



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION II  
245 PEACHTREE CENTER AVENUE NE, SUITE 1200  
ATLANTA, GEORGIA 30303-1257

July 31, 2014

Mr. Michael Kiley  
Turkey Point Nuclear Plant Vice President  
Florida Power & Light Company  
9760 SW 344<sup>th</sup> St.  
Florida City, FL 33035

**SUBJECT: EXTENSION OF NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR  
FLORIDA POWER AND LIGHT COMPANY (FPL) REGARDING TURKEY POINT  
NUCLEAR GENERATING STATION UNITS NOS. 3 AND 4 [NOED NO. 14-2-001]**

Dear Mr. Kiley:

By letter dated July 29, 2014, you requested that the NRC extend the NOED to not enforce compliance with Technical Specification (TS) 3.7.4 that was verbally granted on July 20, 2014 and documented by letter dated July 23, 2014. Your letter documented information previously discussed with the NRC in telephone conferences on July 20, and July 29, 2014. The principal NRC staff members who participated in the July 29, 2014, telephone conference are listed in the enclosure. The NRC staff determined that the information in your letter requesting the extension of enforcement discretion was consistent with your verbal request.

In your letter dated July 29, 2014, you requested an extension of the expiration date of the NOED from 6:00 p.m. July 30, 2014, to 6:00 p.m. August 9, 2014. You stated the ultimate heat sink (UHS) temperatures have continued to cycle near or above the TS limit of 100°F and are anticipated to stay high during the requested extension period. The extension of an additional ten days is consistent with the additional time required for NRC to complete its review of FPL's license amendment request (LAR), which, if approved, would permanently revise the UHS temperature limit.

In addition, you requested a modification to the actions FPL will take should the UHS temperature exceed 103°F during the remaining period that this NOED is in effect. Specifically, during any time interval where the UHS average supply water temperature exceeds 103°F, FPL will invoke the Action Statement associated with TS 3/4.7.4 to place both units in at least Hot Standby within 12 hours and in Cold Shutdown within the following 30 hours. This action is the same as the Action Statement associated with the increased UHS temperature in the LAR.

Your extension request states, in part, that FPL continues to remain in a period of high system load demand and the operation of Turkey Point Units 3 and 4 during the summer months is essential for grid voltage stability in southern Florida. The NRC staff considered this and additional information obtained from the independent entity (Florida Reliability Coordinating Council) in determining if taking Turkey Point Units 3 and 4 offline would challenge the ability to maintain an adequate voltage profile throughout the system and could result in adverse consequences to the health and safety of the public.

During the telephone conference with the NRC on July 29, 2014, at 4:30 p.m., you confirmed that there were no changes to the compensatory actions you committed to in your letter dated July 21, 2014. Your letter dated July 29, 2014 added the additional commitment that during any time interval where the UHS average supply water temperature exceeds 103°F, FPL will invoke the Action Statement associated with TS 3/4.7.4 to place both units in at least Hot Standby within 12 hours and in Cold Shutdown within the following 30 hours.

NRC staff also considered your calculated Incremental Conditional Large Early Release Probability values for Units 3 and 4, and found they did not exceed the threshold guidance provided in Inspection Manual Chapter 0410, "Notices of Enforcement Discretion" and were consistent with values calculated by NRC risk analysts. In addition, the conditions and actions noted above have been, and will be, subject to independent verification by NRC inspectors.

On the basis of the NRC staff's evaluation of your request, I have concluded that granting this extension to the original NOED period and modification of one exit criterion is consistent with the Enforcement Policy and NRC staff guidance and has no adverse impact on public health and safety or the environment. This determination was qualitative and based upon balancing the effect on public health and safety of not operating, against the potential radiological or other hazards associated with continued operation (Inspection Manual Chapter 0410, Section 06.02.b, (i.e., natural event NOED)). Therefore, we will extend our intention to exercise discretion to not enforce compliance with TS LCO 3.7.4 from 6:00 p.m., on July 20, 2014 until one of the following end conditions is met: (a) 6:00 p.m. on August 9, 2014, or (b) the UHS peak temperature drops below 96°F for three consecutive days and is on a declining trend; or (c) an NRC decision on the requested license amendment; or (d) if the loss of Turkey Point Units 3 and 4 will not result in a North American Electric Reliability Corporation (NERC) Emergency Alert Level (EEA) 3 alert. It is also noted that your license amendment request is being reviewed by NRC staff and treated as an exigent amendment.

As stated in the Enforcement Policy, action will be taken, to the extent that violations were involved, for the root cause that led to the non-compliance for which this NOED was necessary.

Sincerely,

*/RA/*

Victor M. McCree  
Regional Administrator

Docket Nos.: 50-250, 50-251  
License Nos.: DPR-31, DPR-41

Enclosure: List of Participants

cc: Distribution via Listserv

During the telephone conference with the NRC on July 29, 2014, at 4:30 p.m., you confirmed that there were no changes to the compensatory actions you committed to in your letter dated July 21, 2014. Your letter dated July 29, 2014 added the additional commitment that during any time interval where the UHS average supply water temperature exceeds 103°F, FPL will invoke the Action Statement associated with TS 3/4.7.4 to place both units in at least Hot Standby within 12 hours and in Cold Shutdown within the following 30 hours.

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On the basis of the NRC staff's evaluation of your request, I have concluded that granting this extension to the original NOED period and modification of one exit criterion is consistent with the Enforcement Policy and NRC staff guidance and has no adverse impact on public health and safety or the environment. This determination was qualitative and based upon balancing the effect on public health and safety of not operating, against the potential radiological or other hazards associated with continued operation (Inspection Manual Chapter 0410, Section 06.02.b, (i.e., natural event NOED)). Therefore, we will extend our intention to exercise discretion to not enforce compliance with TS LCO 3.7.4 from 6:00 p.m., on July 20, 2014 until one of the following end conditions is met: a) 6:00 p.m. on August 9, 2014, or b) the UHS peak temperature drops below 96°F for three consecutive days and is on a declining trend; or c) an NRC decision on the requested license amendment; or d) if the loss of Turkey Point Units 3 and 4 will not result in a North American Electric Reliability Corporation (NERC) Emergency Alert Level (EEA) 3 alert. It is also noted that your license amendment request is being reviewed by NRC staff and treated as an exigent amendment.

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Sincerely,  
**/RA/**  
 Victor M. McCree  
 Regional Administrator

Docket Nos.: 50-250, 50-251  
 License Nos.: DPR-31, DPR-41

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X PUBLICLY AVAILABLE       NON-PUBLICLY AVAILABLE       SENSITIVE      X NON-SENSITIVE  
 ADAMS:  Yes      ACCESSION NUMBER: ML14213A069      X SUNSI REVIEW COMPLETE       FORM 665 ATTACHED

OFFICE	RII:DRP	RII:DRP	RII:DRP	DORL	RII:ORA	RII:RA	
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NAME	DDumbacher	MLesser	JMunday	RLantz	LWert	VMcCree	
DATE	7/31/2014	7/31/2014	7/31/2014	7/31/2014	7/31/2014	7/31/2014	
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

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M. Kiley

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Letter to Michael Kiley from Victor M. McCree dated July 31, 2014

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NUCLEAR GENERATING STATION UNIT NOS. 3 AND 4 [NOED NO. 14-2-001]

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## **List of Participants**

### NRC Region II

Victor McCree, Regional Administrator  
Joel Munday, Director, Division of Reactor Projects (DRP)  
Mark Lesser, Deputy Director, DRP  
David Dumbacher, Acting Chief, Reactor Projects Branch (RPB) 3, DRP  
Wesley Deschaine, Acting Senior Project Engineer, RPB 3, DRP  
George McDonald, Senior Risk Analyst, DRP  
Timothy Hoeg, Turkey Point Senior Resident Inspector, DRP  
Matthew Endress, Turkey Point Resident Inspector, DRP

### NRC Headquarters

(All Headquarters participants are in the Office of Nuclear Reactor Regulation)

Ryan Lantz, Deputy Director, Division of Operating Reactor Licensing (DORL)  
Robert Taylor, Deputy Director, Division of Safety Systems (DSS)  
Lisa Regner, Chief, Plant Licensing Branch II-2 (LPLII-2), DORL  
Greg Casto, Chief, Balance-of-Plant Branch (SBPB), DSS  
Jacob Zimmerman, Chief, Electrical Engineering Branch, Division of Engineering  
Sheldon Stuchell, Chief, Generic Communications Branch, Division of Policy and Rulemaking  
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Gerald Purciarello, Senior Reactor Systems Engineer, SBPB, DSS  
Matthew Hamm, Reactor Systems Engineer, Technical Specifications Branch, DSS  
Audrey Klett, Project Manager, LPLII-2, DORL

Enclosure