



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
245 PEACHTREE CENTER AVENUE NE, SUITE 1200
ATLANTA, GEORGIA 30303-1257

January 26, 2011

Mr. Regis T. Repko
Vice President
Duke Energy Carolinas, LLC
McGuire Nuclear Station
12700 Hagers Ferry Road
Huntersville, NC 28078-8985

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR MCGUIRE
NUCLEAR STATION [NOED NO. 11-2-001]

Dear Mr. Repko:

By letter dated January 24, 2011, you requested that the NRC exercise discretion to not enforce compliance with the actions required in McGuire Nuclear Station (MNS), Units 1 and 2, Technical Specification (TS) Limiting Condition for Operation (LCO) 3.0.3. Your letter documented information previously discussed with the NRC in a telephone conference on January 20 at 10:00 p.m. (all times refer to Eastern Time). The principal NRC staff members who participated in the telephone conference are listed in the Enclosure. The staff determined that the information in your letter requesting the NOED was consistent with your oral request. You stated that, on January 20 at 11:10 a.m., both units entered into TS LCO 3.0.3 for two trains of nuclear service water (RN) inoperable. TS LCO 3.0.3 required both MNS units be placed in Mode 3 by 6:10 p.m., on January 20, Mode 4 by 12:10 a.m., on January 21, and Mode 5 by 12:10 a.m., on January 22. You subsequently shut down both units to Mode 3 and requested that a NOED be granted pursuant to the NRC's policy regarding exercise of discretion for an operating facility, set out in Section 3.8 of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, and that the NOED be effective until January 25 at 12:00 p.m. This letter documents our telephone conversation on January 20 at 11:36 p.m., when we orally granted this NOED request. We understand that the condition causing the need for this NOED was corrected, allowing MNS to exit from TS LCO 3.0.3 and from this NOED on January 23 at 1:20 p.m.

On January 18, the 1B RN pump was started to perform a pump performance test. Approximately fifteen minutes into the test, the 1B RN pump was stopped due to low pump suction pressure associated with high strainer differential pressure. Following additional evaluation, you determined that the high strainer differential pressure was due to strainer fouling as the result of a large number of small fish from the standby nuclear service water pond (SNSWP). Due to this condition, both RN trains for both units were subsequently declared inoperable and entered TS LCO 3.0.3 at 11:10 a.m. The action for TS LCO 3.0.3 required shutdown of both MNS units to Mode 3 within seven hours, Mode 4 within thirteen hours, and Mode 5 within thirty-seven hours. MNS Unit 1 entered Mode 3 at 3:18 p.m., and MNS Unit 2 entered Mode 3 at 6:01 p.m.

The NRC determined that the requested NOED was necessary to avoid an unnecessary transient as a result of compliance with the license condition and, thus, minimize potential safety consequences and operational risks (Part 9900, Section B.2.1, criterion 1.a). The NRC's basis

for this discretion considered: (1) Both trains of RN for both units were functional and aligned to Lake Norman as a suction source; (2) your commitments to post two non-licensed Operators to manually backwash the 1B and 2B RN strainers upon direction from the Control room after automatic realignment to the SNSWP, protect the auxiliary feed water turbine driven pump (CATDP) and other important backup equipment, chemically treat the SNSWP to eliminate the fish as a fouling source, perform various inspections and restore both trains of RN to operable status following satisfactory testing using the SNSWP as a suction source, and to defer non-essential maintenance activities for the duration of the enforcement discretion period; (3) your qualitative risk assessment; (4) the cause of the condition and proposed path to resolve the situation were understood such that there was a high likelihood that planned actions could be completed within the requested NOED time allowance; (5) that the noncompliance would not be of potential detriment to the public health and safety; and (6) your protective strategy.

The NRC staff performed an independent qualitative assessment of the risk and a review of your protection strategy. Since standby conditions (e.g., extended operation while in Mode 3 versus shutting down to Mode 5) were not adequately represented in any PRA model, a credible quantifiable risk assessment was not possible. Both your staff's and the NRC risk analysis demonstrated that: (1) risk significant equipment (e.g., CATDP) would be available in Mode 3 to provide defense in depth to mitigate event sequences that would not have been available in Mode 5; (2) the relative likelihood of certain initiating events was lower while in Mode 3; and (3) your eliminating elective maintenance on risk significant systems and protection measures during the duration of the enforcement discretion balanced any risk increase associated with granting the NOED. Consequently, these actions provided reasonable assurance that the 5.0E-7 core damage frequency and 5.0E-8 large early release frequency guidance thresholds in Inspection Manual Part 9900 Technical Guidance were not exceeded.

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 or the environment. Therefore, as we informed you at 11:36 p.m., on January 20, 2011, we exercised discretion to not enforce compliance with the TS LCO 3.0.3 requirements that both units be in Mode 4 by 12:10 a.m., on January 21, and Mode 5 by 12:10 a.m., on January 22, for the period from 11:36 p.m., on January 20, until 12:00 p.m., on January 25, 2011. As stated during the conference call and in your letter you have determined that a follow up license amendment is not necessary. NRC staff agrees with this determination.

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/

Richard P. Croteau, Director
Division of Reactor Projects

Docket Nos.: 50-369, 50-370
License Nos.: NPF-9, NPF-17

cc w/encl: (See page 3)

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Richard P. Croteau, Director
Division of Reactor Projects

Docket Nos.: 50-369, 50-370
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cc w/encl: (See page 3)

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SIGNATURE	Via email	WBJ /RA/	RPC /RA/	Via telecon	Via email		
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DATE	01/26/2011	01/26/2011	01/26/2011	01/26/2011	01/26/2011		
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

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DEC

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Letter to Regis T. Repko from Richard P. Croteau dated January 26, 2011

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RIDSNRRDIRS

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RidsNrrPMMcGuire Resource

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Enclosure