



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

ENCLOSURE 2 - OFFICIAL USE ONLY - SECURITY-RELATED INFORMATION

November 22, 2006

EA-06-200

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: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND
NOTICE OF VIOLATION (Turkey Point Nuclear Plant - NRC Inspection Report
No. 05000250/2006016)

Dear Mr. Stall:

The purpose of this letter is to provide you with the Nuclear Regulatory Commission's (NRC) final significance determination for a finding involving the failure to adequately assess and manage the increase in risk of performing maintenance on the A-train 480 volt 3C load center, while the facility was operating in decay heat removal mode with one operating A-train residual heat removal (RHR) pump.

The finding was documented in NRC Inspection Report No. 05000250/2006015 dated August 24, 2006, and was assessed under the significance determination process as a preliminary White issue (i.e., an issue of low to moderate safety significance which may require additional NRC inspection). The cover letter to the inspection report informed Florida Power and Light Company (FPL) of the NRC's preliminary conclusion, provided FPL an opportunity to request a regulatory conference on this matter, and forwarded the details of the NRC's preliminary estimate of the change in core damage frequency for this finding. At FPL's request, a regulatory conference was held in the NRC's Region II office on October 10, 2006. FPL also submitted supplemental information in support of its presentation at the conference.

FPL concluded, on the basis of its assessment, that the finding was of very low risk significance (Green) for the reasons discussed at the conference. Additionally, FPL concluded that this finding should be characterized in the Initiating Events cornerstone of the NRC's Reactor Oversight Process, instead of the Mitigating Systems cornerstone as was identified in the NRC's August 24th inspection report. FPL agreed with the NRC's characterization of the finding as a violation of 10 CFR 50.65(a)(4).

After considering the information developed during the inspection and the information presented at the regulatory conference, including FPL's supplemental information, the NRC has

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concluded that the final inspection finding is appropriately characterized as White in the Initiating Events cornerstone. The staff's evaluation of FPL's analysis was categorized into three areas; (1) thermal-hydraulic analysis and supporting RHR pump performance information as related to the SDP risk analysis, (2) human reliability analysis, and (3) probabilistic modeling of equipment failures. Using FPL's event tree and the modified probabilistic estimates in the above areas, the final result still exceeded the 1E-6 Green/White threshold. As such, the performance deficiency is best characterized as an issue of low to moderate risk significance (White). The staff's evaluation is included as Enclosure 2 to this letter. The NRC also concluded that, for reasons as presented by FPL at the conference, this finding should be characterized in the Initiating Events cornerstone.

You have 10 business days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Supplement 3.

The NRC also has determined that the finding represents a violation of 10 CFR Part 50.65(a)(4) for failure to adequately assess and manage the increase in risk associated with performing maintenance on the A-train 480 volt 3C load center while Unit 3 was operating in decay heat removal mode with one operating A-train RHR pump. The violation is cited in the attached Notice of Violation (Notice), and the circumstances surrounding it are described in detail in NRC Inspection Report No. 05000250/2006015. In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a White finding.

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.

You are not required to respond to this letter unless the description herein does not accurately reflect your position, or if you choose to provide additional information. For administrative purposes, this letter is issued as a separate NRC Inspection Report (No. 05000250/2006016) and the above violation is identified as VIO 05000250/2006016-01, White Finding - Failure to Assess and Manage Maintenance Risk During Shutdown Operations. Accordingly, Apparent Violation (AV) 05000250/2006015-01 is closed.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and 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) which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, any response should not include any personal privacy, proprietary, classified, 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**. However, the NRC is continuing to review the appropriate classification of Enclosure 2 within our records management program, considering changes in our practices

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following the events of September 11, 2001. Enclosure 2 contains Sensitive Unclassified Information and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, in accordance with 10 CFR 2.390(d)(1), Enclosure 2 will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS).

Should you have any questions regarding this letter, please contact Mr. Charles A. Casto, Director, Division of Reactor Projects, at (404) 562-4500.

Sincerely,

/RA/

William D. Travers
Regional Administrator

Docket No. 50-250
License No. DPR-31

Enclosures:

1. Notice of Violation
2. NRC Final Assessment of Turkey Point Loss of RHR
(OFFICIAL USE ONLY - SECURITY-RELATED INFORMATION)

cc w/encls: (See next page)

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cc w/encls:

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NOTICE OF VIOLATION

Florida Power and Light Company, Inc.
Turkey Point Nuclear Plant
Unit 3

Docket No. 50-250
License No. DPR-31
EA-06-200

During an NRC inspection completed on August 17, 2006, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR Part 50.65(a)(4) states in part, that before performing maintenance activities, the licensee shall assess and manage the increase in risk that may result from the proposed maintenance activities.

Contrary to the above, on March 8, 2006, the licensee failed to adequately assess and manage the increase in risk before performing maintenance on the A-train 480 volt 3C load center, while Unit 3 was operating in decay heat removal mode with one operating A-train residual heat removal (RHR) pump. Specifically, the licensee elected to move up restoration maintenance on the A-train 480 volt 3C load center and proceeded without measures to reduce the risk during the activity. During the maintenance activity the licensee installed a breaker associated with 3C 480 volt load center that was later determined to be defective, which caused a loss of the operating A-train RHR pump. This resulted in a loss of all decay heat removal for seven minutes.

This violation is associated with a White significance determination process finding for Unit 3 in the initiating events cornerstone.

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 was achieved is already adequately addressed on the docket in the information provided by Florida Power and Light Company at the Regulatory Conference of October 10, 2006, and in NRC Inspection Report No. 05000250/2006015. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation - EA-06-200," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

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, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, 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

Enclosure 1

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 2 working days.

Dated this 22nd day of November 2006