

June 30, 2004

EA-04-112

Mr. George Vanderheyden  
Vice President - Calvert Cliffs Nuclear Power Plant  
Constellation Generation Group, LLC  
1650 Calvert Cliffs Parkway  
Lusby, Maryland 20657-4702

SUBJECT: WITHDRAWAL OF NON-CITED VIOLATION

Dear Mr. Vanderheyden:

Thank you for your letter dated May 27, 2004, in response to NRC inspection report 05000317/2004002 and 05000318/2004002 dated March 9, 2004. In your response, you contested our issuance of a green non-cited violation related to your failure to properly translate design specifications into the design of an Emergency Core Cooling System (ECCS) minimum flow valve position indication as required by 10 CFR 50, Appendix B, Criterion III, Design Control.

We have reviewed the additional information referenced in your reply, specifically your letter dated March 4, 1976. The schematic diagram attached to that letter showed the proposed modification to the ECCS minimum flow valves, which was reviewed and accepted by the NRC as documented in Supplement No. 5 to the NRC's Safety Evaluation Report (SER) dated August 10, 1976. Based on our subsequent review, we have concluded that the as-built configuration for the ECCS minimum flow valve position indication meets your current design and licensing bases. Consequently, we are rescinding the green NCV issued on March 9, 2004. Our records will be amended to reflect this change.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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/**

Wayne D. Lanning, Director  
Division of Reactor Safety

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

Mr. G. Vanderheyden

2

cc w/encl:

President, Calvert County Board of Commissioners

J. M. Petro, Esquire, Constellation Energy Group, Inc.

J. E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge

Director, Nuclear Regulatory Matters

R. McLean, Manager, Nuclear Programs

K. Burger, Esquire, Maryland People's Counsel

P. Furio, Acting Director, Nuclear Regulatory Matters (CCNPP)

State of Maryland (2)

Mr. G. Vanderheyden

3

Distribution: **(via E-mail)**

OEMAIL

F. Congel, OE (RIDSOEMAILCENTER)

S. Figueroa, OE

D. Nelson, OE

J. Jolicoeur, RI EDO Coordinator

R. Laufer, NRR

G. Vissing, PM, NRR

R. Clark/P. Tam, PM, NRR (Backup)

H. Miller, RA

J. Wiggins, DRA

K. Farrar, ORA

D. Holody, ORA

R. Urban, ORA

J. Trapp, DRP

N. Perry, DRP

M. Giles, SRI - Calvert Cliffs

J. O'Hara, RI - Calvert Cliffs

Region I Docket Room (with concurrences)

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML041820100.wpd

After declaring this document "An Official Agency Record" it **will** be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RI/DRS	RI/DRS	RI/DRS	HQ/OE	RI/ORA
NAME	BNorris	LDoerflein	WLanning	CNolan RUrban for	RUrban
DATE	6/28/04	6/28/04	6/28/04	6/29/04 *	6/29/04

OFFICIAL RECORD COPY

\*for Chris Nolan per e-mail