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

December 21, 2010

EA-10-192

Mr. Michael J. Annacone
Vice President
Brunswick Steam Electric Plant
P.O. Box 10429
Southport, NC 28461-0429

SUBJECT: FINAL SIGNIFICANCE DETERMINATION OF WHITE FINDING AND NOTICE OF VIOLATION (NRC INSPECTION REPORT NO. 05000325/2010010 AND 05000324/2010010; BRUNSWICK STEAM ELECTRIC PLANT); FOLLOW-UP ASSESSMENT LETTER

Dear Mr. Annacone:

The purpose of this letter is to provide you with the Nuclear Regulatory Commission's (NRC) final significance determination of the preliminary White finding discussed in Brunswick Steam Electric Plant - NRC Special Inspection Report No. 05000325/2010007 and 05000324/2010007, dated October 20, 2010. The finding involved the delay in augmentation of on-shift emergency response staffing for activation of your emergency response facilities following the declaration of an Alert at Brunswick on June 6, 2010.

In a telephone conversation with Mr. Brian Bonser, Chief, Plant Support Branch 1, NRC Region II on November 12, 2010, Ms. Annette Pope, Supervisor, Licensing/Regulatory Programs, of your staff indicated that Brunswick did not contest the significance of the finding and that you declined your opportunity to discuss this issue in a Regulatory Conference or to provide a written response.

After considering the information developed during the inspection, the NRC has concluded that the finding is appropriately characterized as White (i.e. an issue with low to moderate increased importance to safety, which may require additional NRC inspections), in the emergency preparedness cornerstone.

An appeal of the staff's determination of significance for the identified White finding will not be considered as it would not meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2; that is, since you declined to request a Regulatory Conference or submit a written response you relinquished your right to appeal the final Significance Determination Process (SDP) determination.

The NRC also determined that a violation occurred involving the requirements of 10 CFR 50.54(q), in that the emergency response organization failed to provide adequate staffing for initial facility accident response through timely augmentation of on-shift staffing following the declaration of an Alert at Brunswick on June 6, 2010, as cited in the attached Notice of Violation (Notice). The circumstances surrounding the violation were described in detail in the

subject inspection report. In accordance with the NRC Enforcement Policy, the Notice is considered an escalated enforcement action because it is associated with a White finding. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

In addition, as a result of its continuous review of plant performance, which was completed on December 9, 2010, the NRC updated its assessment of Brunswick Steam Electric Plant. The NRC's evaluation consisted of a review of performance indicators and inspection results. This letter informs you of the NRC's assessment of your facility. This letter supplements, but does not supersede, the mid-cycle letter issued on September 1, 2010.

Because of the White finding discussed in this letter, the NRC determined the performance at Brunswick Steam Electric Plant to be in the Regulatory Response Column of the Reactor Oversight Process Action Matrix beginning on September 29, 2010. We will conduct a supplemental inspection (Inspection Procedure 95001) when you notify us of your readiness for the NRC to review the actions taken to address the White Inspection finding.

For administrative purposes, this letter is issued as NRC Inspection Report No. 05000325/2010010 and 05000324/2010010. Accordingly, AV 05000325, 05000324/2010007-01 is updated consistent with the regulatory positions described in this letter. Therefore, AV 05000325, 05000324/2010007-01, Failure to Timely Augment On-Shift Staffing, is updated as VIO 05000325, 05000324/2010007-01 with a safety significance of White and a cross-cutting aspect in the area of Problem Identification and Resolution, P.3(a).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response 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. 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. If personal privacy or proprietary information is necessary to provide an acceptable response, 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 information, 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). The NRC also includes significant enforcement actions on its Web site at http://www.nrc.gov/reading-rm/doccollections/enforcement/actions.

Should you have any questions concerning this letter, please contact Mr. Brian Bonser at (404) 997-4653.

Sincerely,

/RA/

Luis A. Reyes
Regional Administrator

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

Enclosure: Notice of Violation

cc w/encl: (See page 4)

cc w/encl:
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Carolina Power & Light Company
Electronic Mail Distribution

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(cc continued on next page)

cc w/encl continued
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Section Chief
Radiation Protection Section
N.C. Department of Environmental
Commerce & Natural Resources
Electronic Mail Distribution

Warren Lee
Emergency Management Director
New Hanover County Department of
Emergency Management
230 Government Center Drive
Suite 115
Wilmington, NC 28403

Letter to M.J. Annacone from Luis A. Reyes dated December 21, 2010.

SUBJECT: FINAL SIGNIFICANCE DETERMINATION OF WHITE FINDING AND NOTICE OF VIOLATION (NRC INSPECTION REPORT NO. 05000325/2010010 AND 05000324/2010010; BRUNSWICK STEAM ELECTRIC PLANT); FOLLOW-UP ASSESSMENT LETTER

Enclosure: Notice of Violation

Distribution w/encl:
R. Borchardt, OEDO
R. Zimmerman, OE
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B. Keeling, OCA
Enforcement Coordinators, RI, RIII, RIV
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C. McCrary, OI
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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.: DPR-71, DPR 62
EA-10-192

During an inspection completed by the NRC on September 29, 2010, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is set forth below:

> 10 CFR 50.54(q) requires that the facility shall follow and maintain in effect Emergency Plans which meet the standards in 10 CFR 50.47(b).
>
> 10 CFR 50.47(b)(2) states, "On-shift facility licensee responsibilities for emergency response are unambiguously defined, adequate staffing to provide initial facility accident response in key functional areas is maintained at all times, timely augmentation of response capabilities is available and the interfaces among various onsite response activities and offsite support and response activities are specified."
>
> Brunswick Steam Electric Plant Emergency Procedures, 0PEP-02.6.12, OPEP-02.6.26, and 0PEP-02.6.27 require activation of the Operations Support Center (OSC), Technical Support Center (TSC) and Emergency Operations Facility (EOF) respectively within 60 to 75 minutes following the declaration of an Alert or higher emergency classification.
>
> Contrary to the above, on June 6, 2010, the Brunswick Steam Electric Plant emergency response organization failed to provide initial facility accident response through timely augmentation of on-shift staffing after declaration of an Alert at Brunswick. Specifically, the OSC, TSC, and EOF were not activated until approximately two and one-half hours after the Alert was declared.

This violation is associated with a White Significance Determination Process finding.

Pursuant to the provisions of 10 CFR 2.201, the Brunswick Steam Electric Plant is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-10-192" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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 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 to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public 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 of receipt.

Dated this 21st day of December, 2010.

Should you have any questions concerning this letter, please contact Mr. Brian Bonser at (404) 997-4653.

Sincerely,

/RA/

Luis A. Reyes
Regional Administrator

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

Enclosure: Notice of Violation

cc w/encl: (See page 4)

*See previous concurrence page.

X PUBLICLY AVAILABLE ☐ NON-PUBLICLY AVAILABLE ☐ SENSITIVE **X** NON-SENSITIVE
ADAMS: **X** Yes ACCESSION NUMBER: _____ **X** SUNSI REVIEW COMPLETE

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SIGNATURE	**RA**	**RA**	**RA**	**RA**	RA	RA	**RA**
NAME	BBonser	RMusser	CEvans	JMunday	VMcCree	LReyes	Beavers
DATE	12/06/2010	12/10/2010	12/14/2010	12/15/2010	12/21/2010	12/ 21 /2010	12/02/2010
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