



May 3, 2010

NRC 2010-0064
10 CFR 50.9
EA-09-297

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Point Beach Nuclear Plant, Units 1 and 2
Dockets 50-266 and 50-301
Renewed License Nos. DPR-24 and DPR-27

Reply to a Notice of Violation
Inspection Report 05000266/2010-010; 05000301/2010-010
EA-09-297

Reference: NRC letter to FPL Energy Point Beach, dated April 7, 2010,
Point Beach Nuclear Plant, Units 1 and 2 Inspection Report
05000266/2010-010 and 05000301/2010-010 Containing Results of NRC
Investigation Report No. 3-2009-011 and Notice of Violation. (ML100980367)

On February 17, 2010, the NRC completed a review of circumstances surrounding the completion of
ignition control permits. Based upon the results of the review, one Severity Level IV, Notice of
Violation involving 10 CFR 50.9, "Completeness and Accuracy of Information," was identified.

In accordance with 10 CFR 2.201, NextEra Energy Point Beach, LLC, (NextEra) has prepared a
written response to the Notice of Violation (EA-09-0297) for the Point Beach Nuclear Plant. The
response is provided as an enclosure to this letter.

This letter contains no new Regulatory Commitments or revisions to existing Regulatory
Commitments.

If there are any questions regarding this letter, please contact James Costedio at 920/755-7427.

Very truly yours,

NextEra Energy Point Beach, LLC

A handwritten signature in black ink, appearing to read "Larry Meyer".

Larry Meyer
Site Vice President

Enclosure

cc: Administrator, Region III, USNRC
Resident Inspector, Point Beach Nuclear Plant, USNRC

ENCLOSURE

NEXTERA ENERGY POINT BEACH, LLC

POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

RESPONSE TO NOTICE OF VIOLATION IN NRC INSPECTION REPORT 05000266/2010-010; 05000301/2010-010 CONTAINING RESULTS OF NRC INVESTIGATION REPORT NO 3-2009-011 EA-09-297

In accordance with 10 CFR 2.201, the NextEra Energy Point Beach, LLC, (NextEra) response to Inspection Report 05000266/2010-010 and 05000301/2010-010 is provided as requested in the Commission's letter dated April 7, 2010.

Violation

Title 10 CFR 50.9(a) requires, in part, that information required by the Commission's regulations, orders, or license conditions to be maintained by the licensee shall be complete and accurate in all material respects.

Technical Specification, Section 5.4.1.h, requires that written procedures be established, implemented, and maintained covering fire protection implementation. As part of its fire protection implementation, Point Beach has procedures addressing ignition control.

Point Beach Procedure NP 1.9.13, "Ignition Control Procedure," Revision 13, Step 3.0, identified the responsibilities for the individuals performing as an Ignition Control Permit (ICP) authorized person. Step 3.1.3 stated that the ICP authorized person shall visit the site initially and each shift prior to hot work commencing to ensure that flammable and combustible materials are removed or adequately protected from the hot work activities. Step 4.2 also specified that the ICP authorized person shall visit the work site. A Note immediately preceding Step 4.2 required that the activities in Section 4.2 be documented on Form PBF 0068 each shift prior to commencing hot work. Step 4.5 indicated that the authorized person shall forward the ICP to the Work Control Center (WCC) for approval.

Ignition Control Permit Form PBF 0068, Section 3.0 "Authorization" required the authorized person's signature prior to the approval of the permit in Section 4, "Approval."

Contrary to the above, on October 17, 20, and 28, 2008, the licensee failed to maintain complete and accurate information required by the Commission in all material respects. Specifically,

- a. On October 17, 2008, a contract foreman, who was not an ICP authorized person, signed his supervisor's initials on an ICP (Form PBF 0068) without an ICP authorized person visiting the work site;
- b. On October 20, 2008, a contract foreman signed his own initials on an ICP (Form PBF 0068) without an ICP authorized person visiting the work site;
- c. On October 28, 2008, a contract supervisor, who was an ICP authorized person, initialed two ICPs (Form PBF 0068) without visiting the work site.

- d. On October 25, 2008, a Point Beach Nuclear Plant lead maintenance mechanic, who was an ICP authorized person, signed an ICP without visiting the work site after learning that another ICP authorized person had performed the required inspection and no problems were identified.

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

NextEra Response to Violation

NextEra concurs with the violation as stated in Point Beach Nuclear Plant, Units 1 and 2 Inspection Report 05000266/2010-010 and 05000301/2010-010 Containing Results of NRC Investigation Report No. 3-2009-011 and Notice of Violation, dated April 7, 2010.

Reason for the Violation:

The violation occurred because three individuals approved ignition control permits in a manner that violated procedure and regulatory requirements. The two contract individuals intentionally did not follow procedure requirements. The Maintenance individual did not fully understand the procedure requirements.

The NextEra investigation, which included personnel interviews and record reviews, revealed that:

1. There were several examples where a comparison of ignition control permit approvals and card reader access data for the affected work areas were not consistent.
2. Authorized persons signed ignition control permit-required inspections as complete based on verbal reports from non-qualified individuals who had performed the physical inspection.
3. There were inconsistencies in how authorized persons were implementing the requirements of NP 1.9.13 with regard to when the initial work site inspection was completed.
4. There were weaknesses in the ignition control permit administrative procedure.

Corrective Steps Taken and Results Achieved

1. Site access for the two contract individuals was suspended during the investigation. Site access for the contract supervisor was terminated on November 8, 2008. Site access for the contract foreman was terminated on November 20, 2008.
2. The Fire Watch Authorized Person qualification was revoked for the NextEra Maintenance employee. The employee's qualification has not been restored.
3. An extent of condition review was performed that included interviews of 13 qualified "Fire Watch Authorized Persons." No other instances were identified where personnel had signed ignition control permits as a "Fire Watch Authorized Person" without conducting the required physical inspection prior to commencement of work.
4. Procedure NP 1.9.13 and its associated ignition control permit form were revised to clarify that only a person who has received "Authorized Person" training may sign the permit after having first performed an inspection of the work site. The revised documents were issued on March 26, 2009.

5. An information sharing was conducted with Fire Watch and Fire Watch Authorized Persons in the Maintenance Department and the affected contractor organization regarding 10 CFR 50.9, and ignition control permit procedure requirements. Additionally, it was stressed that ALARA concerns are not a valid reason to deviate from the requirement that only a "Fire Watch Authorized Person" may sign the ignition control permit.
6. A site-wide communication was issued on March 10, 2010. The communication discussed the following critical elements of the ignition control procedure: purpose of the ignition control permit, importance of affected area walkdowns, and function of the fire watch.
7. Based on a review of the corrective action program, no other instances were identified where personnel had signed ignition control permits as a "Fire Watch Authorized Person" without conducting the required physical inspection prior to commencement of work, since October 28, 2008. This includes the fall 2009 Unit 2 and the spring 2010 Unit 1 refueling outages.
8. During the spring 2010 Unit 1 refueling outage, supervision performed daily human performance observations of site personnel and affected contractor personnel. Based on a review of the corrective action program, no other instances were identified where personnel had signed ignition control permits as a "Fire Watch Authorized Person" without conducting the required physical inspection prior to commencement of work.

Corrective Steps That Will Be Taken

None.

Date Full Compliance Will Be Achieved

Full compliance with NRC requirements was achieved upon issuance of the revision to NP 1.9.13 on March 26, 2009.