



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

June 20, 2003

EA-03-060

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

**SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND
NOTICE OF VIOLATION (NRC INSPECTION NO. 50-483/03-08; CALLAWAY
PLANT)**

Dear Mr. Randolph:

The purpose of this letter is to provide you the final results of our significance determination of the preliminary White finding identified in the subject inspection report. The inspection finding was assessed using the Significance Determination Process and was preliminarily characterized as White, a finding with low to moderate increased importance to safety, which may require additional NRC inspections. This White finding involved a failure to establish the means to notify certain members of the public in your emergency planning zone in the event of an emergency at your Callaway plant. The finding was based on the conclusions that from 1998 through November 2002: (1) your database of tone alert radio recipients was inaccurate and was continuing to degrade due to programmatic and implementation inadequacies; (2) the failure to maintain an accurate database resulted in the failure to distribute tone alert radios to members of the public that required tone alert radios for emergency alerting; and (3) your program was not capable of identifying the errors in a timely manner such that compensatory measures could be taken to alert affected members of the public.

In a telephone conversation with Mr. Troy Pruett of my staff on or about May 15, 2003, Mr. Mark Reidmeyer of your staff indicated that Union Electric Company did not contest the characterization of the risk significance of this finding and that you declined your opportunity to discuss this issue in a Regulatory Conference. He stated that you would provide a written response to the subject inspection report.

The NRC received your response letter dated June 10, 2003. This letter confirmed your acceptance of the White finding as preliminarily characterized, but also requested clarification of our characterization of the cross cutting aspects of the finding which are documented in the subject inspection report. The NRC acknowledges and agrees with your comments in the letter concerning the promptness and adequacy of the immediate actions you took following your November 2002 discovery of the inadequate distribution of tone alert radios. Our primary cross cutting concern related to the White finding was the failure of your audit programs and supervisory oversight of surveillance activities to identify the inaccurate tone alert radio database prior to the occurrence of an external event (change in electric service providers)

which prompted its discovery. The subject inspection report inaccurately characterized these failures as a human performance cross cutting issue. This inspection did not evaluate the effectiveness of your corrective action programs and processes, but concluded that the White finding had cross cutting aspects related to problem identification. The cross cutting aspects of the White finding were documented in Section 4OA2 to facilitate future NRC inspection.

You have 30 calendar 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 has also determined that the failure to establish the means to notify certain members of the public in the emergency planning zone is a violation of 10 CFR 50.47(b)(5), as cited in the attached Notice of Violation (Notice). The circumstances surrounding the violation are described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, NUREG-1600, the Notice of Violation is considered escalated enforcement action because it is associated with a White finding (50-483/0308-01).

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice 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, its enclosure, and your response 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//

Thomas P. Gwynn
Acting Regional Administrator

Enclosure: Notice of Violation

Docket: 50-483
License: NPF-30

Union Electric Company

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cc w/Enclosure:
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Union Electric Company

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 State Liaison Officer **(WAM)**
Only inspection reports to the following:
 Mel Fields **(MBF1)**
 CWY Site Secretary **(DVY)**
 Sanborn, ACES **(GFS)**
OEMAIL
 Dixon-Herrity, OE **(JLD)**

ADAMS: Yes No Initials: _jlh_____
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NOTICE OF VIOLATION

Union Electric Company
Callaway Plant

Docket No. 50-483
License No. NPF-30
EA-03-060

During an NRC inspection conducted on February 10 through March 21, 2003, 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) provides in part that "[a] licensee authorized to possess and operate a nuclear power reactor shall follow . . . emergency plans which meet the standards in [section] 50.47(b). . . ."

10 CFR. 50.47(b) requires that the onsite emergency response plans for nuclear power reactors must meet each of 16 planning standards, of which, standard (5) states, in part: the ". . . means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone have been established." The licensee's emergency plan described the means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone (EPZ) to include tone alert radios and emergency sirens.

Contrary to the above, from 1998 through November 2002, the licensee failed to follow its emergency plan designed to meet planning standard (5) in 10 C.F.R. 50.47(b). Specifically, the licensee failed to provide tone alert radios to 98 residences in portions of the EPZ that relied upon tone alert radios as the primary means of emergency notification (i.e., areas of the EPZ that were outside of the range of emergency sirens).

This violation is associated with a White Significance Determination Process finding.

Pursuant to the provisions of 10 CFR 2.201, Union Electric Company 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 IV, and a copy to the NRC Resident Inspector at the Callaway Plant, 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-03-060," 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 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 the Public Electronic Reading Room, <http://www.nrc.gov/reading-rm/adams.html>. 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.

Dated this 20th day of June 2003