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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-8931

September 14, 2009

EA-09-121

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

SUBJECT: FINAL SIGNIFICANCE DETERMINATION OF WHITE FINDING AND NOTICE
OF VIOLATION (NRC INSPECTION REPORT NO. 05000325/2009010 AND
05000324/2009010), BRUNSWICK STEAM ELECTRIC PLANT

Dear Mr. Waldrep:

This letter provides you the final significance determination of the preliminary White finding discussed in NRC Inspection Report No. 05000325/2009009 and 05000324/2009009, dated June 17, 2009. The inspection finding was assessed using the Significance Determination Process and was preliminarily characterized as White, a finding with low to moderate increased importance to safety, that may require additional NRC inspections. The finding involved a failure to correctly designate termination points for linking control power to the emergency diesel generator (EDG) lockout relay reset circuitry during the implementation of a design change, which resulted in a loss of EDG local control function.

At your request, a Regulatory Conference was held on July 28, 2009, to discuss your views on this issue. During the meeting, you and your staff described Carolina Power and Light Company's (CP&L) assessment of the significance of the finding, root causes, and detailed corrective actions. You highlighted eight differences between CP&L's risk assessment and the NRC's preliminary estimate as documented in our Inspection Report of June 17, 2009. Based on this risk assessment, CP&L concluded that the finding should be appropriately characterized as having a very low to low increased importance to safety (i.e., Green). You agreed with the NRC's characterization of the design change error as a violation of 10 CFR 50, Appendix B, Criterion III.

After considering the information developed during the inspection and information provided by CP&L during and after the conference, the NRC has concluded that the inspection finding is appropriately characterized as White, a finding with low to moderate increased importance to safety, which may require additional NRC inspections. In summary, the NRC concluded that a revision to its preliminary estimate was warranted based on some of the information provided by CP&L. However, the NRC staff did not agree with CP&L's contentions with regard to:
(i) refinements to the Motor Control Center Fire Growth Factor; (ii) additional credit for solid bottom cable trays to both delay fire growth and prevent fire damage for low heat release rate fires; (iii) additional credit for cables sprayed with Flame-Master 71A or Flame-Master 77 flame-retardant coatings; and (iv) entry into the Alternate Safe Shutdown procedure by control room operators. As a result, the NRC's final estimate of the change in core damage frequency for the

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finding was reduced, but remained above the White threshold. The NRC's detailed assessment is fully described in Enclosure 2.

You have 30 calendar days from the date of this letter to appeal the staff's significance determination for this finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

The NRC has also determined that the failure to correctly designate termination points for linking control power to the EDG lockout relay reset circuitry during the implementation of a design change is a violation of 10 CFR 50, Appendix B, Criterion III, as cited in the enclosed Notice of Violation (Notice) (Enclosure 1). The circumstances surrounding the violation were described in NRC Inspection Report No. 05000325/2009009 and 05000324/2009009, dated June 17, 2009. For administrative purposes, this letter is issued as a separate NRC Inspection Report, No. 05000325/2009010 and 05000324/2009010. In accordance with the NRC Enforcement Policy, the Notice is considered an escalated enforcement action because it is associated with a White finding. Accordingly, Apparent Violation 05000325,324/2009009-01 is now Violation 05000325,324/2009009-010, "Inability to Operate the EDGs Locally as Required by the Safe Shutdown Analysis Report."

The NRC has concluded that the information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in the information presented by CP&L at the conference of July 28, 2009. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

Because plant performance for this issue has been determined to be in the regulatory response band, we will use the NRC Action Matrix to determine the most appropriate NRC response for this event. We will notify you, by separate correspondence, of that determination.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, Enclosure 1, and your response (should you choose to provide one), will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, because of the sensitive information contained in Enclosure 2, and in accordance with 10 CFR 2.390, a copy of Enclosure 2 will not be available for public inspection to the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,
/RA/

Luis A. Reyes
Regional Administrator

Docket Nos.: 50-325, 50-324
License Nos.: DRP-71, DRP-62

Enclosures: 1. Notice of Violation
2. NRC Basis for Final Significance Determination (**OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION**)

cc w/encls: (See page 3)

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ADAMS: Yes ACCESSION NUMBER: _____ SUNSI REVIEW COMPLETE

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SIGNATURE	RA	RA	RA	RA	RA	RA	
NAME	RODRIGUEZ	MACDONALD	NEASE	KENNEDY	EVANS	MCCREE	
DATE	9/2/2009	9/3/2009	9/4/2009	9/9/2009	9/1/2009	9/10/2009	
E-MAIL COPY?	YES	NO	YES	NO	YES	NO	YES
OFFICE	NRR	RII:ORA					
SIGNATURE		RA					
NAME		REYES					
DATE	9/ /2009	9/14/2009	9/ /2009	9/ /2009	9/ /2009	9/ /2009	9/ /2009
E-MAIL COPY?	YES	NO	YES	NO	YES	NO	YES

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NOTICE OF VIOLATION

Carolina Power and Light Company
Brunswick Steam Electric Plant
Units 1 and 2

Docket Nos. 50-325, 50-324
License Nos. DRP-71, DRP-62
EA-09-121

During an inspection completed by the NRC on June 17, 2009, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is set forth below:

10 CFR 50, Appendix B, Criterion III, "Design Control," requires, in part, that measures shall be established to assure that the design basis is correctly translated into specifications, drawings, procedures and instructions.

Section 9.5.1 of the Updated Final Safety Analysis Report (UFSAR) states, in part, that the effects of fire on safe shutdown systems have been evaluated in the "Safe Shutdown Analysis Report" and that this document is hereby incorporated by reference into the FSAR.

"Safe Shutdown Analysis Report," Calculation BNP-E-9.004, states that "The AC Emergency Power System is equipped with key-locked isolation switches located on the local diesel generator electrical panel and on each emergency bus section. These switches allow isolation of the diesel generators and emergency buses from the control circuit conductors routed through the Control Building. In the event that a fire forces an evacuation of the Control Room or in any way affects control of the diesel generators and emergency buses from the Control Room, safe shutdown equipment can be operated locally by placing these NORMAL/LOCAL switches in the LOCAL position."

Contrary to the above, on June 7, 2007, the licensee failed to correctly translate the design basis into specifications, drawings, procedures and instructions. Specifically, during the implementation of Engineering Change 66274 to replace control relays on all four Emergency Diesel Generators (EDG), termination points for linking control power to the EDG lockout relay reset circuitry were incorrectly designated such that the EDGs could not be operated locally.

This violation is associated with a White finding for Units 1 and 2.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket in the information provided by Carolina Power and Light Company during the Regulatory Conference of July 28, 2009. However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation under 10 CFR 2.201. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-09-121" and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S., Nuclear Regulatory Commission, Region II, and a copy to the NRC Resident Inspector at your facility that is the subject of this NOV.

Enclosure 1

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NOV

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If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be publicly available in the NRC Public Document Room or from the NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 14th day of September 2009

Enclosure 1

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