

September 3, 2009

EA-09-167

Mr. Mark A. Schimmel  
Acting Site Vice President  
Prairie Island Nuclear Generating Plant  
Northern States Power Company - Minnesota  
1717 Wakonade Drive East  
Welch, MN 55089

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND  
NOTICE OF VIOLATION; NRC INSPECTION REPORT NO. 05000306/2009013;  
PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNIT 2

Dear Mr. Schimmel:

The purpose of this letter is to provide you the final results of our significance determination of the preliminary White finding identified in Inspection Report 05000282/2009010; 05000306/2009010. The inspection finding was assessed using the Significance Determination Process and was preliminarily characterized as White, a finding with low to moderate increased importance to safety that may require additional U.S. Nuclear Regulatory Commission (NRC) inspections. This White finding is associated with the licensee's failure to design the component cooling water system such that it would be protected from the impact of a high energy line break, seismic, or tornado events.

In a telephone conversation with Mr. Steven West of the NRC Region III office, on August 10, 2009, Mr. Michael Wadley, former Site Vice President, indicated that Northern States Power Company – Minnesota did not contest the characterization of the risk significance of this finding and that Northern States Power Company – Minnesota declined the 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 inspection finding is appropriately characterized as White, a finding with low to moderate increased importance to safety that may require additional NRC inspections as stated in Inspection Report 05000282/2009010; 05000306/2009010.

The NRC has also determined that the finding is a violation of 10 CFR Part 50, Appendix B, Criterion III, "Design Control," as cited in the enclosed 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 escalated enforcement action because it is associated with a White finding.

The NRC has concluded that the information regarding the reason for the violation, the corrective actions taken, and the date when full compliance was achieved is already adequately addressed on the docket in the subject inspection report. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

As a result of our review of Prairie Island Unit 2's performance, including this White finding, we have assessed you to be in the Regulatory Response column of the NRC's Action Matrix. Therefore, we plan to conduct a supplemental inspection using Inspection Procedure 95001, "Inspection for One or Two White Inputs in a Strategic Performance Area," when your staff has notified us of your readiness for this inspection. This inspection procedure is conducted to provide assurance that the root cause and contributing causes of risk significant performance issues are understood, the extent of condition is identified, and the corrective actions are sufficient to prevent recurrence.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management 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.

Sincerely,

***/RA by Cynthia D. Pederson Acting for/***

Mark A. Satorius  
Regional Administrator

Docket No. 50-306  
License No. DPR-60

Enclosure:  
Notice of Violation

cc w/encl: D. Koehl, Chief Nuclear Officer  
G. Salamon, Regulatory Affairs Manager  
P. Glass, Assistant General Counsel  
Nuclear Asset Manager  
J. Stine, State Liaison Officer, Minnesota Department of Health  
Tribal Council, Prairie Island Indian Community  
Administrator, Goodhue County Courthouse  
Commissioner, Minnesota Department  
of Commerce  
Manager, Environmental Protection Division  
Office of the Attorney General of Minnesota  
Emergency Preparedness Coordinator, Dakota  
County Law Enforcement Center

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Sincerely,

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Mark A. Satorius  
Regional Administrator

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cc w/encl: D. Koehl, Chief Nuclear Officer  
G. Salamon, Regulatory Affairs Manager  
P. Glass, Assistant General Counsel  
Nuclear Asset Manager  
J. Stine, State Liaison Officer, Minnesota Department of Health  
Tribal Council, Prairie Island Indian Community  
Administrator, Goodhue County Courthouse  
Commissioner, Minnesota Department  
of Commerce  
Manager, Environmental Protection Division  
Office of the Attorney General of Minnesota  
Emergency Preparedness Coordinator, Dakota  
County Law Enforcement Center

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OFFICE	RIII	RIII	RIII	D:OE	RIII	RIII
NAME	Lougheed	Giessner	West	Bowman for Carpenter <sup>1</sup>	Orth	Pederson for Satorius
DATE	09/01/09	09/01/09	09/01/09	08/31/09	09/01/09	09/02/09

**OFFICIAL RECORD COPY**

1. OE concurrence received via e-mail from G. Gulla on August 31, 2009.

Letter to Mark A. Schimmel from Mark A. Satorius dated September 3, 2009

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND  
NOTICE OF VIOLATION; NRC INSPECTION REPORT NO. 05000306/2009013;  
PRAIRIE ISLAND NUCLEAR GENERATING PLANT, UNIT 2

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## NOTICE OF VIOLATION

Northern States Power Company - Minnesota  
Prairie Island Nuclear Generating Plant, Unit 2

Docket No. 50-306  
License No. DPR-60  
EA-09-167

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted from June 15 to July 9, 2009, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the Code of Federal Regulations, Part 50, Appendix B, Criterion III, "Design Control," requires, in part, that measures be established to assure that the design basis for safety-related functions of structures, systems, and components are correctly translated into specifications, drawings, procedures, and instructions. Further, Criterion III requires that the design control measures provide for verifying or checking the adequacy of designs.

Contrary to the above, as of July 29, 2008, the licensee failed to implement design control measures to ensure that the design basis for the component cooling water system was correctly translated into specifications, drawings, procedures, and instructions. Specifically, the licensee failed to ensure that the safety-related function of the component cooling water system was maintained following a high energy line break, seismic, or tornado events in the turbine building.

This violation is associated with a White finding.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to be taken to correct the violation and to prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report 05000282/2009010; 05000306/2009010, dated August 5, 2009. 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-09-167," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, 2443 Warrenville Road, Suite 210, Lisle IL 60532, and a copy to the NRC Resident Inspector at the Prairie Island facility, 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 Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at

ENCLOSURE

Notice of Violation

-2-

<http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 3<sup>rd</sup> day of September 2009

ENCLOSURE