

April 4, 2012
EN 12-015

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Florida Power and Light Company
Turkey Point Nuclear Plant, Units 3 and 4
Docket Nos. 50-250, 50-251

EA-12-001

Subject: ISSUANCE OF FINAL SIGNIFICANCE DETERMINATION, NOTICE OF
VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY—\$140,000

This is to inform the Commission that a Notice of Violation associated with a White Significance Determination Process (SDP) finding and a Severity Level III violation with a Proposed Imposition of Civil Penalty in the amount of \$140,000 will be issued on or about April 9, 2012, to Florida Power and Light Company (FPL), as a result of inspections at Turkey Point. The White finding, an issue of low to moderate safety significance, will require additional U.S. Nuclear Regulatory Commission (NRC) inspections. This violation involves the failure of Turkey Point personnel to maintain the effectiveness of their emergency plan, as required by 10 CFR 50.54(q) and 10 CFR 50.47(b), by ensuring that adequate emergency facilities and equipment to support the emergency response were provided and maintained. Specifically, from December 4, 2010, to July 13, 2011, and from October 10 to October 28, 2011, FPL failed to follow and maintain the effectiveness of its emergency plan when portions of the Technical Support Center (TSC) ventilation system were removed from service for maintenance, without compensatory measures. The Severity Level III violation and proposed civil penalty involved FPL's failure to make an eight hour report, as required by 10 CFR 50.72(b)(3)(xiii), for the TSC ventilation system being removed from service for maintenance without compensatory measures, which resulted in a major loss of emergency assessment capability from December 4, 2010, to July 13, 2011.

Because this was not the first escalated enforcement action at Turkey Point within 2 years, the staff considered whether credit was warranted for Identification and Corrective Action. The staff determined that Identification credit is not warranted because the violation was identified by NRC. Credit for Corrective Actions is not warranted because FPL has made no substantive corrective actions related to the reporting violation and has not formally reported the loss of emergency assessment capability from December 4, 2010, to July 13, 2011. Therefore, a civil penalty in the amount of two times the base, for a total of \$140,000 is proposed for imposition in accordance with the Enforcement Policy.

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

Mailing of Notice
Telephone Notification of Licensee

April 9, 2012
April 9, 2012

The State of Florida will be notified.

FPL has 30 days from the date of the Notice to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

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