



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

December 23, 2008

EA-08-252

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. 2-2008-011)

Dear Mr. Stall:

This refers to the investigation completed on August 25, 2008 by the NRC Office of Investigations (OI) at Florida Power and Light Company (FPL)/Turkey Point Nuclear Plant regarding a reactor engineering supervisor who willfully failed to follow a procedure while verifying a reactivity deviation from design calculation.

Based on the results of the OI investigation, the NRC has concluded that a violation of 10 CFR 50.9(a), "Completeness and Accuracy of information", occurred, when FPL supervision failed to accomplish an activity affecting quality in accordance with procedures on February 23, 2006. Specifically, a reactor engineering supervisor failed to follow Step 1.4 of O-OSP- 040.8, Reactivity Deviation from Design Calculation, when he reviewed and approved an incorrect (i.e., not current) boron sample that was collected several hours before the reactivity calculation was performed. This resulted in an inaccurate measured reactivity deviation from 49.3 PCM to 44.2 PCM. Enclosed for your information is the synopsis of the OI investigation report.

The significance of the violation was assessed in accordance with Section IV of the NRC Enforcement Policy. The NRC determined that the safety significance of this violation was minor for the following reasons: the procedural violation had no impact on the safe operation of the plant and the incident appears to be an isolated case. However, because this violation involved willfulness, it was assessed at Severity Level IV.

The NRC considered whether, pursuant to Section VI.A of the Enforcement Policy, this willful violation could be dispositioned as a non-cited violation (NCV). It appears that the FPL supervisor was questioned about the propriety of his actions against the context of the procedural requirements, yet he failed to review and follow plant procedures. For this reason, the NRC concluded that NCV criteria were not satisfied. Accordingly, a 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 resident integrated inspection report.

The NRC recognizes that you initiated corrective actions in 2006 to clarify the specific procedural requirements involved in this issue. However, you are required to respond to this letter to address the corrective actions taken to prevent future willful violations 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). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the public electronic reading room). 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/

Leonard D. Wert, Jr.
Division Director
Reactor Projects

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

Enclosures: 1. Notice of Violation
2. OI Synopsis Report 2-2008-011

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Leonard D. Wert, Jr.
Division Director
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Oscar de Miranda, EICS
C. Evans, RII
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FPL

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Letter to J. Art Stall from Leonard D. Wert dated December 23, 2008

SUBJECT: NOTICE OF VIOLATION (NRC OFFICE OF INVESTIGATIONS REPORT
NO. 2-2008-011)

Distribution w/encl:

C. Evans, RII EICS

L. Slack, RII EICS (Linda Slack)

OE Mail

RIDSNRRDIRS

PUBLIC

B. Mozafari, NRR (PM: STL, TP)

NOTICE OF VIOLATION

Florida Power and Light Company
Turkey Point Nuclear Plant
Unit 3

Docket No.: 50-250
License No.: DPR-31
EA-08-252

During an NRC investigation completed on August 25, 2008, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.9(a) states, in part, that information required to be maintained by statute, or by Commission regulations, orders, or license conditions shall be complete and accurate in all material respects

10 CFR 50 Appendix B, Criterion V, states, in part, that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

Turkey Point Plant Safety-Related Procedure, 0-OSP- 040.8, Reactivity Deviation from Design Calculation, step 1.4, requires in part that the licensee use the current boron sample for performing a reactivity calculation.

Contrary to the above, on February 23, 2006, FPL supervision failed to accomplish an activity affecting quality in accordance with procedures. Specifically, a reactor engineering supervisor failed to follow Step 1.4 of 0-OSP- 040.8, Reactivity Deviation from Design Calculation, when he reviewed and approved an incorrect (i.e., not current) boron sample that was collected several hours before the reactivity calculation was performed. This resulted in an inaccurate measured reactivity deviation from design calculation of 49.3 PCM to 44.2 PCM. The measured reactivity deviation from design calculation is material to the NRC because it is required to be performed per Technical Specification 4.1.1.1.2.

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-08-252" 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 addresses the required response.

Enclosure 1

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 23rd day of December 2008

SYNOPSIS

This investigation was initiated on December 19, 2007, by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region II (RII), to determine whether a Turkey Point Nuclear Plant (TPNP), Reactor Engineering Supervisor willfully failed to follow a procedure while verifying a Reactivity Deviation from Design Calculation.

Based on the evidence developed, this investigation did substantiate that a Florida Power & Light (FP&L) TPNP Reactor Engineering Supervisor, willfully failed to follow a procedure while verifying a Reactivity Deviation from Design Calculation.