



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064**

February 28, 2001

MEMORANDUM TO: William D. Travers, Executive Director of Operations
FROM: Ellis W. Merschoff, Regional Administrator */RA/*
SUBJECT: CALLAWAY PLANT BACKFIT CLAIM

We received a letter from Union Electric, dated February 7, 2001, stating that the licensee was appealing the final significance determination of three White findings identified in NRC Inspection Report 50-483/2000-17. In this letter, the licensee stated that the ALARA portion of the Occupational Radiation Safety Significance Determination Process "creates a new regulatory burden," "creates a new and different duty on licensees," and "is new or different from a previously applicable staff position without the systematic and documented analysis required by 10 CFR 50.109."

We received a second letter, dated February 15, 2001, in which the licensee denied the occurrence of a violation of ALARA requirements, 10 CFR 20.1101(b), as discussed in NRC Inspection Report 50-483/2000-17. In this letter, the licensee stated that the interpretation of 10 CFR 20.1101(b) "is, without doubt, new or different from a previously applicable staff position."

Because of these statements and others, we will convene a backfit panel on March 2, 2001, with participation from this region, Office of Enforcement, Office of Nuclear Reactor Regulation, and Office of General Counsel. The focus of the panel is to review the licensee's position and determine if the NRC has imposed a regulatory staff position interpreting a Commission rule that is either new or different from a previously applicable staff position.

Should you have any questions concerning this matter, please contact me at 817/860-8225, or A. T. Howell at 817/860-8180.

cc:
S. Collins, NRR/OD
S. Morris, EDO Coordinator
K. Gibson, NRR/DIPM/IOLB
S. Treby, OGC

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