

April 3, 2009

EA-08-351

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 OF WHITE FINDING, WITH
ASSESSMENT FOLLOW-UP, AND NOTICE OF VIOLATION - CALVERT
CLIFFS NUCLEAR POWER PLANT [NRC INSPECTION REPORT
05000317/2008502, 05000318/2008502]

Dear Mr. Spina:

This letter provides you the final significance determination of the preliminary White finding sent to you with the NRC letter dated February 26, 2009, as well as the result of our assessment of the current performance of Calvert Cliffs Nuclear Power Plant (CCNPP). This updated assessment of CCNPP supplements, but does not supercede, our annual assessment letter issued on March 4, 2009. The finding, described in detail in the subject inspection report, is associated with emergency preparedness planning standard 10 CFR 50.47(b)(4). Specifically, for the period of August 31, 2005, until April 10, 2008, CCNPP's emergency action level table's fission product barrier matrix was incorrect, with respect to the threshold associated with the potential loss of the containment barrier. This resulted in a degraded risk significant planning standard function.

In a telephone conversation with Mr. James Trapp of NRC, Region I, on March 5, 2009, Mr. Louis Larragoite, Manager, Nuclear Safety and Security, indicated that Constellation Generation Group, LLC (Constellation) did not contest the characterization of the risk significance of this finding and did not desire to discuss this issue in a Regulatory Conference or to provide a written response. Therefore, after considering the information developed during the inspection, and having assessed the finding using the emergency preparedness significance determination process, the NRC has concluded that the finding is appropriately characterized as White, a finding of low to moderate safety significance. The NRC has also determined that the finding is a violation of 10 CFR 50.47(b)(4), as cited in the attached Notice of Violation (Notice). In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a White finding.

The NRC has concluded that the information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was or will be achieved, is described sufficiently on the docket in NRC Inspection Report 05000317/2008502, 05000318/2008502, such that you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

As a result of our review of Calvert Cliffs Units 1 & 2 performance, including this White finding, we have assessed CCNPP to be in the Regulatory Response column of the NRC's Action Matrix. Therefore, we plan to conduct a supplemental inspection using Inspection Procedure 95001, "Inspection for One or Two White Inputs in a Strategic Performance Area," when your staff has notified us of your readiness for this inspection. This inspection procedure is conducted to provide assurance that the root cause and contributing causes of risk significant performance issues are understood, the extent of condition is identified, and the corrective actions are sufficient to prevent recurrence.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, 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.

Sincerely,

/RA/ Original Signed by Marc Dapas for

Samuel J. Collins
Regional Administrator

Docket No. 05000317/05000318
License Nos. DPR-53, DPR-69

Enclosure: Notice of Violation

cc w/encl:

M. Wallace, Vice-Chairman, Constellation Energy
H. Barron, President, CEO, & Chief Nuclear Officer, Constellation Energy Nuclear Group, LLC
W. Parran, President, Calvert County Board of Commissioners
C. Fleming, Esquire, Sr. Counsel – Nuclear Generation Group, LLC
J. Gaines, Director, Licensing, Calvert Cliffs Nuclear Power Plant
S. Gray, Program Manager, Power Plant Assessment Program, Maryland Department of Natural Resources
K. Burger, Esquire, Maryland People's Counsel
P. Birnie, Esquire, Co-Director, Maryland Safe Coalition
R. Hickok, NRC Technical Training Center
L. Larragoite, Manager, Nuclear Safety and Security, Calvert Cliffs Nuclear Power Plant
G. Detter, Manager, Nuclear Safety and Security, Constellation Energy
M. Griffen, Maryland Department of the Environment
S. Pattison, SLO (2)

J. A. Spina

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- C. Fleming, Esquire, Sr. Counsel – Nuclear Generation Group, LLC
- J. Gaines, Director, Licensing, Calvert Cliffs Nuclear Power Plant
- S. Gray, PM, Power Plant Assessment Program, Maryland Dept of Natural Resources
- K. Burger, Esquire, Maryland People's Counsel
- P. Birnie, Esquire, Co-Director, Maryland Safe Coalition
- R. Hickok, NRC Technical Training Center
- L. Larragoite, Manager, Nuclear Safety and Security, Calvert Cliffs Nuclear Power Plant
- G. Detter, Manager, Nuclear Safety and Security, Constellation Energy
- M. Griffen, Maryland Department of the Environment
- S. Pattison, SLO (2)

SUNSI Review Complete: JT (Reviewer's Initials)

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*OE Quick Review G. Bowman

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NOTICE OF VIOLATION

Calvert Cliffs Nuclear Power Plant, Inc.
Constellation Generation Group, LLC

Docket Nos. 05000317/05000318
License Nos. DPR-53, DPR-69
EA-08-351

During an inspection at the Constellation Generation Group, LLC (Constellation) Calvert Cliffs Nuclear Power Plant, for which an exit was conducted on January 14, 2009, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.54(q) requires, in part, that a holder of a nuclear power reactor operating license under this part shall follow and maintain in effect emergency plans which meet the standards in 50.47(b) and the requirements in Appendix E of this part.

10 CFR 50.47(b)(4) requires, in part, that a standard emergency classification and action level scheme, the bases of which include facility system and effluent parameters, is in use by the nuclear facility licensee, and State and local response plans call for reliance on information provided by facility licensees for determinations of minimum initial offsite response measures.

10 CFR 50 Appendix E, IV.B, Assessment Actions, requires, in part, that the means to be used for determining the magnitude of and for continually assessing the impact of the release of radioactive materials shall be described, including emergency action levels that are to be used as criteria for determining the need for notification and participation of local and State agencies, the Commission, and other Federal agencies, and the emergency action levels that are to be used for determining when and what type of protective measures should be considered within and outside the site boundary to protect health and safety.

Contrary to the above, between August 31, 2005 and April 10, 2008, Constellation failed to maintain in effect Emergency Plans that meet the standards in 50.47(b) and the requirements in Appendix E, IV.B. Specifically, Constellation did not maintain an emergency classification scheme which included facility system and effluent parameters, in use that the State and local response plans can rely on for information to determine minimum initial offsite response measures. In particular, the emergency action level (EAL) table for the fission product barrier matrix was incorrect with respect to the EAL threshold associated with potential loss of containment barrier.

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

The NRC has concluded that the information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was or will be achieved, is described sufficiently on the docket in NRC Inspection Report 05000317/2008502, 05000318/2008502, such that you are not required to respond to the letter transmitting this Notice. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," include the EA

number, and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, and a copy to the NRC Resident Inspector at Calvert Cliffs, within 30 days of the date of the letter transmitting this Notice of Violation (Notice)."

If you choose to respond, 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>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 3rd day of March 2009