AmerenUE
Callaway Plant

PO Box 620
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April 6, 2010

ULNRC-05693

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

10 CFR 50.36

Ladies and Gentlemen:

DOCKET NUMBER 50-483
CALLAWAY PLANT UNIT 1
UNION ELECTRIC CO.
REQUEST FOR ENFORCEMENT
DISCRETION REGARDING COMPLIANCE WITH
TECHNICAL SPECIFICATION 3.8.1, "AC SOURCES – OPERATING"

This letter from AmerenUE (Union Electric) provides a written request for enforcement discretion based on a verbal request described and made to the NRC staff during a telephone conference conducted on April 2, 2010, at 1530 hours. Verbal approval by the NRC staff was given during the telephone conference. As discussed during the telephone conference, AmerenUE is requesting the NRC to exercise enforcement discretion for the Callaway Plant in regard to the requirements of Technical Specification (TS) Limiting Condition for Operation (LCO) 3.8.1, "AC Sources – Operating."

On March 30, 2010, with the plant at 100% power (in Mode 1) a failure of the 'A' emergency diesel generator (EDG) occurred during performance of a scheduled surveillance, i.e., the 24-hour run required per TS Surveillance Requirement (SR) 3.8.1.14. After successfully starting and loading the machine, and after approximately 16.5 hours of run time, a reverse-power protective trip unexpectedly occurred, thereby actuating a trip of the EDG output breaker. The machine was declared inoperable at 1808 hours. Subsequent investigation determined the cause of the trip to be damaged spline teeth at the coupling between the hydraulic actuator and governor drive assembly caused by loss of lubrication due to a blocked oil port.

There are two redundant EDGs at Callaway for providing emergency power to safety loads in the event of a loss of offsite power. TS 3.8.1 requires both EDGs to be operable during plant operation (i.e., Modes 1, 2, 3, and 4). With one EDG inoperable during plant operation, Condition B in the LCO section of TS 3.8.1 applies, and per associated Required Action B.4, the inoperable EDG must be

restored to operable status within 72 hours. If the Completion Time of 72 hours cannot be met, Condition G must be entered, wherein Required Action G.1 requires commencement of a controlled plant shutdown such that the plant is required to be in Mode 3 within 6 hours AND in Mode 5 within 36 hours.

As of 1530 on April 2, 2010, repair of the hydraulic actuator and governor drive assembly for the 'A' EDG was underway. At that time, it was estimated that approximately 48 hours beyond the 72-hour Completion Time would be required to allow adequate time to complete the repair and perform all required maintenance runs and post-maintenance tests for confirming operability. In light of this need relative to the time when the 72-hour Completion Time of Required Action B.4 of TS 3.8.1 would expire, it was determined that an additional 48 hours beyond the 72-hour Completion Time should be requested to permit restoration of the 'A' EDG to operable status. The details, basis and justification for AmerenUE's request (which were verbally discussed in the noted telephone conference) are provided in the attachment to this letter, which was prepared in accordance with the guidance provided in RIS 2005-01 (i.e., Part 9900 of the NRC Inspection Manual). Included in the attachment is the basis for AmerenUE's determination that the proposed action involves no net increase in plant risk.

This written request for enforcement discretion is being submitted within 2 working days of the NRC verbally granting enforcement discretion. As discussed with the NRC staff on April 2, 2010, this is a one-time Completion Time increase of 48 hours for the 'A' EDG and no follow-up license amendment will be submitted. The requirements that must be satisfied to make a permanent Completion Time increase in TS 3.8.1 Condition B for an inoperable EDG require a long-term application of resources that will not be pursued at the present time.

It should be noted that subsequent to the NRC's verbal approval for granting enforcement discretion, at 1735 hours on April 2, 2010, the requested additional time for restoring the 'A' EDG was utilized. The governor repair and all required post-maintenance testing was completed such that the 'A' EDG was restored to operable status at 1220 hours on Sunday, April 4, 2010.

AmerenUE appreciates the prompt attention given to this matter. For any questions or additional information regarding this request, please contact David Neterer at (573) 676-8410, Scott Sandbothe at (314) 225-1054, or Scott Maglio at (573) 676-8719.

This letter does not contain new commitments.

Very truly yours,

John Patterson
Acting Plant Director
for David W. Neterer
Plant Director

EMF/ns

Attachment 1: Request for Enforcement Discretion Regarding Compliance with Technical Specification 3.8.1, "AC Sources - Operating"

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REQUEST FOR NOTICE OF ENFORCEMENT DISCRETION REGARDING COMPLIANCE WITH TECHNICAL SPECIFICATION 3.8.1, "AC SOURCES - OPERATING"

As noted in the cover letter, AmerenUE is requesting the NRC to exercise enforcement discretion for the Callaway Plant in regard to the requirements of Technical Specification (TS) Limiting Condition for Operation (LCO) 3.8.1, "AC Sources – Operating." The request is to allow an additional 48 hours for restoring the 'A' emergency diesel generator (EDG) to operable status following a failure of the machine that occurred during performance of a scheduled surveillance on March 30, 2010. The 'A' EDG is an important component in the onsite Class 1E AC electrical power system at Callaway, as further described below.

Callaway Plant Design Information

Diesel Generator Design

The Class 1E AC Electrical Power Distribution System AC sources consist of the offsite power sources (preferred power sources – normal and alternate), and the onsite standby power sources ('A' and 'B' EDGs). As required by 10 CFR 50, Appendix A, GDC 17, the design of the AC electrical power system provides independence and redundancy to ensure an available source of power to the Engineered Safety Feature (ESF) systems. The onsite Class 1E AC Distribution System is divided into redundant load groups (trains) so that the loss of any one group does not prevent the minimum safety functions from being performed. Each train has connections to the two preferred offsite power sources and a single EDG.

The onsite standby power source for each 4.16 kV ESF bus is a dedicated EDG. EDGs NE01 (the 'A' EDG) and NE02 (the 'B' EDG) are dedicated to ESF buses NB01 and NB02, respectively. An EDG starts automatically on a safety injection (SI) signal (i.e., low pressurizer pressure, low steam line pressure or high containment pressure signals) or on an ESF bus undervoltage signal. After the EDG has started, it will automatically tie to its respective bus after offsite power is tripped as a consequence of ESF bus undervoltage or degraded voltage, independent of or coincident with an SI signal. The EDGs will also start and operate in the standby mode without tying to the ESF bus on an SI signal alone. Following the trip of offsite power, a Load Shedder and Emergency Load Sequencer (LSELS) strips non-permanent loads from the ESF bus. When the EDG is tied to the ESF bus, loads are then sequentially connected to its respective ESF bus by the LSELS. The sequencing logic controls the permissive and starting signals to motor breakers to prevent overloading the EDG by automatic load application.

With further regard to a loss of preferred power (and the associated shedding of electrical loads from the in-plant ESF buses), the ESF electrical loads are automatically connected to the EDGs in sufficient time to provide for safe reactor shutdown and to mitigate the consequences of a Design Basis Accident (DBA) such as a loss of coolant accident (LOCA). Certain required unit loads are returned to service in a predetermined sequence in order to prevent overloading the EDG in the process. Within 1 minute after the initiating signal is received, all loads needed to recover the unit or maintain it in a safe condition are returned to service. Ratings for Train A and Train B EDGs satisfy the requirements of Regulatory Guide 1.9. The continuous service rating of each EDG is 6201 kW with 10% overload permissible for up to 2 hours in any 24-hour period.

Each EDG is directly supported by the emergency diesel engine lubrication system.

Emergency Diesel Engine Lubrication System (EDELS) Design and Operation

The emergency diesel engine lubrication system (EDELS) is designed to provide sufficient lubrication to permit proper operation of its associated EDG under all loading conditions. The system is required to circulate the lube oil to the diesel engine working surfaces and to remove excess heat generated by friction during operation. The EDELS is designed to provide adequate lubrication and cooling for the various moving parts of the engine to permit it to be operated at continuous nameplate rating for at least 7 days without replenishing the system. The lubricating oil cooler is a horizontal shell and tube-type heat exchanger. The essential service water (ESW) leaving the jacket water heat exchanger is circulated through the tube side of the cooler.

During diesel engine operation, the engine-driven main oil pump draws oil from the engine sump and delivers the oil to the engine lubricating oil header through the lube oil cooler and the main lube oil strainer. The oil header supplies oil under pressure to the engine components requiring lubrication and cooling. The oil then drains back to the sump. ESW is used to cool the lubricating oil at the cooler. The oil flow to the shell side of the cooler is modulated by a self-contained thermostatic valve, so that the temperature differential between the oil inlet and outlet to the engine will remain at the design minimum. The thermostatic valve bypasses the cooler when the engine is started so that the lubricating oil is brought to normal operating temperature rapidly. The valve is designed to permit the full volume of oil flow through the engine.

During normal plant operation, the service water system (through the ESW system piping) provides the cooling water to the cooler. When the diesel is started during an emergency, the ESW system supplies the cooling water to the cooler.

1. **The Technical Specification (TS) or other License Conditions that will be violated.**

Upon discovery of the 'A' EDG test failure at 1808 hours on March 30, 2010, the machine was declared inoperable. Accordingly, Condition B (and the associated Required Actions) of Technical Specification (TS) 3.8.1 was entered at that time for one EDG inoperable. In particular, Required Action B.4 was entered such that a 72-hour "clock" was begun for restoring the EDG to operable status (based on the 72-hour Completion Time specified in Required Action B.4).

Based on the Conditions and Required Actions of TS 3.8.1, if the 'A' EDG is not restored to operable status by 1808 on April 2, 2010 (such that Condition B and its associated Required Action Completion Times cannot be met), Condition G of TS 3.8.1 must be entered, which requires a plant shutdown to Mode 3 within 6 hours and to Mode 5 within 36 hours.

2. **The circumstances surrounding the situation, including likely causes; the need for prompt action; action taken in an attempt to avoid the need for an NOED; and identification of any relevant historical events.**

On March 30, 2010, with the plant at 100% power (in Mode 1) a failure of the 'A' emergency diesel generator occurred during performance of a scheduled surveillance, i.e., the 24-hour run required per TS Surveillance Requirement (SR) 3.8.1.14. After successfully starting and loading the machine, and after approximately 16.5 hours of run time, a reverse-power protective trip unexpectedly occurred, thereby actuating a trip of the EDG output breaker. The machine was declared inoperable at 1808 hours. Investigation identified the probable cause of the trip to be damaged spline teeth at the coupling between the hydraulic actuator and governor drive assembly, which was caused by loss of lubrication due to a blocked oil port.

The damaged spline teeth connect the hydraulic actuator and the governor drive assembly, which is driven by the engine shaft. Trouble-shooting identified excessive wear between the splined end of the hydraulic actuator and the splined sleeve of the governor drive assembly. The function of the hydraulic actuator is to regulate the amount of fuel supplied to the engine in response to a signal provided by the electric or mechanical governor. To maintain constant speed, the governor system, via the hydraulic actuator, increases or decreases the fuel supplied to the engine as applied load increases or decreases.

On removal of the hydraulic actuator from the governor drive assembly, the craft identified the spline coupling between these components was excessively

worn. The inner surface of the governor drive assembly shaft sleeve is splined and engages (and drives) the splined surface of the hydraulic actuator shaft. Spline wear was extensive enough to allow the governor drive assembly sleeve to turn freely on the hydraulic actuator shaft without engaging the shaft splines. The splines on both the drive sleeve and actuator shaft were excessively worn and metallic particles were identified within the governor drive assembly casing.

The governor drive assembly is lubricated from the lube oil system through channels and ports drilled directly into the casing housing. Inspection of the governor drive assembly identified that the shaft sleeve looked dry and apparently had lost lubrication. The cause of the excessive wear was thus due to a loss of lubrication.

The loss of lubrication occurred due to no oil port being cut in the gasket installed between the governor drive assembly bearing base and case. Room temperature vulcanization (RTV) sealant was also found to be blocking the oil port. The oil port in the gasket that mates to a corresponding port in the drive case routes lubricating oil to the governor drive train. With the lack of an oil port in the gasket, oil flow was blocked, thus preventing lubrication of the governor drive assembly.

In accordance with Required Action B.3 of TS 3.8.1, a test of the 'B' EDG was conducted successfully on March 31, 2010. The 'A' EDG gasket was not an Original Equipment Manufacturer (OEM) gasket. The gasket on the 'B' EDG was verified to be an OEM gasket, thus confirming that the 'A' EDG and 'B' EDG gaskets were not the same. (In addition, the 'B' EDG governor drive assembly was inspected on April 6, 2010, for evidence of lubrication. Oil was present in the governor drive assembly, thus confirming the gasket was not preventing oil flow to the 'B' EDG governor drive assembly.)

The history of the two EDGs provided below supports the determination that there was no common-cause potential failure condition.

<u>'A' EDG History</u>
In order to inspect, clean, and repair a leak, the shaft of the drive assembly was disassembled in 1999, which would have disturbed the subject gasket. The gasket installed during reassembly was fabricated from shop gasket material and did not have an oil port. There were no other work documents to indicate that this gasket would have been disturbed.

'B' EDG History

In 2005, the governor drive assembly's pinion gears were replaced by the diesel vendor, and documentation exists that an OEM gasket was installed between the governor drive assembly bearing base and case. Work documents at the time do not reflect any problems with reassembling the governor drive assembly.

Summary of Troubleshooting Activities

Subsequent to the test failure on the 'A' EDG, a systematic approach was taken, in accordance with site troubleshooting procedure MDP-ZZ-TR001, to determine the cause of the EDG failure. Significant activities and efforts undertaken for that determination are summarized as follows:

- Initially, the potential for the run failure to be caused by a grid disturbance was investigated (but ruled out).
- Troubleshooting was begun by calibrating the over excitation relay and reverse power relay.
- The fuel oil pump low discharge pressure switch was calibrated and inspected and verified to produce annunciation upon switch actuation. In parallel, an internal fuel oil pump gear train inspection was performed, an external hydrualic actuator inspection was performed, and electrical control panel fuses were verified to be satisfactory.
- A maintenance run of the 'A' EDG was attempted, but the diesel shut down prior to reaching full speed. Initial indications led to investigating whether a problem existed with the digital reference unit (DRU).
- Jobs were planned and subsequently implemented for testing of the DRU and pre-calibration of the spare DRU.
- The in-service DRU was determined to be satisfactory. It was then decided to clear the tagging and monitor the electric governor, mechanical governor, and hydrulic actuator during another diesel run. The diesel was started and data obtained, and the diesel again failed to come up to rated speed.
- Following new tagging, the hydruailic actuator was removed for inspection. When the hydraulic actuator was removed, its shaft spline and the governor drive assembly spline sleeve were observed to be damaged to the point where slippage occured. A new hydraulic actuator was prepared.
- Replacement the splined sleeve in the governor drive assembly was also determined to be required.
- Continued troubleshooting and discussions with the vendor's home office indicated a potential problem with lubrication blockage.
- The governor drive assembly was removed and it was determined that the improperly cut gasket was blocking the oil port.

Review of equipment history for the Callaway EDGs and discussions with the vendor confirmed no previous occurrence of a similar failure.

As of 1530 on April 2, 2010, repair of the hydraulic actuator and governor drive assembly for the 'A' EDG was underway. At that time, it was estimated that approximately 48 hours beyond the 72-hour Completion Time would be required to allow adequate time to complete the repair and perform all required maintenance runs and post-maintenance tests for confirming operability.

3. Information to show that the cause and proposed path to resolve the situation are understood by the licensee, such that there is a high likelihood that planned actions to resolve the situation can be completed within the proposed NOED time frame.

As of 1530 on April 2, 2010, the planned path is to complete the repair and perform all required maintenance runs and post-maintenance tests for confirming operability including:

- Overspeed test (later determined to not be required)
- Fast start
- Load sequencing of selected LOCA loads from the shutdown sequencer while in isochronous mode to verify that the 'A' EDG maintains frequency as load varies (as discussed during the April 2, 2010 telephone conference)
- 100% load reject

Callaway is confident that this activity can be successfully completed within the requested duration.

(Note: During the April 2, 2010 telephone conference there was discussion about performing or completing the 24-hour run for the 'A' EDG subsequent to completing the required post-maintenance tests and declaring the 'A' EDG operable. In light of the preparation and resources needed for such a test, including consideration of fatigue issues and schedule impact, it was determined that the 24-hour run would be scheduled later at a more appropriate time but still within the required surveillance interval for SR 3.8.1.14.)

4. The safety basis for the request, including an evaluation of the safety significance and potential consequences of the proposed course of action.

<u>Use of Zero-Maintenance PRA Model</u> - Per the NRC NOED guidance, a zero-maintenance PRA model was used to establish the plant's baseline risk and the estimated increase associated with the period of enforcement discretion (i.e., the NOED duration of 48 hours). The Callaway zero-maintenance baseline core damage frequency ($CDF_{Baseline}$) was calculated to

be 3.175E-5 yr^{-1}. Taking quantitative credit for restricting access to and not performing work within the switchyard, the incremental conditional core damage probability (ICCDP) and incremental conditional large early release probability (ICLERP) were calculated for the requested 48-hour period of enforcement discretion:

- ICCDP = 2.58E-7. This is below the NOED guidance threshold of 5E-7.

- ICLERP = 7.34E-11. This is far below the NOED guidance threshold of 5E-8.

Based on the NOED teleconference with the NRC, a decision was made that Callaway would perform a partial T/S SR 3.8.1.11 test in order to reestablish 'A' EDG operability. Prior to the test an analysis was performed to account for the risk related to the required testing configurations. The total ICCDP for the 48-hr NOED duration (with 5-hour operability test) remained acceptable, but increased slightly from 2.58E-7 to 2.72E-7. ICLERP is not the limiting metric in this case and was not evaluated further.

Dominant Risk Contributors - From review of the top cutsets generated from WinNUPRA, most of the higher-frequency core damage cutsets are associated with a loss of offsite power (LOOP). Based on this PRA insight, one of the compensatory measures to be implemented during the NOED period is to control access to the switchyard and disallow any work being performed therein that could cause a LOOP. As noted above, quantitative credit was taken for this restriction in the ICCDP and ICLERP calculations.

Compensatory Measures - The following compensatory actions will be taken during the NOED period:

As mentioned above, measures will be taken to minimize the chance for a loss of offsite power. No access to, or work activities within, the switchyard will be allowed.

1. Access to the switchyard will be controlled, and no work will be performed in the switchyard that may cause a LOOP.
2. Although thunderstorms are predicted, only moderate winds are forecasted, with no indication of the possibility of a tornado during the NOED period. Weather will be monitored during the NOED period, and severe weather will be addressed via Callaway's Maintenance Rule 10 CFR 50.65(a)(4) program.
3. No other risk-significant SSCs, as defined by the Callaway Maintenance Rule Program, will be taken out of service for testing or preventative maintenance during the NOED period.

(Based on the teleconference conducted with the NRC on April 2, 2010, it was determined that additional testing of the 'A' EDG would be added within the NOED period. It was recognized that during the testing certain PRA-modeled equipment would have to be removed from service. Therefore, an analysis was performed to account for the risk related to these testing configurations.)

Accounting for Compensatory Measures in the PRA - Compensatory Measures 1 and 2 above were explicitly accounted for in the calculation of ICCDP and ICLERP. Compensatory Measure 3 was also explicitly credited since ICCDP and ICLERP were determined using the zero-maintenance PRA model.

Extent of Condition - As noted previously, a test of the 'B' EDG was conducted on March 31, 2010 in accordance with Required Action B.3 of TS 3.8.1. The test was successful, thereby confirming the same condition that caused the 'A' EDG failure did not also exist in the 'B' EDG. In addition, there is evidence the gasket between the 'A' EDG governor drive assembly bearing base and case was manufactured in-house and without the required oil port to route proper lubrication. The 'B' EDG was verified to have been maintained with an OEM gasket of proper material and design. Based on the above, the 'B' EDG is operable and capable of performing its PRA-credited functions. Consequently, no adjustments were made to EDG common-cause probabilities with respect to the ICCDP and ICLERP calculations.

External Events Risk - The Callaway Individual Plant Examination of External Events (IPEEE) used screening approaches for the seismic and fire assessments. Specifically, a seismic margins assessment (SMA) and a Fire Induced Vulnerability Evaluation (FIVE) analysis were performed to satisfy the IPEEE requirement. As such, determinations of the quantitative external events risk (including internal floods risk) associated with this NOED request cannot be readily made. Substantial margin exists between the ICCDP and ICLERP calculated for this NOED and the Guidance thresholds. This margin is deemed sufficient to accommodate external events risk.

Weather Conditions - The forecasted conditions include an 80% chance of thunderstorms and winds predominantly from the south between 8 and 16 mph during the duration of this NOED request. The thunderstorms are expected to clear around 2300 on April 2, 2010 and are of low-risk for severe weather. During this period, conditions are not favorable for tornadic activity.

Based on the results obtained from the quantitative risk evaluation as presented above, along with the above-described measures and factors that contribute to reducing risk, it is concluded that continued operation of the facility during the period of enforcement discretion is acceptable in lieu of

shutting down the facility and that such operation will not cause risk to exceed the level determined acceptable during normal work controls. Therefore, there is no net increase in radiological risk to the public.

5. The justification for the duration of the noncompliance.

As discussed in Section 3 above, the time required to complete the repair and perform all required maintenance runs and post-maintenance tests to demonstrate operability is no more than 48 hours.

6. The condition and operational status of the plant (including safety-related equipment out of service or otherwise inoperable).

The plant is currently at 100% of rated thermal power and is in a 'A' train EDG outage under the provisions of TS 3.8.1. No other safety-related equipment that is risk significant is inoperable. No Balance of Plant trip initiator equipment is out of service. Callaway will not perform any testing on safety-related equipment in the plant during the NOED period. The scheduled turbine valve strokes will be postponed if needed in order to not be tested during the NOED period.

7. The status and potential challenges to off-site and on-site power sources.

Other than the restoration of the 'A' EDG for which enforcement discretion is being requested, there are no other challenges to offsite or onsite power sources. A temporary power supply was not considered as a feasible option due to the amount of time required for set-up. It was verified that no substation work or line outages were scheduled for the NOED period that would cause grid instabilities.

The forecasted conditions include an 80% chance of thunderstorms and winds predominantly from the south between 8 and 16 mph during the duration of this NOED request. The thunderstorms are expected to clear around 2300 on April 2, 2009 and are of low-risk for severe weather. During this period, conditions are not favorable for tornadic activity.

8. The basis for the licensee's conclusion that the noncompliance will not be of potential detriment to the public health and safety.

AmerenUE has evaluated whether or not a significant hazards consideration is involved with the requested enforcement discretion by focusing on the three standards set forth in 10 CFR 50.92(c) as discussed below:

(i) Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

The proposed change (i.e., temporary TS Completion Time extension) does not involve any change to the design, material, and construction standards applicable to the EDG design (as the intent is to restore the machine to its intended design). No design changes or permanent modifications to the facility are involved, and therefore no new failure modes or potential accident initiators would be introduced. On this basis, the proposed change would not affect the probability of an event (accident/transient) previously evaluated.

In addition, the proposed change involves no changes to normal plant operating parameters or accident mitigation performance. The Technical Specifications already contain a provision that permits one EDG to be inoperable for a limited period of time. This provision does not change the accident analysis assumptions regarding the assumed availability of at least one train of equipment for effecting plant shutdown and/or mitigating accidents evaluated per the safety analyses as presented and described in the FSAR. Although the change involves a temporary, one-time increase in the allowed outage time (Completion Time) for one EDG being inoperable, the remaining EDG remains operable, and risk-management measures will ensure that safety-related equipment needed to effect plant shutdown and/or mitigate an accident remains available (in a protected status) to perform its required safety function(s). The proposed change, therefore, does not affect the assumptions of the safety analysis regarding required or assumed accident mitigation functions and capability and, therefore, does not involve an increase in the consequences of any accident evaluated in the FSAR.

Based on the above, the proposed change does not increase the probability or consequences of an accident previously evaluated.

(ii) Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

The proposed change does not involve hardware changes or any changes in the method by which safety-related plant systems are required to perform their safety functions. The proposed change involves no changes to normal plant operation, nor would it cause the plant to be operated outside its normal or assumed bounds of operation. No new accident scenarios, transient precursors, initial conditions, or failure mechanisms are introduced as a result

of this change. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

(iii) Does the proposed change involve a significant reduction in a margin of safety?

Response: No

The proposed change does not affect the acceptance criteria for any analyzed event nor is there a change to any Safety Analysis Limit. There will be no effect on the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined, nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions. No setpoint changes are involved, and there will be no impact on the overpower limit, DNBR limits, FQ, FΔH, LOCA PCT, peak local power density, or any other margin of safety. The radiological dose consequence acceptance criteria listed in the Standard Review Plan will continue to be met.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

Based on the above evaluation, AmerenUE concludes that the activities associated with the above described enforcement discretion request present no significant hazards consideration under the standards set forth in 10 CFR 50.92 and as such, would not be a potential detriment to the public health and safety.

9. The basis for the licensee's conclusion that the noncompliance will not involve adverse consequences to the environment.

The requested enforcement discretion would change requirements with respect to the installation or use of a facility component located within the restricted area, as defined in 10 CFR 20, or would change an inspection or surveillance requirement. Further, AmerenUE has determined the following with respect to this request:

(i) The request involves no significant hazards consideration.

As demonstrated in Section 8 above, this request does not involve any significant hazards consideration.

(ii) There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite.

The request does not involve a change to the facility or operating procedures that would cause an increase in the amounts of effluents or create new types of effluents.

(iii) There is no significant increase in individual or cumulative occupational radiation exposure.

The request would not adversely affect the operation of the reactor and would not affect any system that would affect occupational radiation exposure. The proposed request does not create additional exposure to utility personnel nor affect radiation levels that are present. The request will not result in any increase in individual or cumulative occupational radiation exposure.

Based on the above, this NOED request meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), an environmental assessment of the proposed change is not required.

10. A statement that the request has been approved by the facility organization that normally reviews safety issues (Plant On-site Review Committee, or its equivalent).

The Callaway Plant Onsite Review Committee approved this NOED request on April 2, 2010. (Note: As the NOED duration time was modified during the NRC telephone conference, an additional review by the Callaway Onsite Review Committee approved the modified NOED request at 1755 hours on April 2, 2010.)

11. The request must specifically address which of the NOED criteria for appropriate plant conditions specified in Section B of Part 9900, "Operations – Notices of Enforcement Discretion," is satisfied and how it is satisfied.

This request is made under the criteria in Section B, Paragraph 2.1, "Situations Affecting Radiological Safety – Regular NOEDs," Item 1.a, in Part 9900: Technical Guidance, "Operations – Notices of Enforcement Discretion." Callaway Plant is in power operation at this time and this NOED is needed to avoid the unnecessary transient on the plant associated with a shutdown pursuant to Condition G of Technical Specification 3.8.1 and, thus, minimize potential safety consequences and operational risks.

12. Unless otherwise agreed as discussed in Section B of Part 9900, a commitment is required from the licensee that the written NOED request will be submitted within 2 working days and the follow-up amendment will be submitted within 4 working days of verbally granting the NOED.

This written NOED request is being submitted within 2 working days of the NRC verbally granting enforcement discretion. As discussed with the NRC staff on April 2, 2010, this is a one-time Completion Time increase for the 'A' EDG and no follow-up license amendment will be submitted.

The requirements that must be satisfied to make a permanent Completion Time increase in TS 3.8.1 Condition B require a long-term application of resources that will not be pursued at the present time.