



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-8931

January 31, 2005

EA-05-009

Florida Power and Light Company
ATTN: Mr. J. A. Stall, Senior Vice President
Nuclear and Chief Nuclear Officer
P. O. Box 14000
Juno Beach, FL 33408-0420

SUBJECT: NOTICE OF VIOLATION (NRC OFFICE OF INVESTIGATIONS REPORT
NO. 2-2004-030)

Dear Mr. Stall:

On November 30, 2004, the US Nuclear Regulatory Commission's (NRC) Office of Investigations completed an investigation into the circumstances involving an Instrumentation and Control (I&C) technician at Florida Power and Light Company's St. Lucie Nuclear Plant, who failed to follow plant procedures for obtaining a work order package and clearance prior to conducting high voltage electrical work. Based on the evidence, OI substantiated that the I&C technician deliberately failed to follow plant procedures. Enclosed for your information is the synopsis to the OI report.

This issue was also the subject of an FPL review, which was documented in "FPL Attorney letter dated August 31, 2004." Based on our review of the OI report and the information provided in FPL's letter of August 31, 2004, the NRC has concluded that a violation of NRC requirements occurred. The violation involves the failure to adhere to plant Technical Specification 6.8.1 and plant procedures. These activities occurred during the performance of megger testing on the Unit 1 Control Element Assembly System on May 26, 2003.

The significance of the violation was assessed in accordance with Section IV of the NRC's Enforcement Policy. As discussed in the Enforcement Policy, the significance was not formally assessed using the Reactor Oversight Process, but instead was assessed using the guidance of Section IV.A.4 of the Enforcement Policy due its willful aspect. Based on our review, the NRC concluded that the safety significance of this violation should be characterized at Severity Level IV for the following reasons: the system for which the megger testing was performed was not operable at the time (Unit 1 was in a refueling outage); the testing activity did not result in any actual negative consequence; the increase in risk to the facility was minimal; this issue appears to be an isolated case; and the issue did not appear to involve any willful actions on the part of FPL supervisory or licensed personnel.

The NRC also considered whether the criteria of Section VI.A of the Enforcement Policy were satisfied such that the violation could be dispositioned as a non-cited violation. Based on our review, it appears that FPL supervision was fully cognizant of the issue within a few days of its occurrence, but did not place the issue in the corrective action program to address recurrence

until November 10, 2003. Furthermore, FPL did not provide any information concerning the willful aspect of the issue to the appropriate NRC personnel until several months afterwards, and significant remedial action commensurate with the circumstances was not taken promptly by FPL at the time, so as to demonstrate the seriousness of the violation to other employees. Because of the above, the NRC concluded that NCV criteria were not satisfied. Accordingly, the Notice of Violation (Notice) is included as an enclosure to this letter. For administrative tracking purposes, this violation will also be referenced in a future NRC inspection report.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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. The NRC also includes significant enforcement actions on its Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Significant Enforcement Actions**.

Sincerely,

/RA/

Victor M. McCree, Director
Division of Reactor Projects

Docket Nos.: 50-335, 50-389
License Nos.: DPR-67, NPF-16

Enclosures:

1. Notice of Violation
2. Synopsis to OI Report 2-2004-030

cc w/encl: (See page 3)

cc w/encls:

William Jefferson, Jr.
Site Vice President
St. Lucie Nuclear Plant
Florida Power & Light Company
Electronic Mail Distribution

J. Kammel
Radiological Emergency
Planning Administrator
Department of Public Safety
Electronic Mail Distribution

G. L. Johnston
Plant General Manager
St. Lucie Nuclear Plant
Electronic Mail Distribution

Douglas Anderson
County Administrator
St. Lucie County
2300 Virginia Avenue
Ft. Pierce, FL 34982

Terry L. Patterson
Licensing Manager
St. Lucie Nuclear Plant
Electronic Mail Distribution

Distribution w/encls: (See page 4)

David Moore, Vice President
Nuclear Operations Support
Florida Power & Light Company
Electronic Mail Distribution

Rajiv S. Kundalkar
Vice President - Nuclear Engineering
Florida Power & Light Company
Electronic Mail Distribution

M. S. Ross, Managing Attorney
Florida Power & Light Company
Electronic Mail Distribution

Marjan Mashhadi, Senior Attorney
Florida Power & Light Company
Electronic Mail Distribution

William A. Passetti
Bureau of Radiation Control
Department of Health
Electronic Mail Distribution

Craig Fugate, Director
Division of Emergency Preparedness
Department of Community Affairs
Electronic Mail Distribution

Distribution w/encls:

E. Brown, NRR
 L. Slack, RII EICS
 T. Ross, DRP
 OEMAIL
 RIDSNRRDIPMLIPB
 PUBLIC

OFFICE	DRP:RII	DRP:RII	EICS:RII				
SIGNATURE	JTM	SBR	CFE				
NAME	JMunday	SRudisail	CEvans				
DATE	01/27/2005	01/27/2005	01/27/2005	April 20, 2005	April 20, 2005	April 20, 2005	April 20, 2005
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO
PUBLIC DOCUMENT	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

NOTICE OF VIOLATION

Florida Power and Light Company
St. Lucie Nuclear Plant
Unit 1

Docket No.: 50-335
License No.: DPR-67
EA-05-009

During an NRC investigation completed on November 30, 2004, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), the violation is listed below:

St. Lucie Technical Specifications, Section 6.8.1 (a), states in part, that written procedures shall be established, implemented and maintained covering the applicable procedures recommended in Appendix "A" of Regulatory Guide 1.33, Revision 2, February 1978.

Regulatory Guide 1.33, Revision 2, February 1978. Section 1, "Administrative Procedures" requires procedures be implemented covering procedure adherence and equipment clearance control.

St. Lucie Administrative Procedure, ADM-08.02, Conduct of Maintenance, Section 6.6, states in part that conduct of maintenance activities requires verification of clearance and procedural compliance.

Instrumentation Maintenance Procedure IMP-66-06, CEA System Meggering Coil and Resistance Testing, Revision 3, requires that prior to the performance of a megger test, the Nuclear Plant Supervisor be briefed on the objectives and scope of the work to be performed and a clearance is to be obtained for the system to be tested.

Contrary to the above requirements, the licensee failed to comply with the requirements established for the conduct of maintenance. Specifically, on May 26, 2003, megger testing was performed on the Control Element Assembly System without obtaining authorization from the Nuclear Plant Supervisor following an appropriate briefing and without obtaining the required clearance.

This is a Severity Level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Florida Power and Light Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 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-05-009" 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 to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately

Enclosure 1

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.

Your response will be made available electronically for public inspection 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 to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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 31st day of January 2005