

October 27, 2006

EA-06-198

Mr. James A. Spina, Vice President  
Calvert Cliffs Nuclear Power Plant, Inc.  
Constellation Generation Group, LLC  
1650 Calvert Cliffs Parkway  
Lusby, Maryland 20657-4702

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND  
NOTICE OF VIOLATION (NRC Inspection Report Nos. 05000317/2006012 and  
05000318/2006012 - Calvert Cliffs Nuclear Power Plant)

Dear Mr. Spina:

The purpose of this letter is to provide you with the final results of our significance determination for the preliminary White finding identified in the subject inspection report issued on September 8, 2006. This self-revealing finding involved inadequate design control during the establishment of the over-current trip setting for an electrical circuit breaker that supplies power to the support systems for the 1A emergency diesel generator (EDG). The low over-current trip setting would have impacted the capability of the 1A EDG to perform its intended safety function during certain design basis events at Calvert Cliffs Unit 1.

In a telephone conversation with Mr. Arthur Burritt of NRC, Region I, on September 20, 2006, Ms. Pat Furio of your staff indicated that Constellation Generation Group did not contest the characterization of the risk significance of this finding and that you declined your opportunity to provide additional information or discuss this issue in a regulatory conference.

After considering 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, Supplement 3.

The NRC has also determined that the inadequate design control that resulted in the incorrect over-current trip setting for the 1A EDG support system supply breaker is a violation of NRC requirements specified in 10 CFR Part 50, Appendix B, Criterion III, "Design Control," 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, the 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 when preparing your response. The NRC will use your response, in part, to

determine whether further enforcement action is necessary to ensure compliance with regulatory requirements. Additionally, this issue causes Calvert Cliffs Unit 1 to be in the regulatory response band of the NRC Action Matrix, and we will notify you, by separate correspondence, of any further action we plan to take.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS) accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its Web site at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Significant Enforcement Actions**.

Sincerely,

*/RA/*

Samuel J. Collins  
Regional Administrator

Docket Nos. 50-317  
License Nos. DPR-53

Enclosure: Notice of Violation

cc w/encl:

M. J. Wallace, President, Constellation Generation  
J. M. Heffley, Senior Vice President and Chief Nuclear Officer  
C. W. Fleming, Senior Counsel, Constellation Generation Group, LLC  
Director, Nuclear Regulatory Matters  
R. McLean, Manager, Nuclear Programs  
President, Calvert County Board of Commissioners  
K. Burger, Esquire, Maryland People's Counsel  
State of Maryland (2)

DISTRIBUTION w/encl:

ADAMS (PARS)  
 SECY  
 CA  
 OEMAIL  
 OEWEB  
 L. Reyes, EDO  
 W. Kane, DEDR  
 B. Sosa, OEDO  
 C. Carpenter, OE  
 L. Trocine, OE  
 L. Lopez, OE  
 O. Samuel, OE  
 L. Chandler, OGC  
 B. Jones, OGC  
 M. Elwood, OGC  
 J. Schlueter, OSTP  
 J. Dyer, NRR  
 M. Weber, NRR  
 B. Boger, NRR  
 R. Laufer, NRR  
 P. Milano, PM, NRR  
 R. Guzman, PM, NRR (Backup)  
 M. Check, RES  
 Enforcement Coordinators RII, RIII, RIV

E. Hayden, OPA  
 H. Bell, OIG  
 G. Caputo, OI  
 L. Tremper, OC  
 D. Screnci/N. Sheehan, RI  
 S. Collins, RA  
 M. Dapas, DRA  
 D. Lew, DRP  
 A. Blough, DRS  
 B. McDermott, DRP  
 A. Burritt, DRP  
 J. Giessner, DRP, SRI (acting)  
 M. Davis, DRS  
 C. Cahill, DRS  
 D. Holody, ORA  
 L. Cheng, DRS  
 C. Newgent - Resident OA  
 K. Farrar, RI  
 R. Summers, RI  
 C. O'Daniell, RI  
 R1DRP\_Mail  
 Region I OE Files (with concurrences)

**SUNSI Review Complete:     RJS     (Reviewer's Initials)**

DOCUMENT NAME: C:\FileNet\ML063000299.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/ORA	<input type="checkbox"/>	RI/DRP	<input type="checkbox"/>	E	RI/DRP	<input type="checkbox"/>	RI/RC	<input type="checkbox"/>	RI/ORA	<input type="checkbox"/>
NAME	RSummers*		BMcDermott*			BHolian*		KFarrar*		DHolody*	
DATE	09/28/06		09/28/06			10/02/06		10/05/06		10/05/06	

  

OFFICE	NRR	<input type="checkbox"/>	OE	<input type="checkbox"/>	RI/DRS	<input type="checkbox"/>	RI/RA	<input type="checkbox"/>			
NAME	RPascarelli**		CCarpenter** (DSolorio for)		ABlough*		SCollins				
DATE	10/16/06		10/24/06		10/04/06		10/27/06				

\*see prior concurrence

\*\* via e-mail on 10/24/06 from L. Trocine

Enclosure

NOTICE OF VIOLATION

Constellation Generation Group, LLC  
Calvert Cliffs Nuclear Power Plant Unit 1

Docket No. 50-317  
License No. DPR-53  
EA-06-198

During an NRC inspection conducted between July 10 and August 16, 2006, for which an exit meeting was held on August 16, 2006, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR Part 50, Appendix B, Criterion III, "Design Control," requires, in part, that design control measures shall provide for verifying or checking the adequacy of design, such as by the performance of design reviews, by the use of alternate or simplified calculational methods, or by the performance of a suitable testing program.

Contrary to the above, since 1996 when Calvert Cliffs modified the on-site electrical distribution design by installing a new the 1A emergency diesel generator (EDG), the licensee failed to ensure that design control measures provided for verifying or checking the adequacy of the design. Specifically, calculation D-E-94-001, dated August 26, 1994, did not account for all the loads that can simultaneously start after an undervoltage event when establishing the short-term over-current trip setting for electrical circuit breaker 1MCC123, the electrical supply for the EDG support systems. In addition, neither adequate design reviews, alternate calculations, nor suitable testing was done to identify that the over-current trip setting was incorrect.

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

Pursuant to the provisions of 10 CFR 2.201, Constellation Generation Group, LLC, 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; EA-06-198" and should include for each violation: (1) the reason for the violation or, if contested, the basis for disputing the violation or severity level; (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, U.S. 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 NRC's document system (ADAMS) accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, 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. 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 2.390(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 may be required to post this Notice within 2 working days.

Dated this 27th day of October 2006