

July 19, 2012  
EN 12-030

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: NextEra Energy Point Beach, LLC EA-12-106  
Point Beach Nuclear Plant, Units 1 and 2  
Docket Nos.: 50-266, 50-301

Subject: ISSUANCE OF FINAL SIGNIFICANCE DETERMINATION AND NOTICE OF VIOLATION

This is to inform the Commission that a Notice of Violation will be issued on or about July 24, 2012, to NextEra Energy Point Beach, LLC (licensee) for a violation associated with a White Significance Determination Process finding identified during an inspection of Point Beach Nuclear Plant, Units 1 and 2. This White finding, an issue of low to moderate safety significance, will require additional U.S. Nuclear Regulatory Commission (NRC) inspections. It involves an apparent logic error in a Point Beach emergency planning implementing procedure that required the emergency director to revisit the question of impediments to evacuation after a prior decision to evacuate affected downwind sectors had been implemented by local authorities, resulting in a contradictory recommendation for sheltering being given during an exercise. Additionally, the NRC determined that Point Beach did not initiate protective action recommendations when the projected dose to an individual was 1 rem beyond the 10-mile plume exposure pathway.

The Notice of Violation is based on the licensee's failure to meet 10 CFR 50.54(q)(2) which requires licensees to maintain in effect emergency plans which meet standards in 10 CFR 50.47(b) and requirements in 10 CFR 50 Appendix E. 10 CFR 50.47(b)(10), requires licensees to develop and have in place guidelines for the choice of protective actions during an emergency that are consistent with Federal guidance. Federal guidance in EPA 400-R-92-001, "The Manual of Protective Action Guides and Protective Actions for Nuclear Incidents," states that, "Withdrawal of protective actions from areas where they have already been implemented is usually not advisable during the early phase because of the potential for changing conditions and confusion." Also, Federal guidance in NUREG-0654, FEMA-REP-1, Revision 1, Supplement 3, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants," similarly states licensees should not relax protective actions until the source of the threat is under control. Additionally, Federal guidance in EPA 400, Table 2-1 states in part, that protective actions, evacuation or sheltering, are normally to be initiated at 1 rem (projected dose to an individual).

In response to the preliminary determination letter, the licensee declined to attend a Regulatory Conference or to provide a written response containing additional information concerning the validity of the finding or the significance determination. After reviewing the information developed during the inspection, the staff concluded that the inspection finding is appropriately characterized as White. NextEra Energy's corrective actions include, but are not limited to the immediate revision of its emergency implementing procedure to be consistent with Federal guidance.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Final Significance Determination	July 24, 2012
Telephone Notification of Licensee	July 24, 2012

The State of Wisconsin will be notified.

Contacts: Lauren Casey, OE, (301) 415-1038      Nick Hilton, OE, (301) 415-3055

Distribution: EN-12-030, July 19, 2012

<u>OWFN</u> Chair. Macfarlane Comm. Svinicki Comm. Apostolakis Comm. Magwood Comm. Ostendorff SECY OCA PA IP	<u>OWFN</u> EDO DEDR DEDMRS OE OGC NRR NSIR OI	<u>TWFN</u> OCFO OP CENTER FSME OIG OCIO RES ACRS	<u>EBB</u> NMSS	<u>Regional Offices</u> RI      RII RIII    RIV  <u>MAIL</u> ADAMS OE staff
---	--	--	--------------------	---

Electronic DISTRIBUTION:

R. Zimmerman, OE  
N. Hilton, OE  
L. Casey, OE  
OE r/f  
EN binder

**X PUBLIC**  
**X NON-SENSITIVE**

**ADAMS ML12200A419**

OFFICE	OE:ES		OE:BC	
NAME	L. Casey		N. Hilton	
DATE	7/18/2011		7/18/2011	

**OFFICIAL RECORD COPY**