

December 9, 1994

NOED 94-2-009

Florida Power and Light Company  
ATTN: Mr. J. H. Goldberg  
President - Nuclear Division  
P. O. Box 14000  
Juno Beach, FL 33408-0420

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR FLORIDA POWER AND LIGHT  
REGARDING ST LUCIE UNIT 1

Gentlemen:

By the enclosed letter dated December 7, 1994, you requested that the NRC exercise discretion not to enforce compliance with the actions required in Technical Specification (TS) 3.3.1.1, "Reactor Protection System," ACTION 2. That letter documented information previously discussed with the NRC in a telephone conversation on December 6, 1994, at 2:30 p.m. Your letter was discussed with the NRC in a telephone conversation on December 7, at 2:00 p.m. You stated that on December 4, at 5:02 a.m., Reactor Protection System (RPS) Measurement Channel MD became inoperable and RPS MD bistables for Variable High Power Trip, Thermal Margin Low Pressure, Local Power Density, and Loss of Load were placed in bypass for troubleshooting. You also stated that on December 6, at 5:02 a.m., the RPS Measurement Channel MD had been inoperable for 48 hours, consequently St. Lucie Unit 1 complied with TS 3.3.1.1, ACTION 2, and placed the above bistables in the tripped condition for the affected RPS channel.

To continue active troubleshooting and repair efforts and minimize the probability of a spurious reactor trip, you requested that the inoperable RPS channel be allowed to be bypassed for an additional 48 hours while performing active troubleshooting. Placing RPS Measurement Channel MD in bypass would not be in compliance with TS 3.3.1.1, ACTION 2, which requires that the RPS channel, which has been inoperable for greater than or equal to 48 hours, remain in the tripped condition until the RPS channel is restored to operable status. You requested that an enforcement discretion be issued and be effective from 7:00 a.m. on December 8, 1994, for the period not to exceed 14 days during which an additional 48 hours of cumulative bypass time would be allowed for the RPS Measurement Channel MD. You stated that the bypass time would be logged and accumulated from the control room not to exceed an additional 48 hours. You stated that the Facility Review Group (FRG) not only reviewed the request for enforcement discretion as stated in your letter, but the FRG also approved the request.

The description of the events leading up to the request for a summary of your safety rationale for the issuing of the discretion and your proposed compensatory measures were provided in your enclosed letter.

The NRC staff accepts the safety rationale provided in your enclosed letter, and concurs that you have satisfied explicit criteria in the Enforcement

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Policy (10 CFR Part 2, Appendix C, Section VII.C) for an operating plant, in that approval of your request will minimize the potential safety consequences of unnecessary plant transients and the accompanying operational risks and impacts associated with continued operation with a single channel in trip.

On the basis of the staff's evaluation of your request, including the compensatory measures described in your enclosed letter, the fact that all other channels are operable and no maintenance activities will be conducted on them during troubleshooting of the Channel MD, and the fact that the time will be controlled, the staff has concluded that the issuing of enforcement discretion is warranted because we are clearly satisfied that this action involves minimal or no safety impact and has no impact on public health and safety. Therefore, it is our intention to exercise discretion not to enforce compliance with TS 3.3.1.1 ACTION 2 for an additional 48 hours of cumulative bypass time for RPS Measurement Channel MD to take place over the period from December 8, 1994, at 7:00 a.m. until December 15, 1994, at 7:00 a.m. (a period of seven calendar days). The issued period of seven days over which the cumulative bypass time is to take place differs from the 14 days of requested time in recognition of the priority attention which this corrective action should receive. This letter documents that the enforcement discretion was granted by the Regional Administrator and verbally conveyed to C. Burton, Florida Power and Light Company, by D. M. Verrelli and K. D. Landis, NRC, on December 7, 1994, at 3:00 p.m. This enforcement discretion will be terminated upon restoration of the affected RPS channel to operable status, or after an additional 48 hours of cumulative bypass time, or if St. Lucie Unit 1 is shut down.

However, as stated in 10 CFR Part 2, Appendix C, enforcement action will normally be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this discretion was used.

Sincerely,

Orig signed by Stewart D. Ebnetter

Stewart D. Ebnetter  
Regional Administrator

Docket No. 50-335  
License No. DPR-67  
NOED 94-2-009

Enclosure: FP&L Letter L-94-312  
dated December 7, 1994

cc w/encl: D. A. Sager, Vice President  
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P. O. Box 128  
Ft. Pierce, FL 34954-0128

cc w/encl: Continued see page 3

cc w/encl: Continued  
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Department of Community Affairs  
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Tallahassee, FL 32399-2100

cc w/encl: Continued see page 4

FP&L

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cc w/encl: Continued  
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Distribution w/encl:

- S. Ebnetter, RII
- R. Zimmerman, NRR
- S. Varga, NRR
- A. Thadani, NRR
- M. Thadani, NRR
- M. Boyle, NRR
- S. Dembek, NRR
- J. Lieberman, OE
- J. Norris, NRR
- R. Schin, RII
- G. Hallstrom, RII
- PUBLIC

NRC Resident Inspector  
U.S. Nuclear Regulatory Comm.  
7585 South Highway A1A  
Jensen Beach, FL 34957-2010

\*FOR PREVIOUS CONCURRENCE SEE ATTACHED

SEND	OFC	RII	RII	RII	RII	NRR
TO	NAME	KLandis *	OVerrelli *	BMallett *	BUryc*	SVarga *
PDR?	DATE	12/ /94	12/ /94	12/ /94	12/ /94	12/ /94
Yes	No	COPY? Yes No	Yes No	Yes No	Yes No	Yes No
SEND	OFC	RII	RII	RII	RII	NRR
TO	NAME	BBoger	RII NA - on track [initials]			
PDR?	DATE	12/09 /94	12/ /94	/ /94	/ /94	/ /94
Yes	No	COPY? Yes No	Yes No	Yes No	Yes No	Yes No

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 U.S. Nuclear Regulatory Comm.  
 7585 South Highway A1A  
 Jensen Beach, FL 34957-2010

*VERBALLY  
 PER TELECON  
 12/7/94*

SEND	OFC	RII	RII	RII	RII	NRR
TO	NAME	KLandis <i>KL</i>	OVerrelli <i>OV</i>	BHallett <i>BH</i>	BUryc <i>BU</i>	SVarga <i>SV</i>
PDR?	DATE	12/8/94	12/8/94	12/8/94	12/08/94	12/7/94
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
SEND	OFC	RII	RII			
TO	NAME	BBoger	LReyes			
PDR?	DATE	12/ /94	12/ /94	/ /94	/ /94	/ /94
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

