



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

December 22, 2011

Mr. J. R. Morris
Site Vice President
Duke Energy Carolinas, LLC
Catawba Nuclear Station
4800 Concord Road
York, SC 29745-9635

**SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR CATAWBA
NUCLEAR STATION [NOED NO. 11-2-004]**

Dear Mr. Morris:

By letter dated December 19, 2011, you requested that the NRC exercise discretion to not enforce compliance with the actions required in Catawba Nuclear Station (CNS), Units 1 and 2, Technical Specification (TS) Limiting Condition for Operation (LCO) 3.7.11, Condition "E" and TS LCO 3.0.3 due to issues involving the Control Room Area Chilled Water System (CRACWS). Your letter documented information previously discussed with the NRC in a telephone conference on December 15, 2011, at 4:30 p.m., (all times discussed in this letter refer to Eastern Standard 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 December 15, 2011, at 7:39 a.m., both units were required by TS LCO 3.7.11 to enter into TS LCO 3.0.3. TS LCO 3.0.3 required both units be placed in Hot Standby (MODE 3) by 2:39 p.m., and MODE 4 by 8:39 p.m., on December 15, 2011. Units 1 and 2 entered MODE 3 on December 15, 2011, at 2:21 p.m., and 2:22 p.m., respectively. You requested that a Notice of Enforcement Discretion (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 NRC Enforcement Policy, from entering MODE 4 and MODE 5 and be effective for a period of 12 hours. This letter documents our telephone conversation on December 15, 2011, at 4:30 p.m., when we orally issued this NOED. We understand that the condition causing the need for this NOED was corrected allowing you to exit from TS LCO 3.7.11, Condition "E," from TS LCO 3.0.3, and from this NOED on December 15, 2011, at 10:36 p.m.

On December 11, 2011, at 9:50 p.m., CRACWS Train A was declared inoperable for planned maintenance to replace a non-conforming pump shaft with a conforming material. At the time, Units 1 and 2 were at 100% power operation and TS LCO 3.7.11, Condition "A" was entered for one train of CRACWS inoperable which required the train be restored to operable within 30 days. During the fill and vent on December 13, 2011, a cooling water leak was identified. Actions to tighten the fitting on December 14, 2011, reduced the leakage to 5 drops per minute. At that time the decision was made to repair the leaking fitting. This maintenance evolution was

originally scheduled to be completed on December 15, 2011, at 7:00 p.m. On December 15, 2011, at 7:20 a.m., CRACWS Train B unexpectedly tripped and was declared inoperable at 7:39 a.m. TS LCO 3.7.11 Condition "E" was entered for both trains of CRACWS being inoperable which required immediate entry into TS LCO 3.0.3. TS LCO 3.0.3 required that both units be placed in MODE 3 within seven hours and MODE 4 within the following six hours. Both units were shutdown and placed in MODE 3. A NOED was requested from compliance with TS LCO 3.0.3 which required that both units be placed in MODE 4 within six hours.

The NRC determined that the requested NOED was necessary to reduce shutdown risk as a result of compliance with the license condition by avoiding system realignment that is inconsistent for plant conditions in that it does not provide an overall safety benefit (Part 9900, Section B.2.1, criterion 2). The NRC's basis for this discretion considered: (1) your commitment to brief each shift on procedure AP-39, "Control Room High Temperature," (which provides actions for a loss of both trains of CRACWS) to maintain control room temperature, (2) the availability of the Standby Shutdown Facility (SSF) and Turbine Driven Auxiliary Feedwater (TDAWF) pump in MODE 3, (3) your commitment to defer non-essential maintenance activities for the duration of the enforcement discretion period, (4) the cause and proposed path to resolve the situation were understood such that there was a high likelihood that planned actions to resolve the situation could be completed within the proposed NOED time frame, (5) that the noncompliance reduced shutdown risk by maintaining availability of the SSF and TDAWF pump, and (6) independent verification of some of these conditions and actions by our inspection staff.

The NRC staff based their decision to exercise enforcement discretion on a qualitative assessment of risk. Since CRACWS is not explicitly represented in any PRA model, a quantifiable risk assessment was not feasible. However, your mitigation actions for a loss of the CRACWS function, the availability of the SSF and TDAWF pump in MODE 3, and eliminating elective maintenance of all risk significant systems during the duration of the enforcement discretion reduced shutdown risk. 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.

You committed to submit a permanent license amendment to address operability requirements of CRACWS following NRC approval of TSTF-426, "Revise or Add Actions to preclude entry into LCO 3.0.3," NRC approval of WCAP-16125, Rev. 1, "Justification for Risk Informed Modifications to Selected Technical Specifications for Conditions Leading to Exigent Plant Shutdown," and submittal by the Technical Specification Task Force of the corresponding Traveler applicable to Westinghouse plants (currently under development) and subsequent NRC approval of this Traveler.

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 communicated to you at 6:00 p.m., on December 15, 2011, we exercised discretion to not enforce compliance with TS LCO 3.0.3 for the period from 8:39 p.m., on December 15 until 8:39 a.m., on December 16, 2011. However, we understand you only used approximately two hours of the 12 hours requested.

DEC

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As stated in the Enforcement Policy, action may 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,

/Dan Rich RA for/

Richard P. Croteau, Director
Division of Reactor Projects

Docket Nos.: 50-413, 50-414
License Nos.: NPF-35, NPF-52

cc w/encl: (See page 4)

DEC

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Sincerely,

/Dan Rich RA for/

Richard P. Croteau, Director
Division of Reactor Projects

Docket Nos.: 50-413, 50-414
License Nos.: NPF-35, NPF-52

cc w/encl: (See page 4)

PUBLICLY AVAILABLE NON-PUBLICLY AVAILABLE SENSITIVE NON-SENSITIVE
ADAMS: Yes ACCESSION NUMBER: ML113560359 SUNSI REVIEW COMPLETE

OFFICE	RII:DRP	RII:DRP	RII:DRP	RII:DRP	RII:ORA	RII:DRA	NRR:DORL
SIGNATURE	Via email	Via email	DWR /RA for/	Via email	Via email	SDW /RA for/	Via telecom
NAME	CRapp	JBartley	RCroteau	WJones	JMunday	DChung	AHowe
DATE	12/21/2011	12/21/2011	12/22/2011	12/21/2011	12/21/2011	12/21/2011	12/21/2011
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO
OFFICE	NRR:DORL	RII: DORL	RII:DRP	RII:DRP			
SIGNATURE	Via email	Via email					
NAME	JStang	GKulesa					
DATE	12/21/2011	12/22/2011					
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

DEC

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cc w/encl:

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DEC

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Letter to J. R. Morris from Richard P. Croteau dated December 22, 2011

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR CATAWBA
NUCLEAR STATION [NOED NO. 11-2-004]

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PUBLIC

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RidsNrrPMCatawba Resource

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Enclosure