



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 3, 2010

Mr. Thomas Saporito
Post Office Box 8413
Jupiter, Florida 33468-8413

Dear Mr. Saporito:

Your letter dated March 31, 2010, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission (NRC or the Commission), was referred to the Office of Nuclear Reactor Regulation pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206 of the Commission's regulations. In your letter, you requested that the NRC:

1. Issue a confirmatory order modifying the licensee's operating licenses for the Turkey Point Nuclear Plant, Units 3 and 4 as to require the licensee to bring both associated nuclear reactors to a "cold" shut down mode to allow the NRC and the licensee to conduct timely and meaningful investigation of the void described in NRC EN45791; and
2. Require the licensee to determine the entire duration of the void described in NRC EN45791 encompassing the period of time prior to discovery by the licensee's engineering personnel at 1540 hours; and
3. Require the licensee to state whether the TPN Unit 4 B Cold Leg High Head Safety Injection (HHSI) flow path was inoperable prior to discovery of the void identified at 1540 hours as described in NRC EN45791, and if so, state the estimated time period that the system was inoperable; and
4. Require the licensee to identify the "root-cause" of the void described in NRC EN45791 and state what, if any, corrective actions were taken to prevent recurrence; and
5. Require the licensee to determine whether or not alternative means were available (other than an observation made by licensee engineering personnel) for the licensee to become aware of the void described in NRC EN45791, and if so, describe in detail such alternative means; and
6. Require the licensee to determine whether or not any operator annunciation system failed to engage to alert the reactor operator on duty about the existence of the void described in NRC EN45791, and if so, require the licensee to determine the "root-cause" of the failed system and state why the failure was not timely reported to the NRC; and
7. Require the licensee to determine whether reactor operator error played any role in the existence of the void described in NRC EN45791, and if so, describe the context of the operator error and any licensee actions taken to prevent reoccurrence; and

8. Require the licensee to determine whether or not public health and safety was compromised as a direct or indirect result of the void described in NRC EN45791, and if so, provide a detailed context for NRC evaluation; and
9. Require the licensee to make the same evaluations described in items 1-8 above with respect to the TPN Unit 3.

In accordance with Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," the NRC staff has determined that your petition does not meet the criteria for review under 10 CFR 2.206. Per MD 8.11, the NRC does not review a 2.206 petition that does not specify the facts that constitute the basis for the requested actions. Your letter did not provide sufficient facts to support the petition, but only provided information concerning the event notification of which the NRC was already aware.

In addition, during our preparation to convene a 2.206 Petition Review Board, we determined that the issue of voids in the emergency core cooling systems (ECCS) is already being reviewed by the NRC under Generic Letter (GL) 2008-01, "Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems. The NRC issued GL-2008-01 to request that each licensee evaluate the licensing basis, design, testing and Corrective Action Program action requests for the ECCS, Decay Heat Removal System, and Containment Spray System to ensure that gas accumulation is maintained less than the void volume that challenges operability of these systems, and that appropriate action is taken when conditions adverse to quality are identified. Florida Power & Light Company performed evaluations to satisfy the commitments associated with GL-2008-01 and submitted the evaluations for Turkey Point, Units 3 and 4, to the NRC for review on August 6, 2009, and March 2, 2010, respectively. The evaluations are currently being reviewed by the NRC's Office of Nuclear Reactor Regulation. Also, the licensee has entered the March 25, 2010, Turkey Point, Unit 4 event into its corrective action program in order to determine the root cause of the voiding in the High Head Safety Injection piping.

T. Saporito

- 3 -

This letter closes out your request for a 2.206 petition. Please contact Jason Paige, if you have any questions regarding this action at 301-415-5888.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug A. Broaddus". The signature is fluid and cursive, with the first name "Doug" being particularly prominent.

Douglas A. Broaddus, Acting Chief
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: Distribution via Listserv

T. Saporito

- 3 -

This letter closes out your request for a 2.206 petition. Please contact Jason Paige, if you have any questions regarding this action at 301-415-5888.

Sincerely,
/RA/

Douglas A. Broaddus, Acting Chief
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: Distribution via Listserv

DISTRIBUTION: G20100185/EDATS: OEDO-2010-0258

PUBLIC	LPL2-2 R/F	RidsNrrLABClayton
RidsNrrDorlLpl2-2	RidsOgcRp	RidsNrrMailCenter
RidsNrrOd	RidsNrrDpr	MBarkman, OGC
RidsNrrPMTurkeyPoint	TMensah, NRR	RidsOpaMail
RidsAcrcsAcnw_MailCenter	RidsNrrDorl	RidsEdoMailCenter
RidsOcaMailCenter	RidsRgn2MailCenter (MSykes, RII)	
BMOzafari, NRR		

ADAMS Accession Nos: Pkg ML101230500, Incoming ML100950464 Letter ML101170581

OFFICE	LPL2-2/PM	LPL2-2/LA	DPR/DD	LPL2-2/BC
NAME	JPaige	BClayton	TBlount	DBroaddus (A)
DATE	4/28/10	4/28/10	4/28/10	5/3/10

OFFICIAL RECORD COPY