserted by the licensee; therefore, it remains suitable for continued use, and (4) there were no significant discrepancies in the Region IV staff's application of the occupational radiation safety SDP which resulted in three White findings.

The Enforcement Manual does not direct the NRC staff to provide Enforcement Notification (EN) for issues of this type. However, a notification is being made because of the Commission's prior interest in this case. A briefing was provided to the Commissioner's Technical Assistants on March 7, 2001.

It should be noted that the licensee has not yet been specifically informed of the staff's response to the denial of the violation or the dispute of the final significance determination. The schedule of issuance and notification is:

Mailing of NRC Response to Violation Denial and Significance Dispute May 4, 2001
Telephone Notification of licensee May 4, 2001

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

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