

August 19, 2002

EA-02-138

Mr. Peter E. Katz  
Vice President - Calvert Cliffs Nuclear Power Plant  
Constellation Generation Group  
Calvert Cliffs Nuclear Power Plant, Inc.  
1650 Calvert Cliffs Parkway  
Lusby, MD 20657-4702

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND  
NOTICE OF VIOLATION AT CALVERT CLIFFS NUCLEAR POWER PLANT  
(NRC Inspection Report 50-317/02-04; 50-318/02-04)

Dear Mr. Katz:

The purpose of this letter is to provide you with the final results of our significance determination for the preliminary White finding identified during an inspection completed on June 29, 2002, at the Calvert Cliffs Nuclear Power Plant, Units 1 & 2. The results of the inspection were discussed with Mr. David Holm and other members of your staff at an exit meeting on July 10, 2002. The inspection finding was assessed using the significance determination process and was preliminarily characterized as White, a finding with low to moderate importance to safety, which may require additional NRC inspections.

This preliminary White finding involved the failure to adequately prepare a radioactive material shipment to a waste processing facility in a manner such that, under conditions normally incident to transportation, the radiation level at any point on the external surface of the package would not exceed 200 millirem per hour, as specified in the Department of Transportation regulation set forth in 49 CFR 173.441(a). As a result, upon arrival of the shipment at the processing facility in Oak Ridge, Tennessee, on May 24, 2002, the radiation levels measured on portions of the external surface of the package, were as high as 300 millirem per hour, which was in excess of the regulatory limit.

In a letter dated July 30, 2002, the NRC transmitted the inspection report and provided you an opportunity to either request a regulatory conference to discuss this finding, or explain your position in a written response. In a telephone conversation with Ms. Michele Evans of NRC, Region I, on August 12, 2002, Mr. Mark Geckle of your staff indicated that the Constellation Generation Group did not contest the characterization of the risk significance of this finding and declined the opportunity to discuss this issue in a Regulatory Conference or provide a written response.

After considering the information developed during the inspection, the NRC has concluded that the inspection finding is appropriately characterized as White. You have 10 business days

from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

The NRC also determined that the transport of this material in such a manner that the radiation levels exceeded 200 millirem per hour on portions of the external surface of a package upon arrival at the processing facility, constitutes a violation of 10 CFR Part 20 and Department of Transportation requirements, as cited in the attached Notice of Violation. The circumstances surrounding the violation were described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, NUREG-1600, this Notice of Violation 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 of Violation when preparing your response. Because plant performance for this issue has been determined to be in the regulatory response band, we will use the NRC Action Matrix to determine the most appropriate NRC response for this event. We will notify you, by separate correspondence, of that determination.

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).

Sincerely,

***/RA/ James T. Wiggins Acting For***

Hubert J. Miller  
Regional Administrator

Docket Nos.: 50-317, 50-318  
License Nos.: DPR-53, DPR-69

Enclosure: Notice of Violation

cc w/encl: M. Geckle, Director, Nuclear Regulatory Matters (CCNPPI)  
R. McLean, Administrator, Nuclear Evaluations  
K. Burger, Esquire, Maryland People's Counsel  
R. Ochs, Maryland Safe Energy Coalition  
J. Petro, Constellation Power Source  
State of Maryland (2)

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 Region I Docket Room (with concurrences)

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\* Concurrence received via phone from D. Nelson, OE, 8/14/02.

## NOTICE OF VIOLATION

Constellation Generation Group  
Calvert Cliffs Nuclear Power Plant

Docket Nos. 50-317; 50-318  
License Nos. DPR-53; DPR-69  
EA-02-138

During an NRC inspection conducted between May 19 - June 29, 2002, the results of which were discussed at an exit meeting on July 10, 2002, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 71.5 requires each licensee who transports licensed materials outside the site of usage or on public highways to comply with the requirements in 49 CFR Parts 170 through 189.

49 CFR 173.441(a) requires that each package of Class 7 (radioactive) material offered for transportation be designed and prepared for shipment, so that under conditions normally incident to transportation, radiation levels do not exceed 200 millirem per hour at any point on the external surface of the package.

Contrary to the above, on May 23, 2002, the licensee shipped dry active compacted and noncompacted radioactive waste (in the form of solid/metal mixed oxides) in a sea-land container to a waste processing facility in Oak Ridge, Tennessee, and prior to the shipment, the package containing the material was not designed and prepared in a manner such that, under conditions normally incident to transportation, the radiation levels would not exceed 200 millirem per hour at any point on the external surface of the package. As a result, upon arrival of the package at the processing facility on May 24, 2002, radiation levels as high as 300 millirem per hour were detected on portions of the package.

This violation is associated with a White significance determination process finding.

Pursuant to the provisions of 10 CFR 2.201, Constellation Generation Group is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 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 of Violation (Notice), within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (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 previously 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 Publicly Available Records (PARS) component of NRC's document system (ADAMS), 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. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). 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 2.790(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 are required to post this Notice within two working days.

Dated this 19th day of August 2002