



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

August 22, 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 05000250/2016009
AND 05000251/2016009; INVESTIGATION REPORT NO. 2-2015-029; AND
APPARENT VIOLATIONS**

Dear Mr. Nazar:

This refers to the investigation completed on April 14, 2016, by the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) concerning activities at Florida Power and Light's (FP&L)'s Turkey Point Nuclear Plant (TPN) Units 3 and 4. The purpose of the investigation was to determine whether FP&L fire watch employees deliberately failed to conduct roving fire watches at TPN units 3 and 4. A Factual Summary of the OI investigation is provided as Enclosure 1.

Based on the results of the investigation, two apparent violations (AVs) were identified, both of which are being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. Both AVs are more fully discussed in Enclosure 2.

The first AV being considered for escalated enforcement involves the 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 appear to have been deliberate, and caused FP&L to be in apparent violation of 10 CFR 50.9(a).

The second AV being considered for escalated enforcement involves a FP&L fire watch employee who failed to properly implement the Hourly Fire Watch Rove Audit, which is part of FP&L's Fire Protection Program. Specifically, the employee who performed the audits failed to select a random 24-hour period to perform the Hourly Fire Watch Rove Audits. Instead, this employee selected audit dates in advance and informed other Fire Watch Shift Supervisors

ahead of time of the dates that the audits were going to be performed. The NRC has concluded that the actions of the employee who performed the audits appear to have been a deliberate violation of Section 5.1 of FP&L Administrative Directive FPAD-032, "Hourly Fire Watch Rove Audit," and appear to have caused FP&L to be in violation of NRC Licenses DPR-31 (Turkey Point Unit 3) and DPR-41 (Turkey Point Unit 4), License Condition D, "Fire Protection".

Regarding both AVs listed in this letter, before the NRC makes its enforcement decision, we are providing you an opportunity to: (1) respond to the AVs in writing within 30 days of the date of this letter; (2) request a Pre-decisional Enforcement Conference (PEC); or (3) request Alternative Dispute Resolution (ADR) as discussed below. If a PEC is held, the NRC will issue a press release to announce the time and date of the conference; however the PEC will be closed to public observation since it is associated with an OI report, the results of which have not been publicly released. If you decide to participate in a PEC, or pursue ADR, please contact LaDonna Suggs at 404-997-4539 within 10 days of the date of this letter. A PEC should be held within 30 days and an ADR session within 45 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violations in NRC Inspection Report 05000250/2016009 and 05000251/2016009 and Investigation Report No. 2-2015-029, EA-16-099" and should include (1) the reason for the AV(s) or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. Additionally, your response should be sent to the NRC's Document Control Center, with a copy mailed to Joel T. Munday, Director of Reactor Projects, Region II, 245 Peachtree Center Avenue NE, Atlanta, GA 30303, within 30 days of the date of this letter. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose to request a PEC, the conference will afford you the opportunity to provide your perspective on these matters and any other information that you believe the NRC should take into consideration before making an enforcement decision. The decision to hold a PEC does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference would be conducted to obtain information to assist the NRC in making an enforcement decision. The topics discussed during the conference may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned.

The NRC evaluated the safety significance of the missed fire watches, determined the finding to be of very low safety significance (Green), and documented the results in Inspection Report 05000250/2015004 and 05000251/2015004 (ADAMS Accession No. ML16095A172). The report documented a licensee-identified violation of 10 CFR 50.48 for the failure to conduct hourly fire watch roves in accordance with Section 5.6 of license procedure 0-ADM-016, Fire Protection Program. Subsequent to the documentation of this issue in the inspection report, the NRC's investigation concluded that the actions of multiple individuals appear to have been deliberate. In your written response, or should you choose to request a PEC, the NRC requests that you provide any planned or completed corrective actions to address the apparently

deliberate aspects of the missed fire watches, including but not limited to FP&L's supervisory oversight of employees performing fire watches at the facility.

In lieu of a PEC, you may request Alternative Dispute Resolution (ADR) with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a third party neutral. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral (the "mediator") works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," after completion of enforcement-related activities, a copy of this letter, its enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from 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>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

For administrative purposes, this letter is issued as Inspection Report 05000250/2016009 and 05000251/2016009, and the apparent violations are designated as AV 05000250, 05000251/2016009-01, Inaccurate Fire Watch Logs, and AV 05000250, 05000251/2016009-02, Failure to Comply with Fire Watch Audit Procedure Requirements.

If you have any questions concerning this matter, please contact Ms. LaDonna Suggs of my staff at 404-997-4539.

Sincerely,

/RA/

Joel T. Munday, Director
Division of Reactor Projects

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

Enclosures:

1. Factual Summary
2. Apparent Violations

deliberate aspects of the missed fire watches, including but not limited to FP&L's supervisory oversight of employees performing fire watches at the facility.

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Sincerely,

/RA/

Joel T. Munday, Director
Division of Reactor Projects

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

- Enclosures:
1. Factual Summary
2. Apparent Violations

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ADAMS: Yes ACCESSION NUMBER: ML16235A381 SUNSI REVIEW COMPLETE FORM 665 ATTACHED

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NAME	AWilson	LSuggs	DGamberoni	SPrice	MFranke	GFigueroaToledo	JMunday
DATE	8/2/2016	8/3/2016	8/3/2016	7/28/2016	8/8/2016	8/15/2016	8/22/2016
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FACTUAL SUMMARY
OFFICE OF INVESTIGATIONS REPORT NO. 2-2015-029

On April 14, 2016, the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) completed an investigation at Florida Power and Light Company's (FP&L) Turkey Point Plant. The purpose of the investigation was to determine whether FP&L employees at Turkey Point deliberately failed to conduct fire watches, deliberately failed to conduct hourly fire watch rove audits, and deliberately falsified fire watch records.

During the November 2014 to April 2015 time frame, Fire Watch Shift Supervisors (FWSSs) at Turkey Point were tasked with performing hourly fire watch roves and audits throughout the plant, as compensatory measures when fire protection components were out of service. These activities were required to be conducted in accordance with the Turkey Point Nuclear Generating Fire Protection Program, which includes FP&L Procedure 0-ADM-016.4, Fire Watch Program, and FP&L Administrative Directive FPAD-032, Hourly Fire Watch Rove Audit.

As required by FP&L Procedure 0-ADM-016.4, the fire watch rove is to be conducted every hour, using an hourly fire watch rove route sheet to ensure that fire watch areas are not missed. After completing the route, the rover is required to fill in a fire watch log, the "Hourly Rove Route Log" (HRRL), by initialing boxes next to each location on the route to indicate that the location was checked on a particular shift. The rover is also required to fill in the time each rove was completed and sign the form. Per procedure, the HRRL is retained for a year as a record that the fire watch was performed.

Based on documentary and testimonial evidence acquired during the OI investigation, eight FP&L fire watch employees failed to perform all or part of at least one hourly fire watch rove during the November 2014 to April 2015 time frame. The evidence indicated that all eight employees had training, several years of experience, a clear understanding of duties, and knowledge of the requirements of FP&L procedure 0-ADM-016.4, Fire Watch Program pertaining to hourly roves.

Seven individuals admitted to the licensee and/or OI that they did not always perform roves as required by procedure, either in part or in their entirety, during the November 2014 to April 2015 timeframe. A comparison of FWSS badge records for those shifts with the keycards listed on the HRRLs also confirmed that the FWSS did not always enter all designated areas to conduct roves as required by procedure.

Each of the individuals, on at least one occasion, completed portions of an HRRL indicating that he or she had performed hourly fire watch roves in designated areas, when in fact their badge records indicated they had not entered those areas. As a result, the licensee's records of hourly fire watch roves, which according to procedure must be maintained for one year, were inaccurate. Six of the individuals admitted to OI that they knowingly filled out the HRRLs inaccurately. One individual claimed to have mistakenly missed a few areas, but the badge records indicated that he entered less than half of the areas he was supposed to enter during the roves in question. And one individual claimed he had been coerced into skipping fire watch roves, but he did not raise this concern until after the failures to perform roves came to light. No corroborating evidence of the alleged coercion was found during the investigation.

Based on the evidence developed, the eight FWSS appear to have deliberately provided incomplete and inaccurate information to the licensee in the HRRLs, and these actions appear to have caused FP&L to be in violation of 10 CFR 50.9(a).

FP&L Administrative Directive FPAD-032 requires audits of the hourly fire watch roves. Section 5.1 states that the audit is to be performed on the 2nd and 4th Tuesday of each month, by selecting a random 24-hour period within the prior 7 or 3 days. The audit is performed, in part, to confirm that hourly fire watches were being completed.

Documentary and testimonial evidence acquired during the OI investigation also indicated that an FWSS who was responsible for performing audits of the fire watch roves would select audit days in advance and advise other FWSS verbally, or through other means, that he would be doing audits on those dates (referred to as 'legit days'). Several of the other FWSS stated that, after being advised of the dates, they would be sure to complete the roves completely and correctly on those dates. Selecting audit days in advance is contrary to FP&L Administrative Directive FPAD-032, which requires selection of a random time period within the "prior" 3 or 7 days – i.e., in the past.

Based on the evidence developed, the FWSS responsible for performing audits appears to have deliberately violated FP&L Administrative Directive FPAD-032, and these actions appear to have caused FP&L to be in violation of Condition D of NRC licenses DPR-31 and DPR-41.

APPARENT VIOLATIONS

1. 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.

2. 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 3.2 of FP&L Administrative Directive FPAD-032, "Hourly Fire Watch Rove Audit," states that "the NPT performing this directive is responsible for . . . [e]nsuring directive is performed and completed as described."

Section 5.1 of FPAD-032 states that the audit is to be performed on the 2nd and 4th Tuesday of each month, by selecting a random 24-hour period within the prior 7 or 3 days.

Contrary to the above, on multiple occasions between November 2014 and April 2015, hourly fire watch audits were not performed in accordance with Section 5.1 of FPAD-032. Specifically, the Fire Watch Shift Supervisor (FWSS) responsible for conducting hourly fire watch rove audits (FWSS auditor) did not select random 24-hour periods within the previous 7 or 3 days to perform the audits. Instead, the FWSS auditor selected audit dates in advance and notified other FWSS of the days the audits were going to be performed.