



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

December 23, 2002

Garry L. Randolph, Senior Vice
President and Chief Nuclear Officer
Union Electric Company
P.O. Box 620
Fulton, Missouri 65251

**SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR UNION ELECTRIC
REGARDING CALLAWAY PLANT (NOED 02-4-004)**

By letter dated December 18, 2002, you requested that the NRC exercise discretion not to enforce compliance with the actions required in Technical Specification 3.7.5, Action C.1. That letter documented information previously discussed with the NRC in a telephone conversation on December 16, 2002, at 3:45 p.m. (CST). You stated that as of December 17, 2002, at 5:01 a.m. (CST) the plant would not be in compliance with Technical Specification 3.7.5, which required that the plant be in Mode 4 within 12 hours. You requested that a Notice of Enforcement Discretion (NOED) be issued pursuant to the NRC's policy regarding exercise of discretion for an operating facility, set out in Section VII.c, of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, and be effective for the period 5:01 a.m. (CST) December 17, 2002, through 5:01 a.m. (CST) December 19, 2002. We understand that the condition causing the request for this NOED was corrected causing you to exit from Technical Specification 3.7.5 and from this NOED at 8:14 a.m. on December 17.

Participants in the December 16, 2002, telephone conversation included Ellis Merschoff, Regional Administrator, Region IV; Arthur Howell III, Director, Division of Reactor Projects, RIV; Dwight Chamberlain, Director, Division of Reactor Safety, RIV; Francis Brush, Acting Chief, Project Branch B, Division of Reactor Projects, RIV; David Loveless, Senior Reactor Analyst, Division of Reactor Safety, RIV; Michael Peck, Senior Resident Inspector at Callaway Plant, RIV; William H. Ruland, Director, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation; Jack Donohew, Senior Project Manager, Division of Licensing Project Management, Office of Nuclear Reactor Regulation; and Ronald D. Affolter, Vice President - Nuclear, Callaway Plant, and members of his staff.

According to your staff, on December 14, 2002, at 5:01 a.m. (CST) the Callaway Plant turbine-driven auxiliary feedwater pump was declared inoperable when it tripped during an auxiliary feedwater initiation on low steam generator water level. Investigations identified that the pump governor stem was binding which resulted in an overspeed trip. The schedule for repair of the governor and postmaintenance testing would potentially exceed the Technical Specification 72 hour completion time by up to 48 hours.

The safety basis submitted by Union Electric included compensatory measures and an evaluation of the potential impact on public health and safety and the environment. The safety basis submitted indicated that the proposed enforcement discretion did not involve a net

increase in radiological risk and would not be a potential detriment to public health and safety. This assessment was based on your implementation of the proposed compensatory measures, and that proceeding to Mode 4 would provide no decrease in core damage frequency and would increase the risk due to the potential for interfacing systems loss of coolant accidents while cooling down. Your compensatory measures included: (1) no other planned maintenance or testing would be performed that would render other risk-related systems inoperable; and (2) access to and activities in the switchyard would be restricted to operator rounds.

We evaluated your request and agreed that maintaining the plant stable in Mode 3 for an additional 48 hours was preferable to the potential for a plant transient that could occur during a plant cooldown. Also, we agreed that your compensatory measures, risk analysis, and basis considerations were appropriate to demonstrate that the additional 48 hours would not involve a net increase in radiological risk and would not be a potential detriment to public health and safety.

We reviewed your letter dated December 18, 2002, in which you documented the subjects discussed in the telephone conversations of December 16, 2002. The letter accurately reflected the discussions regarding the description of the event, the basis for no net increase in radiological risk, the justification for the duration of the potential noncompliance including apparent root cause, the basis for the determination that the potential noncompliance was not a potential detriment to public health and safety and that no significant hazard consideration was involved, the environmental evaluation, the compensatory measures proposed, as well as the review and approval by your onsite review committee, and your basis for the type of Notice of Enforcement Discretion requested.

On the basis of our evaluation of your request, including the compensatory measures described above, we concluded that an NOED was warranted because we were clearly satisfied that this action had no adverse radiological impact on public health and safety. Additionally, we determined that the request satisfied the NRC's policy for enforcement discretion as specified in Section B.2.1.1.a of NRC Inspection Manual Chapter 9900. Therefore, it is our intention to exercise discretion not to enforce compliance with Technical Specification 3.7.5, Action C.1, for the inoperable turbine-driven auxiliary feedwater pump for the period from December 17, 2002, at 5:01 a.m. (CST) until December 19, 2002, at 5:01 a.m. (CST). This letter documents our telephone conversation of December 16, 2002, at 6:16 p.m. (CST) when we orally issued this enforcement discretion, and our review of your written request dated December 18, 2002.

However, as stated in the Enforcement Policy, action will be taken, to the extent that violations were involved, for the root cause or causes that led to the request for this NOED.

Sincerely,

/RA/

Ellis W. Merschoff
Regional Administrator

Docket: 50-483
License: NPF-30

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NOED

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