



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

May 26, 2004

Garry L. Randolph, Senior Vice  
President and Chief Nuclear Officer  
Union Electric Company  
P.O. Box 620  
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**SUBJECT: RESULTS OF REVIEW PERTAINING TO A REQUEST FOR ENFORCEMENT  
DISCRETION FOR UNION ELECTRIC REGARDING CALLAWAY PLANT  
(NOED 03-4-002)**

Dear Mr. Randolph:

The purpose of this letter is to provide you the results of our review of whether you provided complete and accurate information during a September 2003 request for Enforcement Discretion and to provide you a written confirmation or Notice of the Enforcement Discretion we granted verbally on September 6, 2003. With regard to the providing of information, we have concluded that the enforcement discretion was used for the purpose for which it was requested and you provided us with accurate information. However, the time needed to conduct our review would not have been necessary if there had been clearer and timelier oral and written communications by your staff regarding the inter-relationship, or lack thereof, of two discrete work activities (i.e., restoration of PORV block valve and correction of an annunciator circuit problem).

With regard to the written confirmation of the granting of enforcement discretion, we hereby provide that confirmation. On the basis of the staff's evaluation of your request and the information provided in your letter dated September 9, 2003, we have concluded that issuance of this NOED was consistent with the Enforcement Policy and staff guidance and had no adverse impact on public health and safety. Therefore, as discussed telephonically on September 7, 2003, we have exercised discretion not to enforce compliance with Technical Specification 3.4.11.D for the period of 12:01 p.m. on September 7 until 12:01 p.m. on September 9, 2003.

Below is further explanation of our decisions:

By letter dated September 9, 2003, you requested that the NRC exercise discretion not to enforce compliance with the actions required in Technical Specification Limiting Condition for Operation 3.4.11, "Pressurizer Power Operated Relief Valves (PORVs)." Your letter documented information previously discussed with the NRC in a telephone conversation on September 6, 2003, at 7 p.m. (all times are CDT). As noted in NRC's reply dated September 11, 2003, to your request for enforcement discretion, NRC identified information in your letter that required further review. This information was specifically related to

troubleshooting of an annunciator circuit associated with the PORV block valve circuitry, including an evaluation of the operability impact of the annunciator problem, and called into question whether the enforcement discretion was used for some other purpose than that which was requested.

With respect to your September 6, 2003, telephonic request for enforcement discretion, the principal NRC staff members who participated in the telephone conference included: Thomas P. Gwynn, Acting Regional Administrator, Region IV; Arthur T. Howell III, Director, Division of Reactor Projects (DRP), Region IV; David Graves, Chief, Project Branch B, DRP, Region IV; Michael Peck, Senior Resident Inspector at Callaway Plant, DRP, Region IV; David Loveless, Senior Reactor Analyst, Division of Reactor Safety (DRS), Region IV; Michael Runyan, Senior Reactor Analyst, DRS, Region IV; and Stephen Dembek, Chief, Section IV-2, Division of Licensing Project Management, Office of Nuclear Reactor Regulation. During the September 6 telephone conversation, you stated that on September 7, 2003, at 12:01 p.m., Callaway Plant would need to be in Mode 3 (Hot Standby) in order to comply with Technical Specification 3.4.11, Condition D, Required Action D.1, which required that the plant be in Mode 3 within 6 hours after exceeding the 72-hour limit of Required Action C.2. Required Action C.2 was entered at 6:01 a.m. on September 4. You requested that a Notice of Enforcement Discretion (NOED) be issued pursuant to the NRC's policy regarding the exercise of enforcement 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. You requested that the NOED be effective for 48 hours beyond 12:01 p.m. on September 7, 2003. This letter documents our telephone conversation of September 6 at 7 p.m. when we verbally issued this NOED. We understand that the condition causing the need for this NOED was corrected by you, causing you to exit from Technical Specification 3.4.11 and from this NOED on September 7 at 2:18 p.m.

Additionally, this letter documents the results of our review of other pertinent information discussed in your September 9, 2003, letter. Callaway Plant was in Mode 1 (Power Operations) when Train B Pressurizer PORV Block Valve BBHV8000B was declared inoperable at 6:01 a.m. on September 4, 2003, to support a valve control switch modification. Condition C of Technical Specification 3.4.11 was entered, thus placing associated Required Actions C.1 and C.2 into effect. With one block valve inoperable, Required Action C.1 required placing the associated PORV in manual control within 1 hour, and Required Action C.2 required restoring the block valve to operable status within 72 hours. The Train B PORV (BBPCV0456A) was placed in manual control at 6:08 a.m. Following installation of the control switch modification, personnel reported an acrid odor in the electrical penetration room. This odor was indicative of an electrical failure that was subsequently confirmed in the block valve's motor-operator and control circuit. To ensure sufficient time for restoring the PORV block valve to service, you requested an extension of the time limit in Technical Specification 3.4.11, Required Action D.1, for Callaway Plant to be in Mode 3. The 72-hour Completion Time for the Required Action required the inoperable Train B pressurizer PORV block valve be restored no later than 6:01 a.m. on September 7, 2003. After expiration of the 72-hour Completion Time, Condition D must be entered, which required a plant shutdown to Mode 3 within 6 hours and Mode 4 (Hot Shutdown) within 12 hours. As such, with the Train B pressurizer PORV block valve inoperable, Callaway plant would have had to have been in Mode 3 (Hot Standby) on September 7, 2003, at 12:01 p.m. You requested that a Notice of Enforcement Discretion be

issued for an additional 48 hours (from 12:01 p.m., September 7, 2003) pending restoration of the Train B pressurizer PORV block valve.

The safety basis in your NOED request included a discussion of proposed compensatory measures and an evaluation of the potential impact on public health and safety and the environment. Your evaluation concluded that the request for an additional 48 hours to restore the pressurizer PORV was risk-neutral and represented no net increase in radiological risk. In addition, you concluded that no significant hazards consideration was involved. The proposed compensatory measures, which were integral to your no net increase in risk determination, included: (1) maintaining Block Valve BBHV8000B in the open position during the NOED period, except for valve stroking required for maintenance and testing; (2) directing operators and work crews to shut the block valve if a demand for closure should arise; (3) restricting access to the switchyard to reduce the likelihood of a loss of offsite power; (4) performing no work or surveillances on the reactor trip system (RTS) or engineered safety feature actuation system (ESFAS) that could initiate a reactor trip and/or ESFAS actuation in order to reduce the likelihood of a plant transient; (5) not performing work on Train A components to protect the operable train; and (6) not performing work on the auxiliary feedwater system, steam generator atmospheric steam dump valves (ASDs), or main steam dump control valves, in order to reduce the likelihood of a PORV demand if a plant transient were to occur.

We reviewed your request and agreed that your proposed compensatory measures, risk analysis, and safety basis considerations were adequate to demonstrate that the additional 48 hours would not involve an increase in radiological risk and would not adversely affect public health and safety. Our decision was based primarily on the request being overall safety- and risk-neutral and the fact that both pressurizer PORVs would be fully functional, except during the period when PORV B would not be available during block valve stroking. The compensatory measures were determined to have been in effect and verified during the NOED period. In reviewing this NOED request, the NRC determined that you satisfied "NRC Inspection Manual, Part 9900, Criteria B.2.1 Technical Guidance, Operations-Notices of Enforcement Discretion, Situations Affecting Radiological Safety - Regular NOEDs," Plant Condition 1.a., regarding NOEDs for an operating plant.

Although your staff stated (during the September 6 telephone call to request the NOED verbally) that the annunciator circuit problem and continuing troubleshooting did not affect the PORV block valve's operability, a documented operability determination was not performed until the morning of September 7 and was not completed until 2:18 p.m. on September 7. This was 2 hours 17 minutes into the granted NOED extension. NRC staff reviewed the activities associated with the operability determination and the associated documentation. This documentation included the work control documentation, some of which was common to both the repair and testing of the PORV block valve, as well as the troubleshooting of the annunciator circuit.

We independently verified through subsequent inspection activities that the annunciator problem did not affect the operability of the PORV block valve. Also, we confirmed that it was not appropriate to restore the block valve to an operable status until all the work control documentation, which was common to both work activities, was processed in accordance with your established processes. Other aspects of our review are documented in NRC Inspection

Report 05000583/2003006, dated February 5, 2004, and our letter to you, dated March 18, 2004.

In accordance with the Enforcement Policy, enforcement action has been taken for the root causes that led to the noncompliance for which this NOED was necessary. As noted above, NRC Inspection Report 05000483/2003006, dated February 5, 2004, documents the results of our inspection of this matter.

Sincerely,

*/RA/*

Bruce S. Mallett  
Regional Administrator

Docket: 50-483  
License: NPF-30

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**NOED**

**OEWEB**

ADAMS: ☒ Yes    ☐ No    Initials: \_dng\_\_

☒ Publicly Available    ☐ Non-Publicly Available    ☐ Sensitive    ☒ Non-Sensitive

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