



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

Region III
2443 Warrenville Road, Suite 210
Lisle IL 60532-4352

August 9, 2013

EA-13-125

Mr. Larry Meyer
Site Vice President
NextEra Energy Point Beach, LLC
6610 Nuclear Road
Two Rivers, WI 54241

SUBJECT: FINAL SIGNIFICANCE DETERMINATION OF A WHITE FINDING WITH ASSESSMENT FOLLOWUP AND NOTICE OF VIOLATION; NRC INSPECTION REPORT NO. 05000266/2013012 AND 05000301/2013012; POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

Dear Mr. Meyer:

This letter provides you the final significance determination of the preliminary Yellow finding discussed in our previous communication dated June 18, 2013, which included U.S. Nuclear Regulatory Commission (NRC) Inspection Report No. 05000266/2013011 and 05000301/2013011. The finding involved your failure to implement external flooding wave run-up protection design features as described in the Final Safety Analysis Report (FSAR). Specifically, Point Beach Nuclear Plant (PBNP) Procedure PC 80 Part 7, as implemented, would not protect safety-related equipment in the turbine building or pumphouse because the procedure: (1) did not appropriately prescribe the installation of barriers such that gaps between the barriers were eliminated to prevent water intrusion, (2) did not protect equipment by requiring barriers to be placed in front of the doors, from 1996 to 2008, as described in the FSAR, and (3) did not require the barriers to protect the plant to an elevation of at least 9 feet as described in the FSAR. The finding was previously classified as an apparent violation with significance to be determined in NRC Inspection Report No. 05000266/2013002 and 05000301/2013002 issued on May 13, 2013.

At your request, a Regulatory Conference was held on July 22, 2013, to discuss your views on this issue. A copy of the handout you provided at the conference was previously placed in the NRC's Agencywide Documents Access and Management System (ADAMS) at Accession No. ML13200A396. During the conference, your staff described your assessment of the significance of the finding, and the corrective actions taken to resolve it, including the root cause evaluation of the finding. You attributed the root cause of the finding to a 1996 change in strategy for flood protection and a failure to require the change to be validated by procedure. A partial list of attendees at the conference is included in Enclosure 1.

During the conference, you stated that you agreed that there was a performance deficiency, but that you disagreed with the significance of the finding. Specifically, you stated that you performed a new engineering analysis using a state-of-the-art computer model, which took into account the site specific bathymetric and topographic information. Based on your wave run-up analysis, you determined that it was extremely unlikely for water to accumulate in the turbine building. As a result, your probabilistic risk assessment determined that the risk was of very low safety significance because of the limited equipment that would be impacted by the flood.

The NRC carefully reviewed the information provided during the conference, along with the supporting technical information submitted between June 28 and July 29, 2013, (ADAMS Accession No. ML13179A333, ML13193A032, ML13197A118, and ML13211A056).

The NRC determined that the most significant input from your evaluation were the insights from your revised wave run-up evaluation using the DELFT3D computer model. During the NRC's post-regulatory conference review, conducted in accordance with Inspection Manual Chapter (IMC) 0609.01, "Significance and Enforcement Review Panel Process," the NRC concluded that while the revised wave run-up analysis used in your assessment of the performance deficiency provided insights, the final results of your evaluation could not be easily translated into a quantitative probabilistic framework that would provide a final answer with appropriate consideration of the potential uncertainties involved. The results of your wave run-up evaluation were significantly different from the wave run-up evaluation described in the FSAR and from the probabilistic wave run-up model used in the Individual Plant Examination of External Events (IPEEE) and in the preliminary Significance Determination Process (SDP) evaluation. While arguments about conservatism were used, the NRC could not determine the uncertainty associated with important inputs and did not have any sensitivity analysis showing how the results could potentially vary given different assumptions. Additionally, the NRC determined that the level of effort and resources to perform such an independent analysis at the NRC was well beyond the scope of what is appropriate and necessary for the SDP, the purpose of which is to determine what additional inspection is necessary as a result of an identified performance deficiency. The NRC determined that the review of a complex new deterministic wave run-up model would be more appropriately conducted during a NRC license amendment process or as part of NRC's Fukushima Near Term Task Force Recommendation 2.1, which requires a plant specific hazard re-evaluation for external flooding.

While the NRC determined that it was not appropriate to directly use the results of your deterministic wave run-up model in our SDP evaluation, we concluded that your analysis provided an insight that an alternate wave run-up model could produce results that include wave run-up effects less than previously calculated and as described in the FSAR and IPEEE. The NRC viewed your results as an alternate model to the FSAR and IPEEE wave-run up model, rather than as a replacement that completely supersedes past analyses. Given the significantly different results regarding wave-run up between the new information presented and the FSAR wave-run up evaluation, the NRC decided to transition the evaluation of this finding to the process described in IMC 0609, Appendix M, "Significance Determination Using Qualitative Criteria." The NRC accounted for the wave run-up analysis in a semi-quantitative analysis using the previously developed quantitative framework used in the preliminary finding determination, including important attributes of the inspection finding.

Enclosure 2 provides our summarized assessment of the major points that you raised during the regulatory conference, along with our final significance determination. It also summarizes the important qualitative considerations that we developed as part of the Appendix M process.

Therefore, after considering the information developed during the inspection and the additional information provided in your submittals dated June 28, July 10, 15, and 29, 2013, the NRC has concluded that the finding is appropriately characterized as White, a finding of low to moderate risk significance.

Although the NRC has concluded that the DELFT3D computer model provided reasonable insights for the purposes of the SDP, the NRC has not accepted this model for use in the licensing basis. The NRC would like to specifically remind NextEra of the provisions of

10 CFR 50.59 (c)(2)(viii), which requires, in part, that a licensee obtain a license amendment prior to implementing a proposed change to the facility, as described in the FSAR, if the change results in a departure from a method of evaluation described in the FSAR used in establishing the design bases or in the safety analyses.

You have 30 calendar 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 Inspection Manual Chapter 0609, Attachment 2, "Process for Appealing NRC Characterization of Inspection Findings (SDP Appeal Process)." An appeal must be sent in writing to the Regional Administrator, Region III, 2443 Warrenville Road, Lisle, IL 60532-4352.

The NRC has also determined that the failure of NextEra Energy Point Beach, LLC, to implement a procedure addressing external flooding wave run-up protection design features is a violation of 10 CFR Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," as cited in the Notice of Violation (Notice) provided in Enclosure 3. The circumstances surrounding the violation were described in detail in NRC Inspection Report No. 05000266/2013002 and 05000301/2013002. 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 information regarding the reasons for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in NRC Inspection Report No. 05000266/2013002 and 05000301/2013002 and in your submittals dated July 10, 15, and 29, 2013. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

As a result of our review of PBNP's performance, including this White finding, we have assessed Unit 1 to be in the Degraded Cornerstone column (Column III) due to having two White findings in the Mitigating Systems cornerstone of the NRC's Action Matrix, as of the first quarter of 2013. We have assessed Unit 2 to be in the Regulatory Response column of the NRC's Action Matrix, effective the first quarter of 2013. Therefore, we plan to conduct a supplemental inspection using Inspection Procedure 95002, "Supplemental Inspection for One Degraded Cornerstone or Any Three 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 and the extent of cause are identified, and the corrective actions are sufficient to prevent recurrence. In addition, this procedure is conducted to provide an independent determination of whether safety culture components caused or significantly contributed to the risk-significant performance issues.

For administrative purposes, this letter is issued as NRC Inspection Report No. 05000266/2013012 and 05000301/2013012. Additionally, apparent violations (AV) 05000266/2013002-10 and 05000301/2013002-10 are now closed, and violations (VIO) 05000266/2013002-10 and 05000301/2013002-10 are opened in their place.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, 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. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

Sincerely,

/RA by G. Shear for/

Cynthia D. Pederson
Regional Administrator

Docket Nos. 50-266, 50-301
License Nos. DPR-24, DPR-27

Enclosures:

1. Regulatory Conference List of Attendees
2. Analysis of Licensee Information
3. Notice of Violation

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REGULATORY CONFERENCE
LIST OF ATTENDEES

NextEra Energy

Larry Meyer, Site Vice President
Richard Wright, Plant General Manager
Rudolfo Gil, Corporate Engineering Manager
Steven Bowe, Operations Shift Manager (AOM)
Anil Julka, Fleet Reliability and Risk Manager
Steven Catron, Fleet Licensing Manager
Ronald Seizert, Site Licensing Supervisor
James Petro, Managing Attorney - Nuclear
Sandra Dinzeo, Enercon Engineering Lead
Jemie Dababneh, Rizzo Associates Technical Director

U.S. Nuclear Regulatory Commission

Anne Boland, Acting Regional Administrator, Region III
Kenneth O'Brien, Deputy Division Director, Division of Reactor Projects (DRP)
Jamnes Cameron, Chief, Branch 6, DRP
Patricia Pelke, Acting Chief, Branch 6, DRP
Steven Orth, Enforcement Officer
Diana Bettencourt, Acting Senior Resident Inspector, Point Beach site, DRP
Laura Kozak, Senior Risk Analyst, DRP
Jeffrey Mitman Senior Reliability and Risk Analyst, Office of Nuclear Reactor Regulation (NRR)
David Passehl, Senior Risk Analyst, DRP
Mark Rubic, Acting Regional Counsel
Jakob Steffes, Reactor Engineer, DRP
Prema Chandrathil, Public Affairs Officer
Patricia Loughheed, Senior Enforcement Coordinator
Lauren Casey, Enforcement Coordinator, Office of Enforcement (via phone)
Fernando Ferrante, Reliability and Risk Analyst, NRR (via phone)
Kenneth See, Senior Hydrologist, NRR (via phone)
Stephen Vaughn, Reactor Operations Engineer (via phone)
Sunil Weerakkody, Chief, PRA Operational Support Branch, NRR (via phone)
John Rutkowski, Project Engineer, Branch 6, DRP (via phone)
Meghan Thorpe-Kavanaugh, Resident Inspector, Point Beach site, DRP (via phone)

Public

Brandon Irwin, Erin Engineering
Glen Kaegi, Exelon
Kenneth Nicely, Exelon
Robert Busch, Wisconsin Emergency Management (via phone)
Carrie Fosaaen, Xcel Energy (via phone)
Kim Harshaw, Pillsbury Winthrop Shaw Pittman (via phone)
Jeffery Kitsembel, Public Service Commission of Wisconsin (via phone)
Jeffrey Oskamp, Rizzo Associates (via phone)
Kenny Horne (via phone)
Peter Kissinger (via phone)
Kim Knipple (via phone)
Richard Loeffler (via phone)
Mitch Mathews (via phone)

ANALYSIS OF LICENSEE RISK INFORMATION

Updated Wave Run-Up Analysis and Safety Significance Determination Analysis

In order to evaluate the impact of an alternate wave-run up model, the NRC performed a set of sensitivity evaluations using the NRC Standardized Plant Analysis Risk (SPAR) Model that varied either the amount of water impounded between the turbine building and the circulating water pump house or the flood frequency. For the set of calculations that varied the amount of water impounded, the analysts used the same flood frequency that was used in the preliminary SDP assessment. The evaluation assessed the impact given the flood effects described in your July 15, 2013, letter from Attachment 2, Table 1, Bins 1 and 2. The analysts also developed a modified Bin 2 to account for the uncertainty in the flood effects. The modified Bin 2 notably included the 4.16kV vital switchgear train A. In some cases, separate calculations were performed for Unit 2 by modifying the SPAR Unit 1 model, which yielded higher risk estimates because of the impact of the flood on the power supply for the motor-driven auxiliary feedwater pump, 2P-53. The resulting Δ CDF calculations ranged from Green, a finding of very low safety significance to Yellow, a finding of substantial safety significance.

A second set of sensitivity calculation were performed that lowered the flood frequency by one order of magnitude, from $7.3E-4$ /yr to $7.3E-5$ /yr. For this set of calculations, the flood effects were as defined by Bin 3 of your Attachment 2, table 1. Again, a modified Bin 3 was developed to account for uncertainty in the flood effects. The modified Bin 3 notably included DC distribution panels D01 and D02. Again, separate calculations were performed for Unit 2 because of the impact on the motor-driven auxiliary feedwater pump. The resulting Δ CDF calculations for this set of sensitivity evaluations also ranged from Green, a finding of very low safety significance to Yellow, a finding of substantial safety significance.

In using the Appendix M process, the quantitative range of Δ CDF results and risk insights were used in conjunction with our evaluation of the qualitative attributes of findings' significance. The most influential qualitative attributes that contributed to the NRC's risk-informed decision-making included the defense-in-depth and the likelihood that the licensee's recovery actions would successfully mitigate the performance deficiency were affected. Specifically, the licensee did not have any specific procedural requirements to increase protective efforts as lake levels increased, did not have any specific training provided to operators on how to respond to such an event, and did not have any recovery actions specified for equipment operation in a flooded state.

Service Water Pump Operation Following Loss of DC Control Power

Your July 15, 2013, letter also contained Attachment 3 which provided an explanation of the Point Beach Nuclear Plant design of the Service Water system showing that a running service water pump would continue to operate following a loss of DC control power. The NRC reviewed the information and procedure AOP 0.0, "Vital DC System Malfunction." The NRC determined that the Point Beach SPAR model did not require any permanent changes because it accurately modeled service water system AC and DC power supply dependencies. In the SPAR model, the service water pumps and other equipment are typically modeled as requiring DC power for the full 24-hour mission time used in PRA. As the station batteries do not last for 24 hours, battery chargers are required for the system/train to fulfill its PRA function. The SPAR model also contains operator actions to switch to alternate control power supplies and models cross-tying AC buses in certain circumstances. In the case of a loss of offsite power, failure of

“A” train buses, and the failure of the D-07, D-08, and D-08 battery chargers, only one service water pump is completely unaffected. Given that the SPAR model success criteria require at least two-service water pumps, the service water function is failed in this scenario unless operator action, which is already modeled, is taken to cross-tie 480 V buses.

A temporary model change was made to add a second operator action for manually operating the service water system under these conditions. The change did not have a significant impact on the results.

Analysis of the Rate of Rise of Lake Michigan

You provided an estimate of the time for Lake Michigan to rise from the point the jersey barriers are required to be installed until lake level would be high enough to cause potential flood problems if wind-driven waves occurred. The NRC had determined during the preliminary SDP assessment that time would be available to correct problems with jersey barrier installation before the flood, but found that licensee procedures and emergency plans did not provide any specific additional actions to implement given rising lake levels. This information did not result in any changes to the quantitative risk evaluation.

Appendix M Analysis

Regarding qualitative insights into the risk, the NRC staff determined this finding reduced the defense in depth of the site’s flooding protective strategy which in turn decreased the safety margin for protection against external flooding events. During the licensee’s walkthrough of the procedure, it was discovered that the barriers could not be installed as described. The deficiencies with the procedure included: (1) the surface where the barriers would be installed did not have a flat surface, which created a 4-inch gap through which water could get past the barrier; (2) the rebar present in the jersey barriers created gaps that prevented the barriers to be installed flush against each other which allowed for water intrusion; (3) the bottom of the jersey barriers were cut for transportation causing gaps where water could intrude; and (4) the length of the barriers was insufficient (an extra 8.42-feet was needed on each side) to provide the protection specified in the FSAR. The inspector’s review of the flood mitigation strategy revealed that that the licensee did not consider the amount of time needed to erect the barriers, did not recognize the need to perform additional evaluations for crediting the use of sandbags and jersey barriers and did not assign prompt corrective actions to fix the deficient barriers until prompted by the inspectors.

The licensee expressed in the Regulatory Conference that they would take actions to walkdown the flood barriers and verify no flooding conditions exist. They would also shutdown both units at the license basis lake level (581.9-feet). However, the NRC noted that the licensee did not have any specific procedural requirements at the time the performance deficiency was identified to increase protective efforts as lake levels continued to rise or to shut down the plant. Additionally, the NRC noted that no training had been given to the operators on how to respond to such an event. Finally, the guidance referenced by the licensee was not in place until after the performance deficiency was identified. The above described consequences of the performance deficiency remove a significant barrier (sandbags, jersey barriers or equivalent) that were intended to protect risk significant equipment from the flood waters. Thus not having

these barriers reduced the amount of equipment available to protect the core during these flood conditions, and therefore, reduced the defense in depth.

The NRC staff also determined that the finding reduced the likelihood that the licensee's recovery actions would successfully mitigate the performance deficiency. The licensee performed an analysis of lake level rise using National Oceanic and Atmospheric Administration (NOAA) data from 1918 through 2013. The results of their analysis shows that the largest single month lake level rise during that time was 0.85-feet and given the present lake level the licensee concluded that it would take eight weeks to reach the level at which Point Beach procedures require wave run-up barrier construction initiation. In the licensee's estimation, this eight weeks would provide more than enough time to identify and correct the gaps in the jersey barriers and prevent the lake water from impacting plant equipment. Additionally, the licensee expressed in the Regulatory Conference that they would also shut down both units at the license basis lake level (581.9-feet).

However, the NRC staff concluded that while some time would be available to correct the problems with jersey barrier installation before the flood, the licensee did not have any specific procedural actions to increase protective efforts as lake levels continued to rise or to shut down the plant. Additionally, no training had been given to the operators on how to respond to such an event. The guidance referenced by the licensee was not in place until after the performance deficiency was identified. In addition, recovery actions after equipment is affected by water entering the respective buildings is highly questionable as water in the buildings may cause a loss of general area lighting and may increase working area hazards significantly.

Additionally, the NRC staff took into consideration the degree of degradation of failed or unavailable components. Specifically, the NRC noted that the licensee's analysis has flood water impounding at levels that could rise up to approximately 8 inches in the turbine building. The analysis assumes that even though water may intrude cabinets, but because cables and equipment are not submerged, their failure rates remains at their nominal level. However, the NRC staff considered that flooding of the turbine building will have some effect on cables and equipment.

NOTICE OF VIOLATION

NextEra Energy, Point Beach, LLC
Point Beach Nuclear Plant

Docket Nos. 50-266, 50-301
License Nos. DPR-24, DPR-27
EA-13-125

During an NRC inspection conducted from January 1 to March 31, 2013, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 CFR Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," requires, in part, that activities affecting quality be prescribed by procedures of a type appropriate to the circumstances and shall be accomplished in accordance with these procedures.

Point Beach Final Safety Analysis Report (FSAR), Section 2.5, from June 1996 to August 2008, stated, in part, that, if the storm sewer system is not adequate to drain the amount of water which would top the bank and should the seepage through the doors be great enough to result in a risk to the continued operation of essential equipment, the equipment in the turbine building and pumphouse will be protected by using sandbags, concrete jersey barriers, or equivalent barrier placed in front of the doors to an elevation of at least +9.0 feet.

Point Beach FSAR, Section 2.5, from August 2008 to June 2013 stated, in part, if the storm sewer system is not adequate to drain the amount of water which would top the bank and should the seepage through the doors be great enough to result in a risk to the continued operation of essential equipment, the equipment in the turbine building and pumphouse will be protected by using sandbags, concrete jersey barriers, or equivalent barrier placed on the north and south sides of the circulating water pumphouse just east of the walkway to an elevation of at least +9.0 feet.

Licensee procedure PC 80 Part 7, "Lake Water Determination," Revision 0, dated January 19, 1996, Step 3.2 states, in part, "IF Lake level is greater than or equal to 580.7 ft., THEN inform Maintenance planner to have concrete Jersey Barriers installed in accordance with FIGURE A within next three weeks." (Similar statements were contained in Step 3.2 of Revision 1, dated August 5, 2002, in Step 5.2 of Revision 2, dated February 16, 2006, and Revision 3, dated January 23, 2012. Figure A showed placement of the barriers in lines on the north and south sides of the pumphouse.)

Contrary to the above, from January 19, 1996, to March 13, 2013, the licensee failed to have a procedure appropriate to the circumstances to address flooding as described in the Final Safety Analysis Report (FSAR.) Specifically, procedure PC 80 Part 7, as implemented, would not protect safety-related equipment in the turbine building or pumphouse because the procedure: (1) did not appropriately prescribe the installation of barriers such that gaps between the barriers were eliminated to prevent water intrusion, (2) did not protect equipment by requiring barriers to be placed in front of the doors, from 1996 to 2008, as described in the FSAR, and (3) did not require the barriers to protect the plant to an elevation of at least 9 feet as described in the FSAR.

This violation is associated with a White SDP finding.

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 NRC Inspection Report No. 05000266/2013002 and 05000301/2013002 and in your submittals dated July 10, 15, and 29, 2013. However, you are required to submit a written statement or explanation pursuant to Title 10 of the Code of Federal Regulations Section 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-13-125" 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, and a copy to the NRC Resident Inspectors at the Point Beach 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, United States 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 <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, or proprietary 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 of receipt.

Dated this 9th day of August, 2013

L. Myers

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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 <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

Sincerely,

/RA by G. Shear for/

Cynthia D. Pederson
Regional Administrator

Docket No. 50-266, 50-301
License No. DPR-24, DPR-27

Enclosures:

1. Regulatory Conference List of Attendees
2. Analysis of Licensee Risk Information
3. Notice of Violation

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1 OE concurrence received via email from C. Lauren on August 6th, 2013.

Letter to Mark Schimmel from Cynthia D. Pederson dated August 9, 2013

SUBJECT: FINAL SIGNIFICANCE DETERMINATION OF A WHITE FINDING WITH
ASSESSMENT FOLLOWUP AND NOTICE OF VIOLATION; NRC
INSPECTION REPORT NO. 05000266/2013012; 05000301/2013012;
POINT BEACH NUCLEAR PLANT

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