

CATEGORY 2

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ACCESSION NBR: 9811190171 DOC. DATE: 98/11/06 NOTARIZED: NO
FACIL: 50-335 St. Lucie Plant, Unit 1, Florida Power & Light Co.
50-389 St. Lucie Plant, Unit 2, Florida Power & Light Co.
AUTH. NAME AUTHOR AFFILIATION
REYES, L.A. Region 2 (Post 820201)
RECIP. NAME RECIPIENT AFFILIATION
PLUNKETT, T.F. Florida Power & Light Co.

DOCKET #
05000335
05000389

SUBJECT: Forwards insp repts 50-335/98-13 & 50-389/98-13 on
981021-31. No violations noted. Specific bases for decision to
exercise enforcement discretion included FPL prompt
identification of issue after review of vender info.

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November 6, 1998

EA 98-494

Florida Power & Light Company
ATTN: Mr. T. F. Plunkett
President - Nuclear Division
P. O. Box 14000
Juno Beach, Florida 33408-0420

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION
(NRC SPECIAL INSPECTION REPORT 50-335/98-13, 50-389/98-13)

Dear Mr. Plunkett:

On October 30, 1998, the Nuclear Regulatory Commission (NRC) completed an inspection at Florida Power and Light Company's (FPL) St. Lucie reactor facilities. The enclosed report presents the results of that inspection. The results were discussed with you at an exit meeting conducted on October 30, 1998.

During the inspection, the NRC examined an issue discovered by FPL in August 1998 associated with both Unit 2 power operated relief valve (PORV) block valves. The issue involved FPL's determination that both Unit 2 PORV block valves were inoperable because they may not have had sufficient closing thrust to assure valve closure under certain conditions. This determination was based on FPL's review of Limitorque Technical Update 98-01, dated May 15, 1998, and NRC Information Notice 96-48, Supplement 1, issued July 24, 1998. This information documented a new methodology to be used when evaluating Limitorque alternating current motor actuator performance, which introduced additional conservatisms to be considered when determining actuator capability. The NRC's review of this issue determined that this condition existed since at least 1993. FPL's initial corrective actions included declaring the PORV block valves inoperable and taking actions to promptly comply with Technical Specification (TS) Action Statement 3.4.4.a. This issue was reported by FPL in Licensee Event Report (LER) No. 50-389/98-05, dated September 2, 1998.

Based on the information developed during the inspection, the NRC has determined that this issue constitutes a violation of regulatory requirements. TS Action Statement 3.4.4.a requires that with one or more PORV block valves inoperable, within one hour either restore the block valve(s) to operable status or close the block valve(s) and remove power from the block valve(s); otherwise, be in at least hot standby within the next six hours and in cold shutdown within the following 30 hours. From approximately 1993 until identification of the issue on August 7, 1998, both Unit 2 PORV block valves were inoperable and the required action was not taken.

A violation involving a significant failure to comply with the Action Statement for a TS Limiting Condition for Operation, where the appropriate action was not taken within the required time, is generally characterized as a Severity Level III violation in accordance with the "General Statement of Policy and Procedures for Enforcement Actions" (Enforcement Policy), NUREG-1600. However, as provided in Section VII.B.3 of the Enforcement Policy, the NRC may refrain from issuing a Notice of Violation (Notice) and proposing a civil penalty for a Severity Level III violation which involves old design issues.

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PDR ADOCK 05000335
G PDR

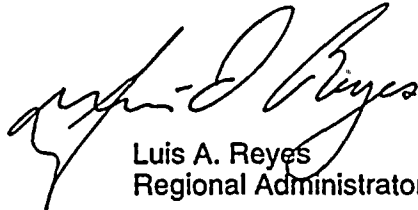
IEO1

After review of this violation and consultation with the Director, Office of Enforcement, the NRC has concluded that while a violation did occur, enforcement discretion is warranted and issuance of a Notice is not appropriate in this case. The specific bases for the decision to exercise enforcement discretion included: FPL's prompt identification of the issue after a review of vendor information and an NRC Information Notice; FPL's prompt corrective actions to comply with the TS action upon discovery and planned valve actuator modifications; the issue is considered an old design issue which was not likely to be identified through routine licensee efforts; the low risk associated with the postulated failure of the PORV block valves to close as discussed in the enclosed inspection report and LER 50-389/98-05; this issue was not the direct result of inadequate licensee performance and is not reflective of current licensee performance; and the deficiency was appropriately reported to the NRC.

The adequacy of your final corrective actions for this issue will be reviewed during future inspections, and LER 50-389/98-05 will remain open pending review of final corrective actions. No formal response to this letter is required.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Sincerely,



Luis A. Reyes
Regional Administrator

Docket Nos.: 50-335 and 50-389
License Nos.: DPR-67, NPF-16

Enclosure: Inspection Report Nos. 50-335/98-13, 50-389/98-13

cc w/ encl: see Page 3



FPL

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