



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

April 8, 2010

Mr. Adam C. Heflin, Senior Vice
President and Chief Nuclear Officer
Union Electric Company
P.O. Box 620
Fulton, MO 65251

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR UNION ELECTRIC
COMPANY REGARDING CALLAWAY PLANT, UNIT 1 [TAC NO. ME3686,
NOED NO. 10-4-001]

Dear Mr. Heflin:

By letter dated April 6, 2010, Union Electric Company (UE), the licensee for Callaway Plant, Unit 1 (Callaway Plant) confirmed an April 2, 2010, verbal request that the NRC exercise discretion to not enforce compliance with the actions required in Callaway Plant, Technical Specification (TS) 3.8.1 "AC Sources – Operating," Required Actions B.4.

UE requested that a Notice of Enforcement Discretion (NOED) be granted pursuant to the NRC's policy regarding exercise of discretion for an operating facility, described in Section VII.C of the NRC's Enforcement Policy, and be effective for 48 hours for TS 3.8.1.B.4 expiring on April 4, 2010 at 6:08 p.m. (all times discussed in this letter refer to Central Time).

This letter documents our telephone conversation on April 2, 2010, at 5:35 p.m., when we verbally granted enforcement discretion. The basis for our decision to grant the exercising of enforcement discretion is provided in the following discussion.

Your letter documented information previously discussed with the NRC in a telephone conference which occurred on April 2, 2010. The principal NRC staff members who participated in the telephone conference included: Dwight Chamberlain, Director, Division of Reactor Projects, (DRP), Region IV (RIV); Troy Pruett, Deputy Director, Division of Reactor Safety, (DRS), RIV; Tony Vogel, Deputy Director, DRP, RIV; Robert Nelson, Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation (NRR); Geoff Miller, Chief, Project Branch B, DRP, RIV; George Wilson, Chief, Electrical Engineering Branch, NRR; Randy Hall, Plant Licensing Branch 4, NRR; Mike Hay, Chief, Technical Support Branch, DRS, RIV; Chuck Paulk, Team Lead, Technical Support Branch, DRS, RIV; Fernando Ferrante, NRR; Antonios Zoulis, NRR; George Replogle, Senior Reactor Analyst, DRS, RIV; David Dumbacher, Senior Resident Inspector, DRP, RIV; and Jeremy Groom, Resident Inspector, DRP, RIV.

Your staff requested enforcement discretion to preclude commencing a plant shutdown at 6:08 p.m. on April 2, 2010. Previously at 6:08 p.m. on Tuesday, March 30, 2010, the Train A emergency diesel generator tripped unexpectedly during a planned 24 hour surveillance run and was declared inoperable. This caused your staff to enter Technical Specification 3.8.1, Required Action B.4, which specified a 72 hour completion time to restore the diesel generator or commence a plant shutdown. The exact cause of the trip was unknown at the time. The station activated the Operations Control Center at 7:00 a.m. on March 31, 2010, to coordinate troubleshooting and repair activities in response to the diesel generator malfunction. Station operators tested the electrical protection circuitry and determined that the diesel generator had not tripped due to an electrical fault. In consultation with the vendor, your staff inspected the fuel oil system and commenced engine governor testing.

By the morning of April 2, 2010, your staff had identified that the governor drive splined sleeve connection was worn to the point that it caused a loss of hydraulic oil pressure in the governor, resulting in the observed failure mechanism from the March 30, 2010, engine trip. By mid-day your staff determined the coupling wear had been caused by a lack of lubrication to the coupling assembly. This lack of lubrication resulted from the installation of an improperly made gasket during the last maintenance performed on this component in 1999. The gasket was cut from stock material at the site and was missing a hole needed to allow lubricating oil flow through an oil port in the assembly housing. Your staff determined the Train B emergency diesel generator was not susceptible to the same failure since the work records from maintenance performed in 2005 documented that the correct vendor-manufactured gasket was installed in Train B. Warehouse records reflected a vendor supplied gasket was procured for this work, and the color of the visible portions of the gasket matched the vendor supplied material and not the material used on Train A. During a conference call with the NRC at 3:30 p.m. on April 2, 2010, your staff verbally requested enforcement discretion to allow additional time to complete the necessary repairs to the Train A emergency diesel generator prior to the expiration of the Technical Specification required action to commence a plant shutdown.

Based on the information provided in the telephone conversation on April 2, 2010, and in your letter dated April 6, 2010, the NRC has determined that Criterion B.2.1.1.a of NRC Inspection Manual Part 9900, "Technical Guidance, Operation – Notice of Enforcement Discretion," was met. The NRC reviewed your written request for enforcement discretion and verified consistency between your oral and written requests. The NRC's basis for this discretion considered: (1) the compensatory measures to reduce the probability of a plant transient while ensuring the availability of other safety-related equipment; (2) the availability of offsite electrical power; and (3) the quantitative risk assessment of the condition which indicated that the risk associated with increasing the allowed outage time an additional 48 hours did not cause the risk to exceed the level determined acceptable during normal work controls. Based on the compensatory risk management measures, it was determined that there was no significant net increase in risk.

The UE's final quantitative risk analysis indicated that the incremental conditional core damage probability (ICCDP) for the proposed 48 hour extension was $2.58E-7$, and the incremental conditional large early release probability (ICLERP) for the proposed 48 hour extension results was $7.34E-11$. These values are both less than the guidance thresholds in Inspection Manual Part 9900 Technical Guidance. To further mitigate the risk impact in (1) above, UE committed to implement a series of compensatory actions for the duration of the enforcement discretion period. Some of the compensatory actions that UE committed to implement included:

- (1) ensuring no switchyard work which may cause a loss of offsite power is allowed;
- (2) monitoring the weather during the NOED period and addressing any severe weather per the

Callaway Plant's Maintenance Rule 10 CFR 50.65(a)(4) program; and (3) not taking any other risk-significant systems, structures, or components out of service for testing or preventative maintenance during the NOED period.

On the basis of the NRC staff's evaluation of your request, we have concluded that granting this NOED is consistent with the Enforcement Policy and staff guidance and has no adverse impact on public health and safety. Therefore, as we communicated to your staff at 5:35 p.m. on April 2, 2010, we exercised discretion to not enforce compliance with TS 3.8.1, Required Action B.4 for a period of 48 hours from 6:08 p.m. April 2, 2010, to 6:08 p.m. April 4, 2010.

We understand that subsequent to the granting of this NOED, UE completed repairs to the Train A emergency diesel generator and declared the diesel generator operable, exiting Technical Specification 3.8.1 Required Action B.4 at 12:20 p.m. on April 4, 2010.

In addition, as discussed on April 2, 2010, the NRC staff agrees with UE's determination that a follow-up Technical Specification amendment was not needed. The staff finds that an amendment (either a temporary or permanent amendment) needed for circumstances similar to those addressed by the NOED is not necessary because it involves a nonrecurring noncompliance and only involves a single request for extending the period of time that an inoperable plant component must be restored to operable status as specified per the plant's Technical Specifications.

As stated in the Enforcement Policy, action will be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this NOED was necessary.

Sincerely,

/RA/

Dwight D. Chamberlain, Director
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Docket: 50-483
License: NPF-30

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ADAMS: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		<input checked="" type="checkbox"/> SUNSI Review Complete	Reviewer Initials: RWD
		<input checked="" type="checkbox"/> Publicly Available	<input checked="" type="checkbox"/> Non-Sensitive
		<input type="checkbox"/> Non-publicly Available	<input type="checkbox"/> Sensitive
RIV:C:DRP/B	SRA:DRS	NRR PM	RIV:ACES
GMiller	GReplogle	MThadani	WJones
/RD for/	/RA by Email/	/RA by Email/	/RA/
4/7/10	4/7/10	4/7/10	4/7/10
D:DRS	DD:NRR/DORL	D:DRP	
RCaniano	RNelson	DChamberlain	
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