



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

October 27, 2016

EA-2016-112

Mr. Mano Nazar
President, Nuclear Division and Chief Nuclear Officer
Florida Power and Light Company
Mail Stop: NT3/JW
15430 Endeavor Drive
Jupiter, FL 33478

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT 2-2015-031

Dear Mr. Nazar:

This refers to the investigation completed on May 5, 2016, by the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI), concerning activities at Florida Power and Light Company's Turkey Point Nuclear Generating Station. The purpose of the investigation was to determine whether Turkey Point's former Site Vice President and the former Plant General Manager deliberately directed licensed activities without having a 10 CFR Part 55 senior reactor or reactor operating license. The incident under review occurred following a Unit 3 reactor trip on August 11, 2014, and was associated with post-trip recovery activities due to loss of instrument air.

Based on review of the investigative evidence, which included interviews with various plant personnel, and review of plant procedures in use at the time, the NRC concluded that the Plant General Manager did not direct licensed activities without a license.

Based on review of the investigative evidence, which included interviews with various former plant personnel, and review of plant procedures in use at the time, and regulatory requirements related to 10 CFR Part 55, the NRC concluded that the former Site Vice President did not direct licensed activities without a license.

In this case, 10 CFR Part 55 applies to any individual that manipulates controls. The definition of controls in this part states that controls are "... manipulation of which directly affects the reactivity or power level of the reactor." In this scenario instrument air with a shutdown reactor did not specifically apply to the above statement, in that manipulation of the instrument air valves did not directly affect reactivity or power level. As such, the actions of the former Site Vice President did not directly affect reactivity or power level, and thus were not in violation of any regulatory requirements.

You are not required to respond to this letter. However, should you choose to respond, your response should be sent to the U.S. Nuclear Regulatory Commission, ATTN: LaDonna Suggs, NRC Region II, 245 Peachtree Center Avenue, Suite 1200, Atlanta, GA 30303-1257 and

marked "Open by Addressee Only," within 30 days of the date of this letter. You may contact me if you have any questions. I can be reached at 404-997-4539.

In accordance with Title 10 of the *Code of Federal Regulations* 2.390, "Public Inspections, Exemptions, Requests for Withholding," of the NRC's "Rules of Practice and Procedure," a copy of this letter and your response (if any) will be available electronically for public inspection in the NRC's Public Document Room or from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). To the extent possible, any response should not include any personal privacy or proprietary, information so that it can be made available to the Public without redaction.

This completes NRC's review in this matter and the investigation is considered closed. If you have any questions, please feel free to contact me at 404-997-4539.

Sincerely,

/RA/

LaDonna B. Suggs, Chief
Reactor Projects Branch 3
Division of Reactor Projects

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

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