



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
245 PEACHTREE CENTER AVENUE N.E., SUITE 1200
ATLANTA, GEORGIA 30303-1200

July 20, 2021

IA-21-019

Mr. Ronald Mendola
[NOTE: HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION, NUCLEAR REGULATORY COMMISSION OFFICE
OF INVESTIGATIONS REPORT NO. 2-2019-025

Dear Mr. Mendola:

This letter refers to the investigation completed on November 10, 2020, by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) at the Florida Power and Light (FPL) Turkey Point Nuclear Generating Station (Turkey Point). The purpose of the investigation was to determine if two instrumentation and control (I&C) technicians, an I&C Department Head, and you in your capacity at the time as an I&C Supervisor at Turkey Point, deliberately maintained incomplete and inaccurate information. The OI investigation also sought to determine whether you deliberately failed to immediately notify the main control room (MCR) of a mispositioned plant component as required by plant procedures. The incident under OI review occurred on July 10, 2019, when the two I&C technicians were assigned to perform a work order on a Unit 4C charging pump oil pressure switch, but instead inadvertently performed work on the Unit 3C charging pump oil pressure switch, causing the Unit 3C charging pump to trip.

The NRC's letter of February 4, 2021 provided you the preliminary results of the NRC's review, included a Factual Summary of the OI investigation, and documented one apparent violation (AV) regarding your engagement in deliberate misconduct, contrary to the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.5, "Deliberate Misconduct." This requirement prohibits an employee of a licensee from engaging in deliberate misconduct that causes a licensee to be in violation of any regulation, or Order, or any term, condition, or limitation of any license issued by the Commission.

The NRC's February 4, 2021, letter provided you the opportunity to address the apparent violation by either attending a pre-decisional enforcement conference (PEC) or by providing a written response before the NRC made a final enforcement decision. The NRC held a virtual PEC meeting with you on April 21, 2021, to provide you an opportunity to describe your perspectives on the events associated with this case. During the PEC, you described your recollection of the incident, timeline, and acknowledged that all individuals involved could have "done better." You also explained that the two I&C technicians initially notified you by phone of the incident, and during the time period in which the I&C technicians were returning from the field, you and others were attempting to gather information to determine what occurred. You expressed your belief that before a meeting was held with the technicians after they returned from the field, the department head visited the MCR and learned that the charging pump had tripped.

You stated that, after interviewing the I&C technicians, you and other I&C management ensured that the MCR was notified of the incident. You also questioned the NRC's characterization of your actions as deliberate, and instead indicated that you and others "were trying to gather information and piece together what was going on based on what we were getting, and we weren't getting correct information."

Based on the information developed during the investigation and the information that you provided at the PEC, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice (Enclosure 1). In summary, after two I&C technicians assigned to perform a work order on a Unit 4C charging pump oil pressure switch inadvertently performed work on the Unit 3C charging pump oil pressure switch (causing the Unit 3C charging pump to trip), you failed to comply with the requirements of FPL procedure OP-AA-100-1002, Rev. 20, "Plant Status Control Management." In this case, the NRC concluded that you deliberately failed to comply with Section 3.6, paragraph 7 of the procedure, when you did not immediately notify the Operations Shift Manager of any mispositioning of plant components.

Your deliberate actions placed FPL in violation of 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," and you in violation of 10 CFR 50.5, "Deliberate Misconduct." Enclosure 2 includes a copy of the letter and Notice of Violation and Proposed Imposition of Civil Penalty issued to FPL.

The violation did not cause any actual consequences to the plant because FPL's Unit 3 licensed MCR operators responded promptly and in accordance with plant procedures to the charging pump trip by placing another charging pump in service. However, the potential consequences of a deliberate violation are significant and concerning to the NRC. As discussed in the NRC Enforcement Policy, willful (i.e., deliberate misconduct) 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. As an I&C Supervisor at the time, you held a particular responsibility to ensure that your actions, and the actions of others, rigorously complied with regulatory requirements. Considering your limited supervisory role at the time, and your deliberate actions, this violation had been categorized at Severity Level III in accordance with the NRC Enforcement Policy.

In determining the appropriate sanction to be issued in this case, the NRC considered issuing an order prohibiting your involvement in NRC-licensed activities as a result of your actions. However, because you are no longer employed by FPL and have been placed in the Personnel Access Data System (PADS), which prohibits site access, and because at the PEC you acknowledged the need to immediately notify the MCR should you be faced with similar circumstances in the future, I have decided to issue the enclosed Notice of Violation in lieu of a prohibition order.

You should be aware that if you are involved in NRC-licensed activities in the future, additional deliberate violations could result in more significant enforcement action or criminal penalties.

The NRC has concluded that information regarding the violation is already adequately addressed on the docket in our February 4, 2021, letter to you, and in the information you provided at the PEC. 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.

In accordance with 10 CFR 2.390 of the "Agency Rules of Practice and Procedure," a copy of this letter, its enclosures, and any response 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. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>). In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

If you have any questions concerning this matter, please contact Mr. Dave Dumbacher of my staff at 404-997-4628.

Sincerely,

/RA/

Laura A. Dudes
Regional Administrator

Enclosures:

1. Notice of Violation
2. Notice of Violation and Proposed Civil Penalty to FPL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SUBJECT: NOTICE OF VIOLATION, NUCLEAR REGULATORY COMMISSION OFFICE OF INVESTIGATIONS REPORT NO. 2-2019-025

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NAME	J. Perlta	M. Simon	L. Dudes		
DATE	6/24/2021	7/19/2021	7/20/2021		

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Mr. Ronald Mendola
[HOME ADDRESS DELETED
UNDER 10 CFR 2.390]

IA-21-019

During U.S. Nuclear Regulatory Commission (NRC) investigations completed on November 10, 2020, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 CFR 50.5(a)(1), "Deliberate Misconduct," requires in part that employees of a licensee are prohibited from engaging in deliberate misconduct that causes or would have caused a licensee to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license issued by the Commission.

Title 10 CFR 50.5(c) states, in part, that, for the purposes of paragraph (a)(1) of this section, deliberate misconduct by a person means an intentional act or omission that the person knows (1) would cause a licensee to be in violation of any rule, regulation, or order, or any term, condition or limitation of any license issued by the Commission; or (2) constitutes a violation of a requirement, procedure, instruction or policy of a licensee.

Title 10 CFR Part 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," requires in part that activities affecting quality shall be prescribed by document instructions appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

Florida Power and Light (FPL) procedure OP-AA-100-1002, Rev. 20, "Plant Status Control Management," in part establishes requirements for standardized response to mispositioned plant equipment. Section 3.6, paragraph 7, states that site personnel are to "[i]mmediately notify the Operations Shift Manager of any inadvertent bumping or mispositioning of plant components."

Contrary to the above, on July 10, 2019, Mr. Ronald Mendola, at the time the Instrumentation and Controls (I&C) Supervisor, engaged in deliberate misconduct that caused a licensee to be in violation of 10 CFR Part 50, Appendix B, Criterion V. Specifically, I&C technicians were assigned to perform planned maintenance on the Unit 4C charging pump. However, the I&C technicians inadvertently began the maintenance activity on the Unit 3C charging pump, causing the Unit 3C charging pump to trip. Upon learning that the I&C technicians had conducted maintenance on the wrong pump causing plant components to be mispositioned, Mr. Mendola failed to immediately notify the Operations Shift Manager of the mispositioning of plant components, as required by FPL procedure OP-AA-100-1002, Rev. 20, "Plant Status Control Management," Section 3.6, paragraph 7.

This is a Severity Level III violation.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in our letter of February 4, 2021, and information you provided at the pre-decisional enforcement conference of April 21, 2021. However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, IA-21-019," and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville, MD 20852-2738, with a copy to the Document Control Desk, Washington, DC 20555-0001.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Should you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Document 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. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, Enforcement Actions Against Individuals. This system, which is not publicly accessible, includes all records pertaining to individuals who are being or have been considered for enforcement action, whether such action was taken or not. The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated this 20th day of June 2021