

August 22, 2006

Mr. J. A. Stall
Senior Vice President, Nuclear and
Chief Nuclear Officer
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P.O. Box 14000
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SUBJECT: FLORIDA POWER AND LIGHT COMPANY, FPL ENERGY SEABROOK, LLC
AND FPL ENERGY DUANE ARNOLD, LLC - REQUEST FOR ADDITIONAL
INFORMATION REGARDING COMMON QUALITY ASSURANCE TOPICAL
REPORT (TAC NOS. MD1142 THROUGH MD1147)

Dear Mr. Stall:

By letter dated March 31, 2006, as supplemented June 12, 2006, Florida Power & Light Company, FPL Energy Seabrook, LLC, and FPL Energy Duane Arnold, LLC, requested U.S. Nuclear Regulatory Commission (NRC) approval to adopt a common Quality Assurance Topical Report for the St. Lucie Nuclear Plant, Units 1 and 2, Turkey Point Nuclear Plant, Units 3 and 4, Seabrook Station and Duane Arnold Energy Center.

The NRC staff has reviewed your request and finds that a response to the enclosed Request for Additional Information (RAI) is needed before we can complete the review.

This RAI was discussed with members of your staff on August 15, 2006, and Mr. John Laffrey agreed that a response would be provided within 30 days of the date of this letter. If you have any questions, please contact me at (301) 415-3974.

Sincerely,

/RA/

Brendan T. Moroney, Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-250, 50-251, 50-331,
50-335, 50-389 and 50-443

Enclosure: Request for Additional Information

cc w/encl: See next page

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REQUEST FOR ADDITIONAL INFORMATION

FLORIDA POWER AND LIGHT COMPANY

FPL ENERGY SEABROOK, LLC

FPL ENERGY DUANE ARNOLD, LLC

COMMON QUALITY ASSURANCE TOPICAL REPORT

The U.S. Nuclear Regulatory Commission (NRC) staff reviewed the common Quality Assurance Topical Report (QATR) and developed the following request for additional information in order to determine whether the QATR satisfies the requirements of Appendix B to Title 10, *Code of Federal Regulations* (10 CFR) Part 50. The discussion below is organized by the enclosures of the QATR submittal, as indicated in each heading.

Enclosure 1, Quality Assurance Topical Report

1. (Policy Statement, Page 2): Standard Review Plan (SRP) Section 17.3, "Quality Assurance Program Description," specifies, in Part II.A.1.a, that a written QAPD is issued by the licensee at the most senior management level. The Policy Statement is signed by the Chief Nuclear Officer (CNO), not by the Chief Executive Officer (CEO). In the current QATR for St. Lucie and Turkey Point units, the Policy Statement states, in part, "the President and Chief Executive Officer FPL Group has delegated responsibility for execution of the Quality Assurance Program for FPL nuclear plants to the Chief Nuclear Officer." Also, under "Organization," Section 1.2 states "the President and Chief Executive Officer FPL Group is ultimately responsible for the execution of the Quality Assurance Program for FPL nuclear plants." Provide an explanation of how the authority is passed from the CEO to the CNO in the proposed QATR.
2. (Revision Approval, Page 3): SRP Section 17.3, "Quality Assurance Program Description," specifies, in Part II.A.2.c, that the person filling the most senior-level management position is responsible for implementing the QA policy and program. The FPL QATR, and revision thereof, is approved by the Director Nuclear Assurance (DNA), not by the CEO. In the current QATR for St. Lucie and Turkey Point units, the Policy Statement states, in part, "the authority for developing and verifying execution of the program is delegated to the Director Nuclear Assurance." Provide an explanation of how the authority is passed from the CEO to the DNA in the proposed QATR.
3. (Section A.2, Page 10): Define the position of Senior Vice President Engineering mentioned in Section A.2.1.2.e, Vice President Integrated Supply Chain.
4. (Section A.6, Page 18): FPL proposes to remove the word "documented" when referring to the reporting of significant conditions adverse to quality. Even though the removal of this wording is permissible under the 10 CFR 50.54(a)(3)(v) rule because it repeats the language used in NQA-1-1994 Basic Requirement 16, the effect of this removal should be carefully evaluated. The removal should not be interpreted that documentation is not required.

Enclosure

5. (Section A.7, Page 19): SRP Section 17.3, "Quality Assurance Program Description," specifies, in Part II.A.7, the regulatory commitments the licensee must meet for the QATR to be found acceptable. In the QATR, the licensee states that a commitment to a particular Regulatory Guide (RG) does not constitute a commitment to other RGs or other standards that may be referenced therein. Provide explanation of how this statement is consistent with SRP guidance.

6. (Section A.7, Page 21): The discussion of RG 1.33 Position C3 for independent review should be revised to reflect the modified functions for the Onsite Review Group (ORG) to include independent review functions.

7. (Section A.7): SRP Section 17.3, "Quality Assurance Program Description," specifies, in Part II.A.7.c, the applicable RGs that contain programmatic QA guidance for specific items and activities that are important to safety. The current QATR for Duane Arnold contains details of commitments to RG 1.97, "Instrumentation for Light-water-cooled Nuclear Power Plants to assess Plant and Environs Conditions During and Following an Accident," and Generic Letter (GL) 85-06, "Quality Assurance Guidance for ATWS [Anticipated Transient Without Scram] Equipment That Is Not Safety-related." Deleting these details from the proposed QATR based on the fact that they are not listed in SRP 17.3 Rev. 0 is not acceptable to the NRC staff. Provide a justification for not addressing documents as discussed in the draft SRP 17.3 Rev.1.

8. (Section B.4, Page 29): The proposed QATR currently takes exceptions to Supplement 4S-1, Section 2.3 requirements. The exception regarding the use of the guidance contained in GL 89-02 to procure commercial grade items also affects Supplement 7S-1, Section 10 requirements. Regroup these exceptions as necessary for clarity. In addition, include a reference to GL 91-05 in the discussion of this exception. Both GL 89-02 and GL 91-05 establish the expectations for an effective commercial-grade dedication program. Also, add this exception, including the associated basis, to Enclosure 3 of the submittal.

9. (Section B.4, Page 29): The paragraph on procuring commercial grade calibration services should be identified as an exception to requirements in Supplements 4S-1 and 7S-1. Add this exception, including the associated basis, to Enclosure 3. Also, this paragraph should be revised to reflect the following elements discussed in the safety evaluation (SE) to Arizona Public Service on the subject:

(a) The alternative method is documented in the QA program,

(b) The accreditation is to ANSI (American National Standards Institute)/ISO (International Standardization Organization)/IEC (International Electrotechnical Commission) 17025, "General Requirements for the Competence of Testing and Calibration Laboratories,"

(c) NRC review and approval are limited to NVLAP (National Voluntary Laboratory Accreditation Program) and A2LA (American Association for Laboratory Accreditation) as recognized signatories of the International Laboratory Accreditation Cooperation (ILAC) program,

(d) Purchase documents impose additional technical and administrative requirements to satisfy necessary licensee's QA program and technical requirements,

(e) Purchase documents require reporting as-found calibration data when calibrated items are found to be out-of-tolerance,

(f) Purchase documents require identification of the laboratory equipment/standards used.

10. (Section B.7, Page 30): Exception to NQA-1-1994, Subpart 2.2, Section 6.2.4 should also be listed in QATR, Section B.7. This exception is discussed in Section A.7 under RG 1.38. Add this exception, including the associated basis, to Enclosure 3.

11. (Section B.8, Page 32): Section B.8 should state commitment to Subpart 2.8 and include the exception to NQA-1-1994, Subpart 2.8, Section 5. The exception is discussed in Section A.7 under RG 1.116, Position C3. Additionally, for the new reactor licensing process, RG 1.68 must be used. Also, add this exception, including the associated basis, to Enclosure 3.

12. (Section B.14, Page 36): Section B.14 states, in part, "Temporary changes to approved procedures that do not change the intent are approved by two members of plant staff knowledgeable in the areas affected by the procedure. Temporary changes to procedures identified in Appendix B are approved by two members of plant staff knowledgeable in the areas affected by the procedure, at least one of whom is a person holding a senior reactor operator's license." Provide an explanation on the difference, if any, between the first sentence and the second sentence. ANSI N18.7 defines temporary changes as changes, which clearly do not change the intent of the approved procedure. These changes shall be approved by two members of the plant staff, at least one of the two is a licensed senior reactor operator.

13. (Section B.14, Page 36): For Seabrook plant, in addition to the approval described above, temporary changes to procedures of Technical Specification 6.7.1 are required to have a final approval within 14 days of implementation. Provide an explanation on the difference, if any, between the current practice and the proposed practice. Add additional details as needed to the QATR.

14. (Appendix A): For sites other than Duane Arnold Energy Center, items to be reviewed by the Plant Nuclear Safety Committee, Facility Review Group or Station Operation Review Committee are more than the ones listed for the ORG in the proposed QATR. The licensee should evaluate whether the deleted items are related to any commitment previously accepted by the NRC. Provide the results of such evaluation to assist the NRC staff in the review of the proposed QATR.

15. (Appendix A): For sites other than Duane Arnold Energy Center, items to be reviewed by the Company Nuclear Review Board are more than the ones listed for the ORG in the proposed QATR. The licensee should evaluate whether the deleted items are related to any commitment previously accepted by the NRC. Provide the results of such evaluation to assist the NRC staff in the review of the proposed QATR.

16. (Appendix C, Page 53): Definition for the term "independent review" as given in ANSI N18.7-1976, Section 2.2 is not included in the proposed QATR. Add the definition to the QATR.

17. (Appendix C, Page 53): Definition for the term “off-normal condition procedures” in the proposed QATR is not consistent with the full definition given in ANSI N18.7-1976, Section 2.2. Add the definition to the QATR.

Enclosure 2, Program Comparison Matrix

1. In an SE dated August 26, 1999, the NRC staff accepted a proposed alternative in which the Tennessee Valley Authority (TVA) transferred the Independent Safety Engineering Group functions from the Licensing organization to the Engineering organization. Provide an explanation of how this SE is applicable to the stated reduction in commitment in the proposed QATR, Appendix A.
2. In an SE dated January 28, 2005, the NRC staff accepted a proposed alternative in which Nuclear Management Company (NMC) transferred the Independent Review functions from the Corporate Safety Review Committee to the Plant Operating Review Committee. Provide an explanation of how this SE is applicable to the stated reduction in commitment in the proposed QATR, Appendix A.
3. Section 1.8 of the Updated Final Safety Analysis Report (UFSAR) for Seabrook contains a discussion of specific commitments to RG 1.28 and RG 1.33. Provide a discussion of how changes will be made to affected UFSAR Sections in conjunction with the change in the proposed QATR to maintain consistency of information in the UFSAR.

Enclosure 3, List of Exception and Alternatives

As stated in 10 CFR 50.54(a)(3)(ii), the use of a quality assurance alternative or exception approved by an NRC SE, provided that the bases of the NRC approval are applicable to the licensee's facility, is not considered a reduction in commitment. The staff needs to understand how the bases of the NRC approval are applicable to the licensee's individual facilities. A statement that the basis is met is not adequate.

Good examples of adequate information included in the FPL submittal are:

- Exception to Supplement 4S-1, Section 2.3 on Page 2 of Enclosure 3.
- Exception to Position C.3.2 of RG 1.28, Rev. 3 on Page 3 of Enclosure 3.

The following criteria are used in the staff's review of the list of alternatives or exceptions:

- Current exceptions/alternatives that are already incorporated into existing facility QAPDs do not need to be explained.
- For exceptions/alternatives not currently incorporated in existing facility QAPDs, the basis of the approved SE and an explanation of how the SE is applicable to the specific facility should be provided.

1. For each of the exceptions and alternatives mentioned in Enclosure 3, provide a basis for the applicability of the exception for each FPL facility.
2. Exception to Supplement 2S-1 states that, “Inspections, examinations and tests may be performed by individuals in the same organization as that which performed the work.” Explain why this exception is taken under personnel training and qualification and not under inspection. Additionally, the QATR states in Section B.12, “Inspections,” that “inspections are carried out by

properly qualified persons independent of those who performed or directly supervised the work.” Explain why this statement is not in conflict with the exception.

3. For the exception taken under Appendix 2A-1 regarding the three levels of qualification/certification of inspectors, provide the initial qualification requirements for inspectors. For example, refer to Dominion QA Consolidation submittal, Attachment 2, “Description of Changes,” and the associated supplemental document dated August 24, 2004, and May 05, 2005, respectively.

4. For the Supplement 2S-3 alternative regarding the requirements for lead auditors, the licensee mentions that this alternative is consistent with the approved alternative for the NMC. The NMC basis for this alternative was taken from the Palisades Quality Program Description, Rev. 21, approved by the staff on April 18, 1997. The approval of this alternative was based on the following requirements: (1) the prospective lead auditor effectively demonstrates ability to lead and implement audit process; (2) the licensee describes the demonstration process in written procedures; and (3) the prospective lead auditor shall have participated in at least one nuclear audit in the last year. In addition, this alternative was based on individuals that have related experience and are capable of demonstrating the ability to lead audits in fewer than five audits. Provide an explanation of your basis for this exception, and how it relates to the approved basis. Note that in order to use this alternative all bases need to be met and the statement must read: “The prospective lead auditor shall demonstrate his/her ability to properly implement the audit process, as implemented accordingly to section C.3 of the QATR, to effectively organize and report results, including participation in at least one nuclear audit within the year preceding the date of qualification.”

Table Comparing ANSI N18.7-1976/ANS-3.2 to NQA-1-1994 and the FPL QATR

1. ANSI N18.7-1976 Sections 4.3.2.1 requires that no more than a minority of members in the independent review body are from operating organization. The independent review function is integrated into the function of the ORG. Provide an explanation of how this provision is captured in the proposed QATR.

2. ANSI N18.7-1976 Section 4, Reviews and Audits, requires all proposed procedures or changes thereto that affect nuclear safety to be reviewed under the Plant Safety Review program. Provide an explanation of how this provision is captured in the proposed QATR.

3. ANSI N18.7-1976 Section 4.5 states that “periodic review of the audit program shall be performed by the independent review body or by a management representative at least semiannually.” Provide an explanation of how this provision is captured in the proposed QATR.

4. ANSI N18.7-1976/ANS-3.2 Section 5.2.15 states that “plant procedures shall be reviewed by an individual knowledgeable in the area affected by the procedure no less frequently than every two years to determine if changes are necessary or desirable.” Provide an explanation of how this provision is captured in the proposed QATR.

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**ST. LUCIE PLANT
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