

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
101 MARIETTA ST., N.W., SUITE 3100  
ATLANTA, GEORGIA 30303

AUG 12 1981

INVESTIGATION REPORT NO. 50-335/81-06

SUBJECT: Florida Power and Light Company  
St. Lucie Unit 1  
St. Lucie, Florida 33101

Possible Material False Statement

DATES OF INVESTIGATION: January 28 - February 5, 1981

INVESTIGATOR: J. Y. Yorke  
J. Y. Yorke, Regional Investigator, Region II  
Enforcement and Investigation Staff

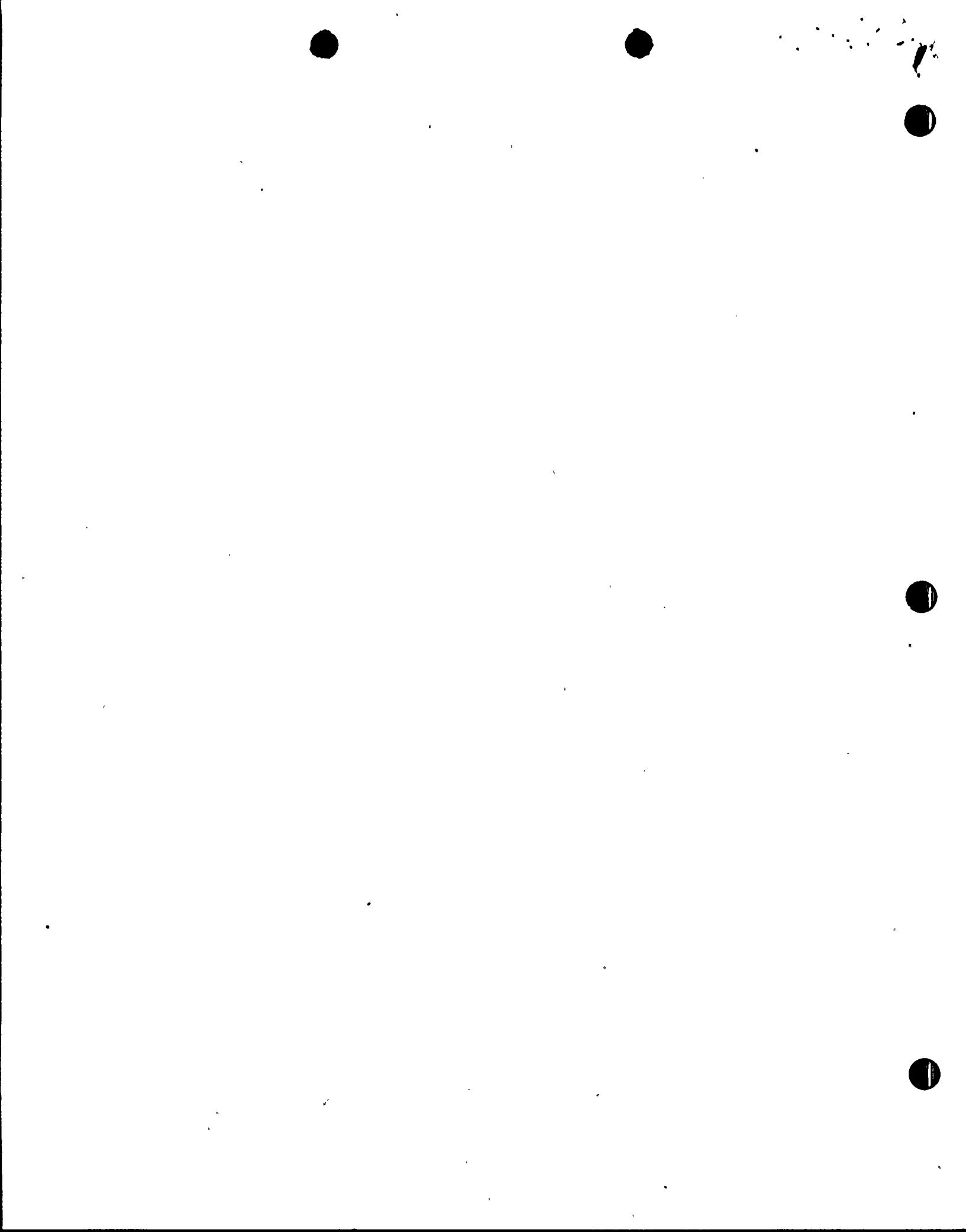
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Date

OTHER PARTICIPATING PERSONNEL: E. C. Gilbert, Investigator  
Office of Inspection and Enforcement

REVIEWED BY: C. E. Anderson  
C. E. Anderson, Director  
Enforcement and Investigation Staff, Region II

8-12-81  
Date

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## TABLE OF CONTENTS

### Section I. SUMMARY OF INVESTIGATION

- A. INTRODUCTION
- B. SCOPE
- C. FINDINGS AND CONCLUSIONS

### Section II. DETAILS OF INVESTIGATION

- A. PERSONS CONTACTED
- B. BACKGROUND
- C. INVESTIGATIVE EFFORT

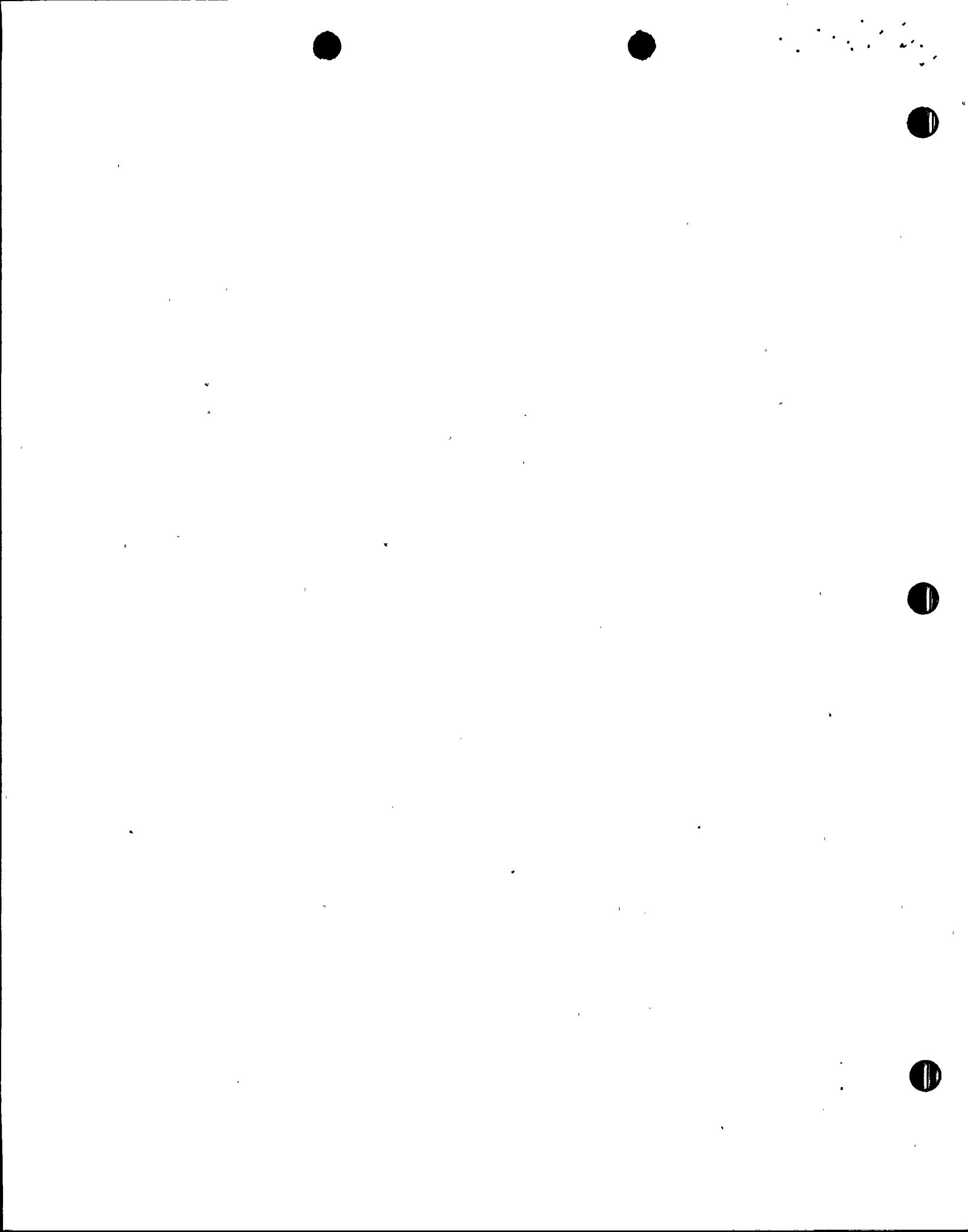
**SECTION I**

**SUMMARY OF INVESTIGATION**

**FLORIDA POWER AND LIGHT**

**ST. LUCIE**

**JANUARY 28 - FEBRUARY 5, 1981**



**A. INTRODUCTION**

In mid-January 1981 the NRC Resident Inspector at Florida Power and Light's (FP&L) St. Lucie Unit 1 plant observed a December 23, 1980 letter from the FP&L

to the Office of Nuclear Reactor Regulation (NRR), Division of Licensing, with regard to post TMI requirements.

stated, in part and under oath, that NUREG 0737 had been implemented for Senior Reactor Operators and Reactor Operators. Item I.A.1.3, "Shift Manning" of NUREG 0737 sets forth that there should be a break of at least 12 hours (which can include shift turnover time) between all work periods. The Resident Inspector was aware that no administrative procedure had been implemented for the 12-hours in between shifts as of approximately mid-January 1981. The Resident Inspector subsequently brought this to the attention of NRC Region II supervisory personnel.

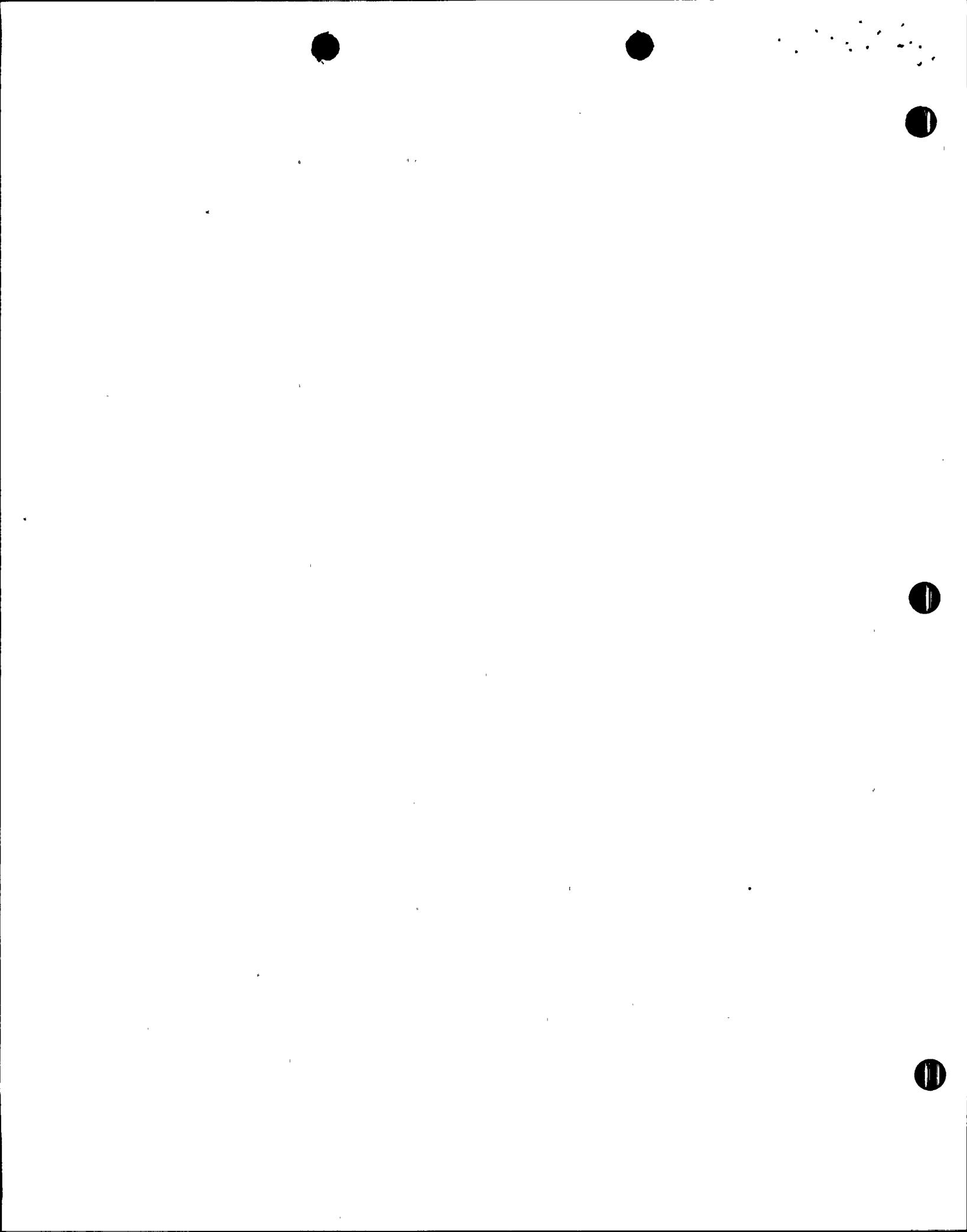
**B. SCOPE OF INVESTIGATION**

An investigation was initiated on January 28, 1981, under the authority provided by Section 161.c of the Atomic Energy Act of 1954, as amended, to ascertain whether or not a material false statement had been made. The scope of the investigation included the following:

1. Interviews of responsible licensee management and line personnel.
2. Interview of the NRC Resident Inspector, St. Lucie Unit 1.
3. Review of the following licensee documents:
  - Nuclear Watch Engineer log
  - Night Order book
  - Administrative Procedure 0010119, Revisions 0, 1 and 2
  - Facility Review Group meeting minutes for December 23, 1980 and January 13, 1981
  - Overtime report for exempt employees for one employee as well as daily time tickets for that employee and two others

**C. FINDINGS AND CONCLUSIONS**

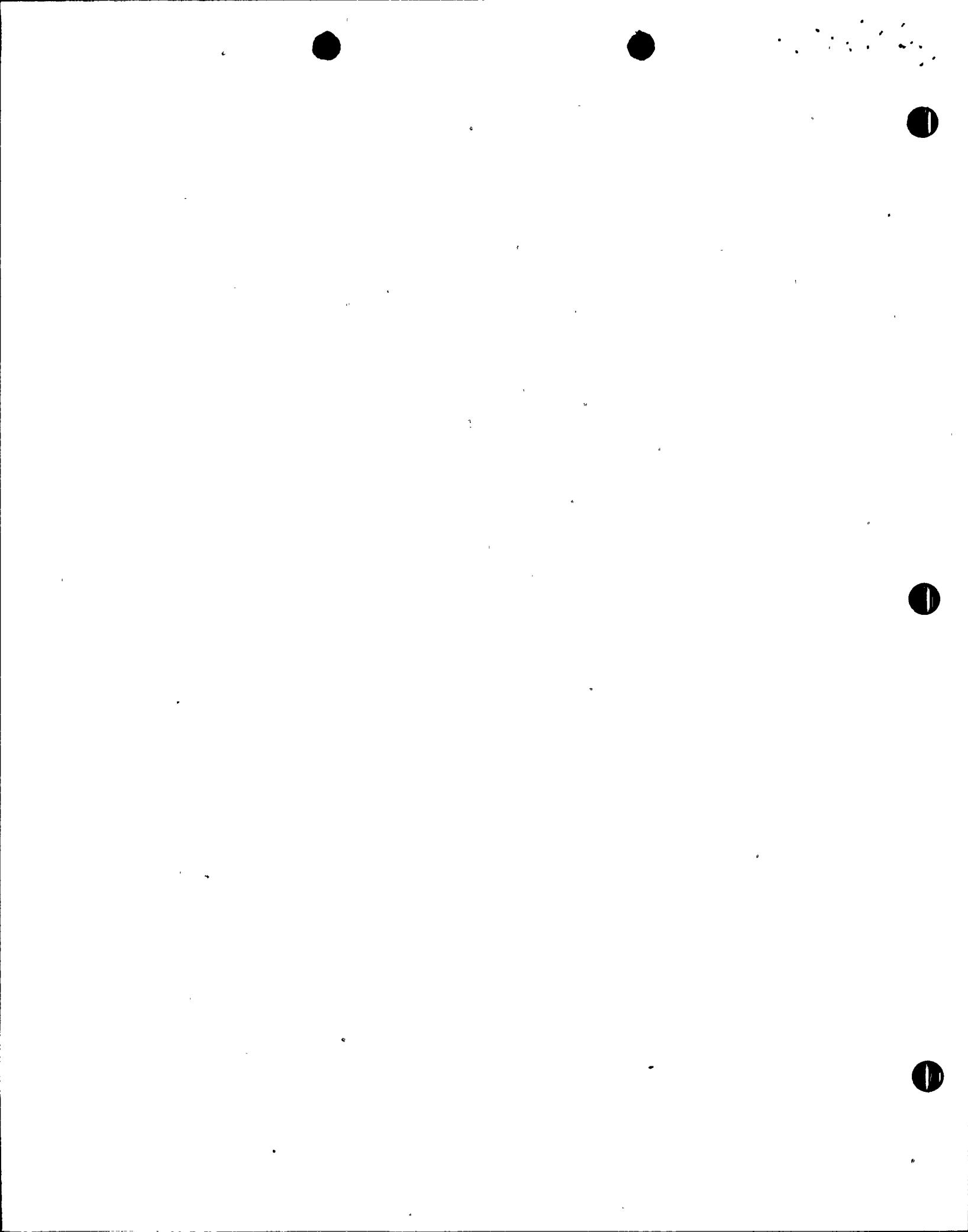
The investigation disclosed that the response to NUREG 0737 submitted under oath by an \_\_\_\_\_ of Florida Power and Light contained a false statement with regard to Item I.A.1.3 of NUREG 0737 in that the procedure implemented at St. Lucie on



December 23, 1980 did not include all of the restrictions included in NUREG 0737 and the response did not take exception to the restriction omitted. However, the information obtained during the investigation also indicated that except where exceptions were documented by FP&L in their response, the procedure included all of the other restrictions identified in Item I.A.1.3 and that the single restriction omitted was a result of an oversight by a site employee. The investigation failed to identify any information which would indicate that the false statement was made knowingly or willfully.

With regard to materiality, the investigation disclosed information which indicated that the licensee was attempting to comply with the requirements of Item I.A.1.3 and while failure to document the few instances where exceptions to the restrictions were granted by site management constitutes a deviation from commitments, the false statement does not appear to be material from the standpoint of the health and safety of the public.

In view of the above, it is concluded that the statement did not constitute a material false statement. However, it is further concluded that the licensee needs to develop a more formal system for assuring the accuracy of information submitted to NRC.



**SECTION II**

**DETAILS OF INVESTIGATION**

**FLORIDA POWER AND LIGHT**

**ST. LUCIE**

**JANUARY 28 - FEBRUARY 5, 1981**

A. PERSONS CONTACTED

Florida Power and Light

Corporate Office

St. Lucie Site

Steel, Hector and Davis

U.S. Nuclear Regulatory Commission

S. A. Elrod, Resident Inspector, St. Lucie 1

B. BACKGROUND

The U.S. Nuclear Regulatory Commission (NRC), Office of Inspection and Enforcement (IE), issued Circular 80-02 entitled "Nuclear Power Plant Staff Work Hours" on February 1, 1980, which recommended, among other things, that for scheduling purposes, personnel performing safety related functions should have at least a 12-hour break between shifts. No written response to IEC 80-02 was required from the licensee.

The NRC's Office of Nuclear Reactor Regulation (NRR), Division of Licensing, issued a letter dated July 31, 1980, (hereinafter referred to as the Eishenhet letter) to all power reactor licensees addressing the subject of interim criteria for shift staffing. Although it contained criteria similar to IEC 80-02, this letter did not list or make any reference to the 12-hour break between shifts as previously

recommended in IEC 80-02. On page 3 of that letter, four overtime restrictions were listed as follows:

- "1. An individual shall not be permitted to work more than 12 hours straight (not including shift turnover time).
2. An individual shall not be permitted to work more than 24 hours in any 48 hour period.
3. An individual shall not work more than 72 hours in any 7 day period.
4. An individual shall not work more than 14 consecutive days without having two consecutive days off."

This letter further stated that administrative procedures (required by license conditions) shall also set forth a policy concerning overtime work for Senior Reactor Operators, Reactor Operators and Shift Technical Advisors, and that development and implementation of the administrative procedures at operating plants would be reviewed by IE beginning 90 Days after the date of the letter.

Subsequently, another letter from NRR dated October 31, 1980, set forth post-Three Mile Island (TMI) requirements in a document entitled "Clarification of TMI Action Plan Requirements" (NUREG 0737). Section I.A.1.3 of NUREG 0737 entitled "Shift Manning Requirements" set forth the following in regard to overtime restrictions:

- "1. An individual should not be permitted to work more than 12 hours straight (not including shift turnover time).
2. There should be a break of at least 12 hours (which can include shift turnover time) between all work periods.
3. An individual should not work more than 72 hours in any 7-day period.
4. An individual should not be required to work more than 14 consecutive days without having 2 consecutive days off.

However, recognizing that circumstances may arise requiring deviation from the above restrictions, such deviation shall be authorized by the plant manager or his deputy, or higher levels of management in accordance with published procedures and with appropriate documentation of the cause."

NUREG 0737 further specified in the transmittal letter that pursuant to 10 CFR Part 50.54(f) operating reactor licensees were required to furnish, within 45 days of the letter (October 31, 1980), confirmation

that the implementation dates indicated in Enclosure 1 of NUREG 0737 would be met. The requirement for limiting overtime was supposed to be implemented by November 1, 1980. Part 50.54(f) states: "The licensee will at any time before expiration of the license, upon request of the Commission, submit written statements, signed under oath, to enable the Commission to determine whether or not the license should be modified, suspended or revoked."

In mid-January 1981, the NRC's Resident Inspector at Florida Power and Light's St. Lucie Unit 1 nuclear power plant reviewed a letter to NRR (Division of Licensing, Attention Mr. D. G. Eishenut) from FP&L's

The letter, dated December 23, 1980, (FP&L identification: L-80-418) was in response to NUREG 0737 and stated that the October 31, 1980 letter which transmitted NUREG 0737 had been reviewed. The attachment to the FP&L letter indicated that with regard to shift manning, the overtime restrictions as described in the July 31 Eisenhut letter and NUREG 0737 had been implemented for Senior Reactor Operators and Reactor Operators. The letter and attachment from were subscribed and sworn to before a Dade County Notary Public on the 23rd of December, 1980 as being true and correct to the best of his knowledge, information, and belief.

The resident inspector was aware that the 12-hours in between shifts had not been formally implemented in the St. Lucie administrative procedures. This was brought to the attention of the Resident Inspector's supervisor. It was later determined by Region II management that an investigation would be conducted to determine if a material false statement had been made by Florida Power and Light. The investigation was initiated on January 28, 1981, under the authority provided by Section 161.c of the Atomic Energy Act of 1954, as amended.

#### C. INVESTIGATIVE EFFORT

##### 1. Interview of

On February 2, 1981, the was interviewed by the investigator at the Florida-Power and Light office in Miami, Florida. Also present were the , and an attorney from the firm of Steel, Hector and Davis in Miami, Florida. They were advised of the purpose, authority and scope of the NRC's investigation.

In essence, the [redacted] related that he issued the December 23, 1980 letter believing that the overtime restrictions as described in the July 13, 1980 Eisenhut letter and NUREG 0737 had been implemented. However, on February 2, 1981, he learned that a procedure revision for the 12-hour in between work periods had not been approved until January 15, 1981. Apparently, the [redacted] had been aware of the procedural requirements, but was on vacation when the St. Lucie Facility Review Group (FRG) having responsibility for reviewing and approving plant procedures met on December 23, 1980. Hence, the 12-hours between shifts was inadvertently omitted from the administrative procedure.

He pointed out that during the time period from December 20, 1980 to and including January 15, 1981, of 351 licensed shift positions manned only 3 instances occurred in which the 12-hour in between shifts rule was not adhered to.

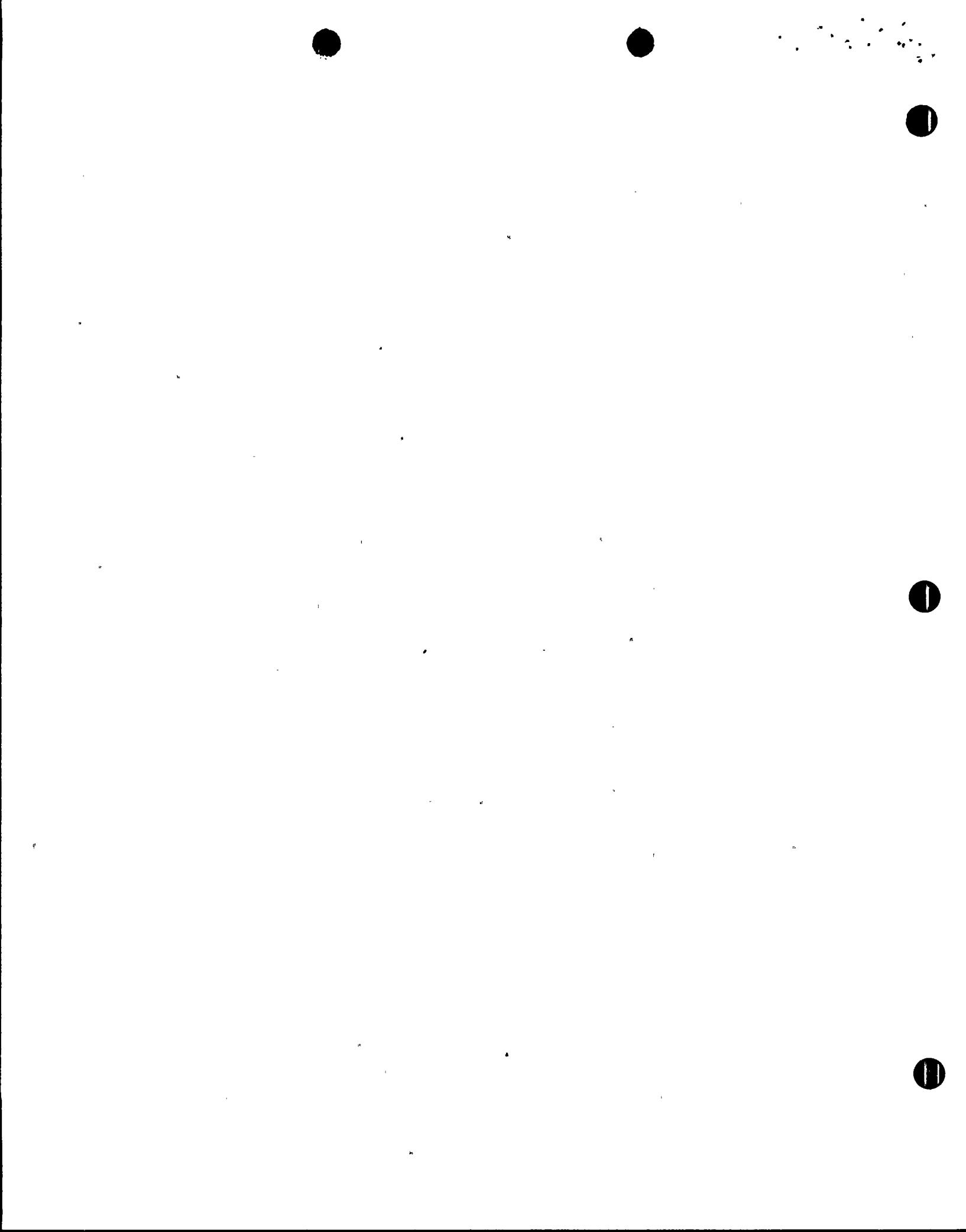
He explained that when he signed the letter to the NRC dated December 23, 1980, he had not seen the administrative procedure covering shift manning requirements as it was developed by and maintained at the St. Lucie plant and he did not normally see copies of such procedures.

During the interview the investigator was also informed that FP&L had determined that a similar situation had occurred at Turkey Point Units 3 and 4; that is, the response to NUREG 0737 for Turkey Point indicated that Item I.A.1.3 had been implemented when, in fact, it had not. The [redacted] agreed to provide further details regarding Turkey Point should they be desired.

## 2. Interview of NRC Resident Inspector

On February 3, 1981, the NRC Resident Inspector, St. Lucie Unit 1, was interviewed and provided details of his knowledge of this situation.

In essence, he stated the plant administrative procedure did not comply with the requirements specified in NUREG 0737 regarding the 12-hour break between shifts. During the months of November, December and January he brought this to the attention of several St. Lucie supervisory personnel. In mid-January 1981, when he observed the December 23, 1980, letter from the licensee to the NRC advising that Item I.A.1.3 of NUREG 0737 had been implemented for SROs and ROs, he knew this to be untrue and brought it to the attention of NRC Region II management.



Subsequent to the interview, the inspector provided copies of St. Lucie Administrative Procedure 0010119, Revisions 0, 1 and 2. Additionally, he provided copies of the Facility Review Group meeting minutes for December 23, 1980 and January 13, 1981.

3. Interview of

On February 3, 1981, [redacted], St. Lucie Unit 1, was interviewed and provided details concerning his knowledge regarding this matter.

In essence, he was pursuing implementation of the procedure change for all plant staff personnel performing safety related functions. However, in mid-December 1980, FP&L corporate personnel gave oral notice that their position in response to Item I.A.1.3 of NUREG 0737 would be to address only SROs and ROs and they would take exception to applying the restrictions to non-licensed personnel. The plant staff was instructed to prepare a procedure which was consistent with that position. He had no further involvement in the procedure change.

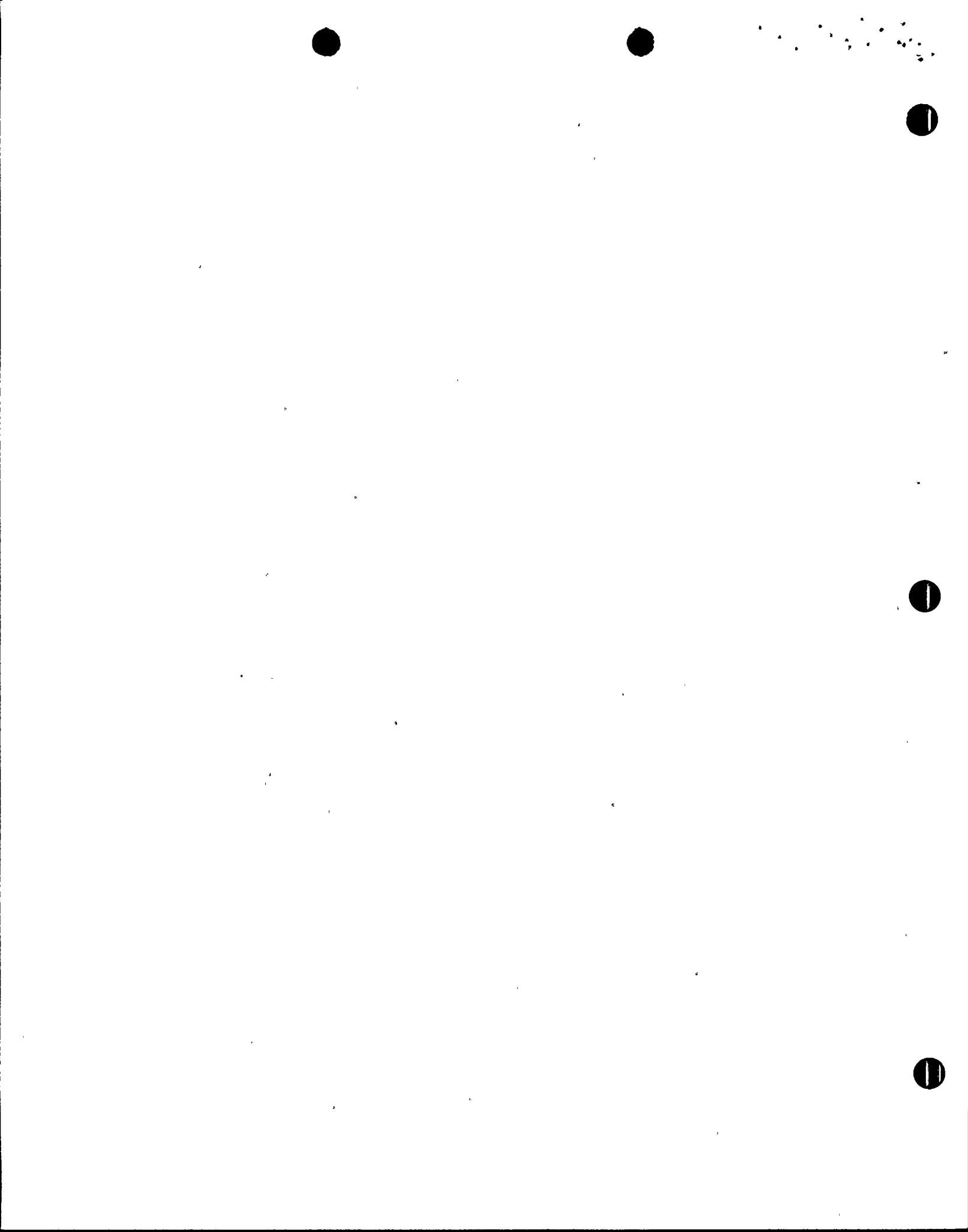
Regarding the 12-hour between shifts, he said that although only recently formalized by the operations group at St. Lucie 1, they had adhered as closely as possible to that rule. He could not recall the method he used to provide the 12-hour between shifts policy to the shift supervisors. He thought it may have been done orally or written in the night orders.

During the December 23, 1980, to January 12, 1980, time frame, he recalled being called several times by operations personnel about granting exceptions to one of the overtime restrictions set forth in NUREG 0737. At that time, he was designated to perform the function of Plant Manager Designee as defined in Chapter 13 of the FSAR. He could not recall documenting these exceptions on any forms and was not aware of any file.

4. Interview of

On February 3, 1981, the [redacted] St. Lucie 1, was interviewed. In essence, he became aware of the 12-hour between shifts requirement when it was brought to his attention by the NRC Resident Inspector. After confirming this by reviewing NUREG 0737, he instructed a

[redacted] to ensure the 12-hour between shifts for SROs and ROs was placed in the procedure change draft. He then went on vacation on December 20, 1980, and returned on January 5, 1981. He subsequently learned from the [redacted] that the 12-hour requirement had been inadvertently omitted from the proposed procedure revision, and the FRG had approved the



administrative procedure revision without the 12-hour requirement. He later reviewed the FP&L time card records and found 2 operators and one plant supervisor who had worked 8-hours on, had only 8 hours off and returned to work for another 8 hours during the December 20, 1980 to January 16, 1981 time frame. The names, times and dates were provided to the investigators.

On February 4, 1981, the St. Lucie 1, was reinterviewed by the investigators and provided the following information.

The interface between FP&L corporate and St. Lucie site personnel concerning the 12-hour in between shifts, was with the Power Resources (corporate) staff and St. Lucie's technical staff. He had coordinated with a regarding the drafting of the letter which was ultimately sent to the NRC. Shift manning, among numerous other things, was mentioned, but he could not definitely recall any discussions regarding the 12-hours in between shifts. He recalled a meeting with the on December 15, 1980 and numerous telephone calls and also remembered observing a rough draft of the letter. To ensure that St. Lucie was complying with the letter as stated regarding the implementation of NUREG 0737, he instructed a to make the change in the procedure. He assumed it would be done and therefore the letter to be sent to the NRC would be accurate.

##### 5. Interview of

On February 4, 1981, the (former) at St. Lucie 1 during the period 1976 through 1980 was interviewed by the investigators. In essence, he stated he was aware of the 12-hour in between shift limitations after being informed of it sometime in the first half of December 1980 by the

In accordance with the instructions, he prepared a procedure change request with the 12-hour limitation included in it. However, prior to presentation to the FRG, another change regarding shift technical advisors was directed by corporate personnel; therefore, he prepared another procedure change request. The 12-hour between shifts was inadvertently left off of this new procedure change request, which was submitted to the FRG and finally approved on December 23, 1980. Hence, the December 23, 1980 Administrative Procedure, approved by the FRG and signed by the Plant Manager, did not have the 12-hour in between shift limitations included.

#### 6. Meeting With Plant Manager and Other Plant Personnel

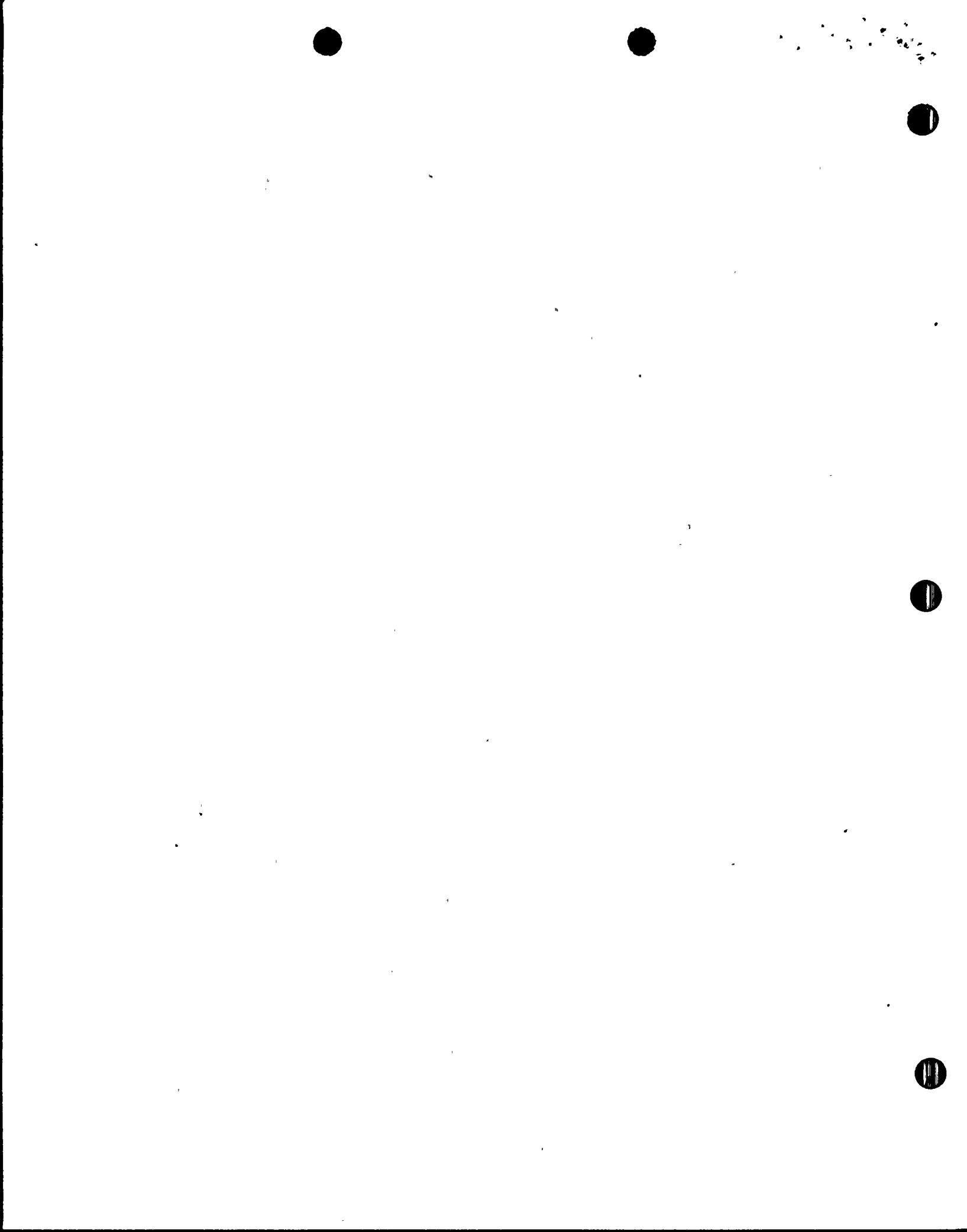
On February 4, 1981, the investigator was advised that whenever a procedure change is necessary Quality Control (QC) keeps track of it. That is, a tracking document ("Pink Slip") is generated and forwarded to the responsible department head who is required to respond by providing a date and what action will be initiated. In regard to the 12-hours between shifts, the "Pink Slip" was not issued because the QC person who reviewed NUREG 0737 did not realize that there was a difference between the Eishenhet letter of July 31, 1980, and NUREG 0737 and did not realize a procedure change was required. Therefore, they explained, it was an oversight by QC that resulted in the omission of the 12-hour between shift requirement.

#### 7. Record Reviews

On February 4 and 5, 1981, the St. Lucie Nuclear Watch Engineer's Log was examined by the investigator for the period from 7:30 a.m. on December 22, 1980 through 3:30 p.m. on February 4, 1981. The log is a chronological listing of personnel present during each eight hour shift to include hours of overtime, sick leave and vacation time incurred by each individual during each shift. The purpose of this review was to determine whether or not any entries were made regarding exceptions from overtime restrictions for the three individuals who worked 8 hours on, 8 hours off and 8 hours on. No information pertinent to this investigation was identified.

The St. Lucie Night Order Book was reviewed on February 4, 1981, by the investigator. The night order book is utilized as an informal method of issuing management instructions which have short-term applicability, but require dissemination. Such instructions encompass special operations, housekeeping, data taking, publications and their distribution, plotting process parameters, personnel matters and other similar items. Inquiries by the investigator disclosed the contents are periodically purged or extraneous information. The purpose of the review was to determine if the had made any entries in the book regarding implementation of the 12-hour between shifts. An analysis of the existing information, dated between September 12, 1980, and February 2, 1981 revealed no data pertinent to this investigation.

The three revisions of St. Lucie Administrative Procedure 0010119, "Overtime Limitations for Licensed Operators" were also reviewed by the investigator. This review disclosed that Revision 0, approved by the Plant Manager on October 31, 1980, formally implemented the restrictions contained in the July 31



Eisenhut letter (which did not include the 12-hour between shifts restriction). Revision 1 which was reviewed by the FRG on December 23, 1980 and January 13, 1981, and approved by the Plant Manager on January 15, 1981, picked up the 12-hour between shift restriction, but was not specific as to who could approve exceptions to the restriction or the documentation required. Revision 2 approved by the Plant Manager on February 4, 1981, provided the necessary amplification of approval and documentation requirements.

A review of the minutes for the FRG meetings conducted on December 23, 1980 and January 13, 1981, disclosed that the change considered by the FRG on December 23 involved the deletion of the Shift Technical Advisor from the positions covered by the restrictions. The change to add the 12-hour between shift requirement was not considered by the FRG until the January 13 meeting.

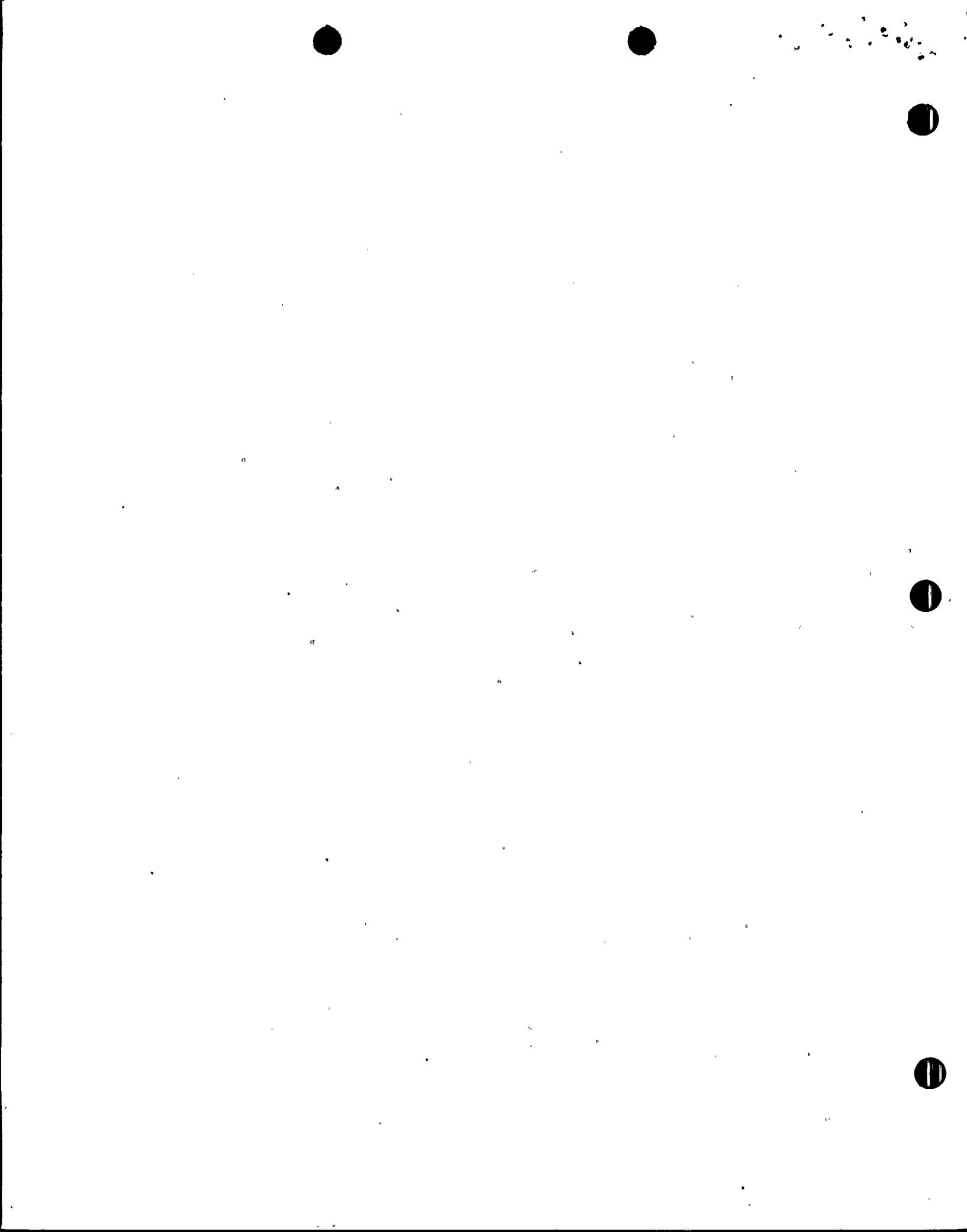
8. Request for Overtime Exception Documentation

On February 4, 1981, the Technical Staff Supervisor was requested by the investigator to interface with the Plant Manager, and attempt to locate and present any documentation of the granting of the exceptions to the overtime restrictions for the three individuals. On February 5, 1981, the Plant Manager was contacted by the investigator and he advised that no documentation had been found at that time.

9. Interview of

On February 5, 1981, the [redacted] was interviewed at the Florida Power and Light Company Corporate office in Miami, Florida. During the interview, he stated that on November 17, 1980, NUREG 0737 was delivered to his department, Power Resources-Nuclear (PRN). In that there was a response due, PRN set about to prepare the response with input from all responsible parties. The issue of complying with the shift manning restrictions was addressed right from the start; however, the emphasis was placed on who should be covered by the restrictions. FP&L eventually took exception in the response to extending coverage to non-licensed personnel. There was then a review and comment cycle which ultimately resulted in a semi-final draft that was discussed on December 15, 1980, in a meeting at St. Lucie between the [redacted]

[redacted], St. Lucie 1, an individual from Licensing and Environmental Planning and himself. The final draft of the December 23, 1980 letter (L-80-418) was prepared by himself (noted by the initials [redacted]), and transmitted to the [redacted] for final signature.



STATE OF FLORIDA }  
COUNTY OF DADE } ss.

E. A. Adomat \_\_\_\_\_, being first duly sworn, deposes and says:

That he is Executive Vice President of Florida Power & Light Company,  
the Licensee herein;

That he has executed the foregoing document; that the statements made  
in this document are true and correct to the best of his knowledge,  
information, and belief, and that he is authorized to execute the  
document on behalf of said Licensee.

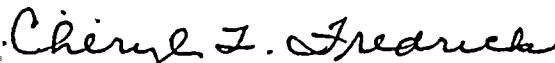
Information regarding the identity of certain FPL employees and their  
positions in the company in Investigation Report 80-335/81-06 as shown in  
the enclosed material is exempt from public disclosure in  
accordance with Section 2.790 of the NRC "Rules of Practice", Title 10,  
Code of Federal Regulations. Pursuant to section(s) 10 CFR 2.790 (a)(7)  
this information is exempt from disclosure because it will constitute an  
unwarranted invasion of personal privacy if the position titles and  
employees' names in investigatory records compiled for law enforcement  
purposes are released.



E. A. Adomat

Subscribed and sworn to before me this

8th day of September, 19 81.



NOTARY PUBLIC, In and for the County  
of Dade, State of Florida.

My commission expires: Notary Public, State of Florida at Large  
My Commission Expires October 30, 1983  
Renewal thru Maynard Bonding Agency

