



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION II

245 PEACHTREE CENTER AVENUE NE, SUITE 1200  
ATLANTA, GEORGIA 30303-1257

October 10, 2016

EA-16-099

Mr. Mano Nazar  
President and Chief Nuclear Officer  
Nuclear Division  
NextEra Energy  
P.O. Box 14000  
Juno Beach, FL 33408-0420

**SUBJECT: TURKEY POINT NUCLEAR PLANT - INSPECTION REPORT 05000250/2016010  
AND 05000251/2016010 AND NOTICE OF VIOLATION**

Dear Mr. Nazar:

This letter refers to the apparent violations that were identified by the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) concerning activities conducted at Florida Power and Light's (FP&L)'s Turkey Point Nuclear Plant (TPN) Units 3 and 4. The details of the inspection were documented in NRC Inspection Report 05000250/2016009 and 05000251/2016009, issued on August 22, 2016.

In our inspection report, we provided you with the opportunity to address the apparent violations identified in the report by attending a predecisional enforcement conference, or by providing a written response before we made our final enforcement decision. In a letter dated September 21, 2016, you provided a written response to the two apparent violations. Your response acknowledged the two apparent violations, provided the reason for the violations, provided the causes of the violations, and described corrective action steps that have been taken. Your response indicated that the administrative directive (FPAD-032, "Hourly Fire Watch Rove Audit") in connection with apparent violation 05000251/2016009-02 "is not technically considered to be a station procedure under 10 CFR 50, Appendix B, and is not considered to implement an audit function of the Fire Protection Program." Your response further stated that, according to Section 8.0 of Appendix 9.6A of the Updated Final Safety Analysis Report (UFSAR) for Turkey Point Units 3 and 4, "the audit function for the Fire Protection Program is provided by the FP&L Quality Assurance (QA) Program." Finally, your response stated that "FP&L admits there was a deliberate failure to conduct hourly fire watch rove audits in accordance with Administrative Directive FPAD-032, but this occurrence did not concurrently appear to be a violation of NRC Licenses DPR-31 (Turkey Point Unit 3) and DPR-41 (Turkey Point Unit 4), License Condition D, 'Fire Protection'".

Based on the information developed during the inspection, and the information that you provided in your response dated September 21, 2016, the NRC has determined that one violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1) and the circumstances surrounding it is described in detail in NRC Inspection Report 05000250/2016009 and 05000251/2016009.

The violation involves inaccurate/incomplete documentation of hourly fire watches, contrary to the requirements of 10 CFR § 50.9(a), Completeness and Accuracy of Information. Specifically, FP&L fire watch employees initialed and signed hourly fire watch logs indicating that hourly fire watches had been completed when on multiple occasions some areas had not been checked or hourly fire watches had not been performed at all. The NRC has concluded that the actions of the fire watch employees were deliberate, and caused FP&L to be in violation of 10 CFR § 50.9(a).

The NRC recognizes that the violation did not result in any actual consequences to the workers or the public. However, the potential consequences of missed fire watch roves are of concern to the NRC. Fire roves are part of the Fire Protection Program "features" which are compensatory measures for degraded or non-functional fire protection or post-fire safe shutdown components or features. On multiple occasions between November 2014 and April 2015, compensatory measures for the fire protection program were not taken because of the missed fire watch roves.

In addition to the importance of the fire protection program, of greater concern to the NRC is the fact that FP&L fire watch employees conspired and/or engaged in deliberate misconduct such that multiple fire watch roves were not performed. As discussed in the NRC Enforcement Policy, willful violations are of particular concern because the NRC's regulatory program is based on licensees and their contractors, employees, and agents acting with integrity and communicating with candor. Based on the above, these violations have been categorized in accordance with the NRC Enforcement Policy at Severity Level III.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$280,000 is considered for a Severity Level III violation. Because your facility has not been the subject of escalated enforcement actions within the last two years, the NRC considered whether credit was warranted for the factor of *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy.

As documented in your written response of September 21, 2016, your immediate corrective actions included but were not limited to the following: (1) plant access was immediately denied for all individuals that failed to perform their fire watch roves as required; (2) the individuals involved with the falsification of fire watch records were terminated and appropriate security notifications were made in the Plant Access Database System (PADS); (3) New positions were created and filled to replace the Nuclear Plant Technicians that were terminated. (4) The Fire Protection Coordinator position was restructured to report to the Assistant Operations Manager - Work Control to provide an additional layer of oversight; and (5) A past functionality review was performed to assess the impact of the loss of defense-in-depth in providing human observation of fire areas impaired by a non-functional fire safety component or feature. In addition, your long term corrective actions included but were not limited to the following: (1) The revision of station procedure 0-ADM-016.4, Fire Watch Program, which included additional responsibilities for the Operations Director, Assistant Operations Manager - Shift, Assistant Operations Manager - Work Controls, Operations Shift Manager, and Fire Protection Coordinator for oversight and systematic monitoring of performance within the fire watch program to ensure regulatory requirements are met; (2) additional procedural requirements for the fire watch oversight monitoring program including a new annual assessment of the fire watch program that includes review of the audits, management observations of fire watch roves, and condition reports initiated for nonperformance of a fire watch rove; and (3) a regulatory commitment to ensure site personnel are periodically reminded of their regulatory requirement to act with integrity and communicate with candor in all matters pertaining to nuclear plant operation.

Station department managers / directors will review the fire watch misconduct issue with their employees on an annual basis through 2020. This review will include a discussion of the FP&L expectations for integrity and trustworthiness, and the regulatory requirements associated with 10 CFR 50.5 and 10 CFR 50.9. Based on the above, the NRC determined that credit is warranted for the factor of *Corrective Action*.

Therefore, to encourage prompt and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. The NRC plans to conduct a followup inspection in accordance with Inspection Procedure 92702, "Followup on Traditional Enforcement Actions Including Violations, Deviations, Confirmatory Action Letters, Confirmatory Orders, and Alternative Dispute Resolution Confirmatory Orders." The followup inspection will verify that adequate corrective actions have been implemented, the root cause has been identified, generic implications have been addressed, and that your programs and practices have been appropriately enhanced to prevent recurrence.

Regarding apparent violation 05000251/2016009-02 associated with FPAD-032, "Hourly Fire Watch Rove Audit", the NRC conducted an additional review of the information provided in your written response, as well as the FP&L QA Program requirements, the Turkey Point Fire Protection Program procedure (0-ADM-16), and Administrative Directive FPAD-032. The hourly fire watch rove audit carried out by FPAD-032 does not appear to be a function required by either the site's Fire Protection Program procedure or the site QA program. The Fire Protection Program procedure does not list or reference FPAD-032. Additionally, procedure 0-ADM-16.4 "Fire Watch Program," does not reference FPAD-032 and does not list any fire watch audit requirements. Audits of the overall Fire Protection Program are required and implemented by the site QA Program. Based on this review, the NRC determined that administrative directive FPAD-032 is not a procedure required by either the Fire Protection Program procedure or the site QA program. For these reasons, the NRC has determined that there was not a violation of License Condition D for the failure to conduct fire watch rove audits in accordance with FPAD-032. We will adjust our records accordingly. The NRC notes that FP&L's corrective actions to address this issue were appropriate.

The NRC has concluded that information regarding (1) the reason for the violation, (2) the corrective actions that have been taken and the results achieved, and (3) the date when full compliance was achieved is already addressed on the docket in your letter dated September 21, 2016. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

Administratively, this letter is issued as a separate inspection report, 05000250/2016010 and 05000251/2016010, and the following violation is opened: 05000250, 05000251/2016010-01, Inaccurate Fire Watch Logs. Accordingly, apparent violations 05000250, 05000251/2016009-01 and 05000250, 05000251/2016009-02 are closed.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, and its enclosure will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

M. Nazar

4

If you have any questions regarding this matter, please contact LaDonna Suggs at (404) 997-4539.

Sincerely,

*/RA/*

Catherine Haney  
Regional Administrator

Docket No. 50-250, 50-251  
License No.: DPR-31, DPR-41

Enclosure: Notice of Violation

cc: Distribution via ListServ

Letter to M. Nazar from Catherine Haney dated October 10, 2016.

SUBJECT: TURKEY POINT NUCLEAR PLANT - INSPECTION REPORT  
05000250/2016010 AND 05000251/2016010 AND NOTICE OF VIOLATION

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If you have any questions regarding this matter, please contact LaDonna Suggs at (404) 997-4539.

Sincerely,

**/RA/**

Catherine Haney  
Regional Administrator

Docket No. 50-250, 50-251  
License No.: DPR-31, DPR-41

Enclosure: Notice of Violation

cc: Distribution via ListServ

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## NOTICE OF VIOLATION

Florida Power & Light  
Turkey Point Nuclear Plant  
Homestead, FL

Docket No. 50-250, 50-251  
License No.: DPR-31, DPR-41  
EA-16-099

During an NRC investigation completed on April 14, 2016, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is described below:

10 CFR 50.9(a), Completeness and accuracy of information, states, in part, that “information required by statute or by the Commission’s regulations, orders, or license conditions to be maintained by...the licensee shall be complete and accurate in all material respects.”

NRC Licenses DPR-31 (Turkey Point Unit 3) and DPR-41 (Turkey Point Unit 4), License Condition D, “Fire Protection,” states, in part, that FP&L “shall implement and maintain in effect all provisions of the approved Fire Protection Program as described in the Updated Final Safety Analysis Report (UFSAR) for Turkey Point Units 3 and 4. . . .”

Section 7.1 of Appendix 9.6A of the UFSAR for Turkey Point Units 3 and 4 states that “[t]he Fire Protection Program was established by procedures [citing Procedure 0-ADM-016]. These procedures identify the various positions responsible for the fire protection program implementation, and outline requirements for fire prevention, detection, and suppression.”

Section 7.2 of Appendix 9.6A of the UFSAR states that “Fire protection specifications are presented in the Fire Protection Program (Procedure 0-ADM-016).”

Section 3.13.1 of FP&L Procedure 0-ADM-016 states that “The Fire Watch is responsible for being constantly alert and watchful for flames, smoke, the odor of burning materials, any safety hazards and/or poor housekeeping practices. Additional duties and responsibilities are described in 0-ADM-016.4, Fire Watch Program.”

Section 2.2.2 of Procedure 0-ADM-016.4 states that hourly fire watch logs and badge transaction reports are to be kept for one year following the origination date.

Contrary to the above, on multiple occasions between November 2014 and April 2015, the licensee maintained records of hourly fire watch logs required by FP&L Procedure 0-ADM-016.4 that were not complete and accurate in all material respects. Specifically, Fire Watch Shift Supervisors (FWSS) initialed and signed hourly fire watch logs indicating that hourly fire watches had been completed, with all required areas checked, when on multiple occasions some areas had not been checked or hourly fire watches had not been performed at all. The hourly fire watch patrol records are material to the NRC because they provide evidence of compliance with regulatory requirements.

This is a Severity Level III violation (Enforcement Policy Section 6.9).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in your letter dated September 21, 2016.

Enclosure

However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA 16-099", and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 10<sup>th</sup> day of October 2016.