

September 9, 2002

EA-02-159

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 50-317/02-010; 50-318/02-010)

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 July 19, 2002, at the Calvert Cliffs Nuclear Power Plant, Units 1 & 2. The results of the inspection were discussed with you and other members of your staff at an exit meeting on July 19, 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. The basis for this preliminary White finding was explained in our August 12, 2002 letter that transmitted the subject inspection report.

This preliminary White finding involved 49 sirens located in Calvert County, Maryland, which are part of your alert and notification system (ANS), that were not capable of being activated in a timely manner between August 14, 2001 and November 5, 2001 (84 days) due to the removal of a computer icon used for activating the sirens at the 911 Center. This preliminary White finding was also associated with an apparent violation of 10 CFR Part 50, Appendix E.

In a letter dated August 12, 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 Mr. David Silk of NRC, Region I, on August 14, 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.

Based on 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. In addition, the White finding was associated with a violation of 10 CFR Part 50, Appendix E, which requires that a capability exist to complete the initial notification of the public within the plume exposure pathway Emergency Planning Zone (EPZ) within about 15 minutes from the time that State and local officials are

notified that a situation exists requiring urgent action. The violation is cited in the enclosed Notice of Violation and 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/

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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* Concurrence per D. Nelson phone call

NOTICE OF VIOLATION

Constellation Generation Group
Calvert Cliffs Nuclear Power Plant

Docket Nos. 50-317; 50-318
License Nos. DPR-53; DPR-69
EA-02-159

During an NRC inspection conducted between July 15 - July 19, 2002, the results of which were discussed at an exit meeting on July 19, 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 50.54(q) requires in part, that a licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards in 10 CFR 50.47(b) and the requirements of Appendix E of this part.

10 CFR 50.47(b)(5) requires in part, that procedures have been established for notification, by the licensee, of State and local response organizations; and means to provide early notification to the populace within the plume exposure pathway Emergency Planning Zone (EPZ) have been established.

10 CFR 50, Appendix E, Section IV.D.3, states in part, that a design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public with the plume exposure pathway EPZ within about 15 minutes after declaring an emergency. The licensee shall demonstrate that State and local officials have the capability to make a public notification decision promptly on being informed by the licensee of an emergency condition.

Contrary to the above, between August 14, 2001 and November 5, 2002, the licensee was not capable of completing the initial notification of the public with the plume exposure pathway EPZ within about 15 minutes in Calvert County, Maryland. Specifically, the computer icon in the 911 Center for Calvert County used to activate the sirens had been inadvertently removed, which disabled the system and prevented it from being activated in a timely manner.

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 9th day of September 2002