



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

April 17, 2013

Mr. Michael Annacone  
Vice President  
Carolina Power and Light Company  
Brunswick Steam Electric Plant  
P.O. Box 10429  
Southport, NC 28461

**SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR BRUNSWICK  
STEAM ELECTRIC PLANT, UNIT 1 [NOED NO. 13-2-001]**

Dear Mr. Annacone:

By letter dated April 15, 2013, you requested that the NRC exercise discretion to not enforce compliance with the actions required in Brunswick Steam Electric Plant (BSEP), Unit No. 1, required actions of Technical Specification (TS) 3.7.3, "Control Room Emergency Ventilation (CREV) System;" TS 3.8.1, "AC Sources – Operating;" TS 3.8.4, "DC Sources – Operating;" and TS 3.8.7, "Distribution Systems – Operating." You informed the NRC that Carolina Power and Light would request an NOED Monday morning of April 15, 2013 through the NRC senior resident inspector. Your letter documented information which was subsequently discussed with the NRC staff during a telephone conference later that day at 1:00 p.m. (all times refer to Eastern Daylight Time). The principal NRC staff members who participated in the telephone conference are listed in the Enclosure.

To summarize, you stated that in preparation for the Unit 2 Division II emergency buses E4/E8 outage, the following Limiting Condition for Operations (LCO) action statements were entered for Unit 1:

TS 3.8.7, Condition C, entered at 7:15 a.m. on April 8, 2013, when DC control power supplies were re-aligned, (This condition was exited on April 14, 2013 at 1:16 p.m. when DC control power was returned to its normal source);

TS 3.7.3, Condition A, entered at 3:30 p.m. on April 8, 2013, when the 2A train of the Control Room Emergency Ventilation System was manually placed in the Radiation/Smoke protection mode;

TS 3.8.4, Condition A, entered at 4:45 p.m. on April 8, 2013, when the Division II battery chargers, 2B-1 and 2B-2, were de-energized to install temporary power for the E4/E8 bus outage.

Subsequent to beginning the Division II emergency buses E4/E8 work window, the following LCO action statements were entered for Unit 1:

TS 3.8.1, Condition B, and TS 3.8.7, Condition A, were entered at 5:40 p.m. on April 8, 2013, when the Division II emergency buses E4/E8 were removed from service.

On April 11, 2013, at approximately 4:30 a.m., a degraded condition was identified on the E8 power transformer. During preventive maintenance, the E8 transformer core was megger tested and an unsatisfactory reading of 0.21 MΩ was obtained. The desired value is greater than or equal to 100 MΩ. A visual inspection of the transformer core indicated that the transformer may have been overheated. A decision was made to replace the transformer. At that time, the necessary replacement parts were available onsite and the established work schedule provided for completion of the work before the applicable TS LCO action statements would expire. Late on April 14, 2013, associated work and testing activities were recognized that extended the work completion time beyond those allowed by the TS. Specifically, replacement and testing of the new transformer to restore operability would result in exceeding the completion times of TS 3.7.3, Required Action A.1; TS 3.8.1, Required Action B.3; TS 3.8.4, Required Action A.1; and TS 3.8.7, Required Action A.1. The TS completion times scheduled to expire were as follows: TS 3.8.7, Required Action A.1, 3:15 p.m. on April 15, 2013; TS 3.7.3, Action A.1, 3:30 p.m. on April 15, 2013; TS 3.8.4, Required Action A.1, 4:45 p.m. on April 15, 2013; and TS 3.8.1, Required Action B.3, 5:40 p.m. on April 15, 2013.

You requested that an 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 Enforcement Policy and NRC Inspection Manual Chapter 0410 and that the NOED be effective until April 17, 2013, at 3:15 a.m. for those required actions specified above.

This letter documents our telephone conversation of April 15, 2013 at 1:00 p.m., when we orally granted your NOED request at 2:05 p.m. We understand that the condition which prompted your request for this NOED was corrected allowing BSEP to exit from the TS action statements listed above at 3:20 a.m. on April 16, 2013.

The NRC staff determined that the requested NOED was necessary to avoid an unnecessary transient as a result of compliance with the license conditions and, thus, minimize potential safety consequences and operational risks. The NRC staff's basis for this discretion considered: (1) No other Unit 1 discretionary maintenance activity is in progress; (2) Unit 1 Nuclear Service Water Pumps 1A and 1B will be running; (3) Temporary Power will be provided to the 1-E11-F015B, Low Pressure Coolant Injection (LPCI) B Inboard Injection Valve, 1-E11-F017B, LPCI B Outboard Injection Valve, and 1-E11-F028B, Suppression Pool Spray B Isolation Valve. This temporary power is being supplied from the Southport feeder, and as such, is not sensitive to switchyard or plant-centered events. Cables associated with the temporary power are routed away from ignition sources such that the risk associated with failure of the cables due to fire is minimized; (4) Temporary Power will be provided to the 1-B32-F031B Reactor Recirculation Pump 1B Discharge Valve, and 1-B32-F032B Reactor Recirculation Pump 1B Discharge Bypass Valve. This temporary power is being supplied from the Southport feeder, and as such, is not sensitive to switchyard or plant-centered events; (5) The following equipment will be protected: Offsite power sources; Emergency Diesel Generators 1, 2, and 3; High Pressure Coolant Injection; Reactor Core Isolation Cooling; 1A Residual Heat Removal (RHR) and RHR Service Water; 1A and 1B Core Spray; 1A and 1B Nuclear Service Water Pumps; the temporary power cables to the 1-E11-F015B, 1-E11-F017B, 1-E11-F028B, 1-B32-F031B, and 1-B32-F032B valves; and Severe Accident Mitigation Alternative A 1 diesel generator; (6) A dedicated operator will be stationed on the 20 foot elevation of the Unit 1

Reactor Building to re-energize 1-E11-F015B and 1-E11-F028B, if needed for accident conditions; (7) Minimizing transmission activity that could impact offsite power and notify the Energy Control Center of the plant's condition and to communicate the need for timely notification of any grid issues; (8) A fire watch will be maintained in the cable spread room during the period of enforcement discretion; (9) That your calculated Incremental Conditional Core Damage Probability and Incremental Conditional Large Early Release Probability values did not exceed the threshold guidance provided in Inspection Manual Chapter 0410 and were consistent with values calculated by NRC reactor analysts; (10) the proposed path to resolve the situation was understood such that there was a high likelihood that planned actions to resolve the situation could be completed within the proposed NOED time frame; (11) That the noncompliance would not be of potential detriment to the public health and safety; and (12) That the NRC staff was independently verifying some of these conditions and actions.

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 NRC staff guidance. The NRC staff also determined that the action is consistent with protecting the public health and safety, and that safety will not be impacted unacceptably by exercising this discretion. Therefore, as we informed you at 2:05 p.m. on April 15, 2013, we exercised discretion to not enforce compliance with the completion times associated with TS 3.7.3, Required Action A.1; TS 3.8.4, Required Action A.1; TS 3.8.1, Required Action B.3; and TS 3.8.7, Required Action A.1 until April 17, 2013, at 3:15 a.m. As stated during the conference call and in your letter, the NRC Staff acknowledges that you determined that a follow up license amendment is not necessary.

Sincerely,

*/RA/*

Richard P. Croteau, Director  
Division of Reactor Projects

Docket No.: 50-325  
License No.: DPR-71

Enclosure: List of Participants

cc w/encl: (See page 4)

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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 NRC staff guidance. The NRC staff also determined that the action is consistent with protecting the public health and safety, and that safety will not be impacted unacceptably by exercising this discretion. Therefore, as we informed you at 2:05 p.m. on April 15, 2013, we exercised discretion to not enforce compliance with the completion times associated with TS 3.7.3, Required Action A.1; TS 3.8.4, Required Action A.1; TS 3.8.1, Required Action B.3; and TS 3.8.7, Required Action A.1 until April 17, 2013, at 3:15 a.m. As stated during the conference call and in your letter, the NRC Staff acknowledges that you determined that a follow up license amendment is not necessary.

Sincerely,  
**/RA/**  
 Richard P. Croteau, Director  
 Division of Reactor Projects

Docket No.: 50-325  
 License No.: DPR-71

Enclosure: List of Participants

cc w/encl: (See page 4)

PUBLICLY AVAILABLE       NON-PUBLICLY AVAILABLE      SENSITIVE       NON-SENSITIVE  
 ADAMS:  Yes      ACCESSION NUMBER: \_\_\_\_\_       SUNSI REVIEW COMPLETE  FORM 665 ATTACHED

OFFICE	RII:DRP	RII:DRP	RII:DRP	RII:EICS	NRR	
SIGNATURE	VIA E-mail	/RA/	/RA/	/VIA E-mail	/Conference Call/	
NAME	JDodson	RMusser	RCroteau	CEvans	JMonninger	
DATE	4/17/2013	4/17/2013	4/17/2013	4/17/2013	4/17/2013	
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

M. Annacone

4

cc:w/encl:

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5

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6

Letter to Michael J. Annacone from Richard P. Croteau dated April 17, 2013

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR BRUNSWICK  
STEAM ELECTRIC PLANT, UNIT 1 [NOED NO. 13-2-001]

Distribution w/encl:

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L. Douglas, RII EICS

OE Mail

RIDSNNRRDIRS

PUBLIC

R. Pascarelli, NRR

RidsNrrPMBrunswick Resource

## List of Participants

### NRC Region II Attendees

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W. Jones, Deputy Director, Division of Reactor Projects  
R. Musser, Chief, Reactor Projects Branch 4  
G. Hopper, Chief, Reactor Projects Branch 7  
R. Bernhard, Senior Reactor Analyst  
R. Rodriguez, Team Leader, Reactor Projects Branch 7  
T. Su, Reactor Inspector, Division of Reactor Safety  
M. Catts, Senior Resident Inspector, Brunswick  
M. Schweg, Resident Inspector, Brunswick

### NRC HQ Attendees

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J. Rowley, NRR  
A. Zoulis, NRR  
G. Matharu, NRR  
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S. Weerakkody, NRR  
M. Hamm, NRR

### Licensee Attendees

M. Annacone, Site VP  
R. Davis-Zapata, Supervisor Corporate PRA Modeling  
B. McCabe, Manager – Nuclear Regulatory Issues  
B. Murray, Site Licensing  
A. Padleckas, Operations – Shift Manager  
A. Pope, Mgr – Org Effectiveness  
J. Price, Director – Site Engineering  
R. Repko, Senior VP – Nuclear Operations  
B. Rishel, Manager - Corporate PRA  
M. Turkal, Site Licensing  
E. Wills, Director – Site Operations

Enclosure