

**NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY**

Florida Power and Light Company
St. Lucie Unit 1

Docket No. 50-335
License No. DPR-67
EA 96-040

During an NRC inspection conducted on January 26-30, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

- A. Technical Specification 6.8.1.a requires that written procedures be established, implemented, and maintained covering the activities recommended in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978. Appendix A includes operating procedures for the chemical and volume control system and administrative procedures for relief turnover, procedural adherence, and authorities and responsibilities for safe operation.

Operating Procedure No. 1-0250020, Boron Concentration Control - Normal Control, Revision 35, step 8.5.14, requires, in part, that when adding a blend of primary makeup water and boric acid to the reactor coolant system by using the manual mode of operation and a flow path directly to the charging pump suction, that operators monitor the water flow totalizer and close valve V2525 after the desired volume was added.

Administrative Procedure No. 0010120, Conduct of Operations, Revision 79, Appendix D, Crew Relief/Shift Turnover, requires, in part, that, for short term watchstander relief, a turnover be conducted including: general watchstation status, off-normal conditions, and tests in progress.

Administrative Procedure No. 0010120, Appendix M, Procedural Compliance and Implementation, requires, in part, that controlled procedures be implemented and complied with in accordance with the instructions provided in QI 5-PR/PSL-1. Procedure QI 5-PR/PSL-1, Preparation, Revision, Review/Approval of Procedures, Revision 67, Section 5.13.2, provides that all procedures shall be strictly adhered to and identified that Operating Procedure 1-0250020 was not considered "skill of the trade" and was not to be performed from memory without referring to the procedure.

Administrative Procedure No. 0010120, Appendix E, Notification of Operations Supervisor/FPL Management, requires, in part, prompt verbal notification of the Operations Supervisor for unplanned reactivity changes.

Contrary to the above:

1. On January 22, 1996, at approximately 2:30 a.m., the licensee failed to implement the requirements of Operating Procedure No. 1-0250020 in that Unit 1 operators failed to monitor the water flow totalizer

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and failed to close valve V2525 after the desired volume of primary makeup water was added to the reactor coolant system when using the manual mode of operation and a flow path directly to the charging pump suction. Specifically, during a planned addition of between 25 and 40 gallons of primary makeup water, operators failed to stop the addition of primary makeup water until approximately 400 gallons were added which resulted in a power increase over 100 percent reactor power.

2. On January 22, 1996, at approximately 2:30 a.m., the licensee failed to implement the requirements of Administrative Procedure No. 0010120 in that the Unit 1 operator at the controls conducted an inadequate short term watchstander relief turnover. Specifically, the operator failed to include general watchstation status and conditions including the RCS boron dilution that was in progress. As a result, the relief operator at the controls was unaware that a boron concentration dilution was in progress and failed to adequately monitor and control the dilution.
 3. On January 22, 1996, at approximately 2:30 a.m., the licensee failed to implement the requirements of Administrative Procedure No. 0010120. Specifically, operators performed Operating Procedure 1-0250020 from memory, without referring to the procedure, and without adhering to the procedure.
 4. On January 22, 1996, between 2:30 a.m. and 5:45 a.m., the licensee failed to implement the requirements of Administrative Procedure No. 0010120 in that operators failed to give prompt verbal notification to the Operations Supervisor of unplanned reactivity changes that had occurred. (01013)
- B. 10 CFR 50, Appendix B, Criterion III, Design Control, requires that measures be established to assure that applicable regulatory requirements and the design basis, as specified in the license application, are correctly translated into procedures.

Units 1 and 2 Technical Specifications (TS) 6.8.2 requires that each procedure of TS 6.8.1 be reviewed periodically as set forth in administrative procedures. TS 6.8.1 requires that written procedures be maintained covering the activities recommended in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978. Appendix A included operating procedures for the chemical and volume control system. Procedure QI 5-PR/PSL-1; Preparation, Revision, Review/Approval of Procedures, Rev. 61; required that all plant procedures shall be reviewed every 36 months.

Section 15.2.4.1 of the Updated Final Safety Analysis Report (UFSAR) states, in part, that during normal operation, concentrated boric acid is mixed with demineralized makeup water... and is automatically introduced into the volume control tank in response to a low water level signal from the volume control. To effect boron dilution, the makeup controller mode selector switch must be set to "Dilute" and the demineralizer water batch quantity set to the desired quantity. When the specific amount has been injected, the demineralizer water control valve is shut off automatically.

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Contrary to the above, from approximately January 24, 1976 (before the Unit 1 operating license was issued), through January 23, 1996, the licensee failed to correctly translate the design basis, as specified in UFSAR Section 15.2.4.1, into procedures in that the UFSAR description of the method for adding a mixture of boric acid and demineralized water to the reactor coolant system was not incorporated into the Operating Procedure No. 1-0250020, Boron Concentration Control - Normal Control, Revision 35, for St. Lucie Unit 1. Specifically, Operating Procedure No. 1-0250020 described a method for adding a mixture of boric acid and demineralized water to the reactor coolant system (in manual and directly to the suction of the charging pumps) that was different from the method stated in the UFSAR (in automatic and to the volume control tank). Further, the licensee failed to conduct an adequate periodic review of Operating Procedure No. 1-0250020 as required by TS 6.8.2. Specifically, during periodic reviews, the last of which was accomplished on July 11, 1995, the licensee failed to correct the difference between the procedure and the UFSAR. (01023)

- C. 10 CFR 50.59 allows the licensee to make changes to its procedures as described in the Safety Analysis Report (SAR), without prior Commission approval, unless the change involves, in part, an unreviewed safety question. The licensee shall maintain records of changes in procedures made pursuant to this section, to the extent that they constitute changes in procedures as described in the SAR. These records must include a written safety evaluation which provides a basis for the determination that the change does not involve an unreviewed safety question.

Contrary to the above, on January 23, 1996, the licensee made Temporary Change 1-96-017 to Operating Procedure 1-0250020, Boron Concentration Control - Normal Operation, Revision 35, a procedure described in the UFSAR, and failed to include a written safety evaluation which provided a basis for the determination that the change did not involve an unreviewed safety question. Specifically, the licensee added instructions for dilution in manual and directly to the suction of the charging pumps which is contrary to the UFSAR, paragraph 15.2.4.1, which states that boron dilution must be conducted in the "Dilute" mode (such that when the specific amount has been injected, the demineralized water control valve is shut automatically) and described a flow path into the volume control tank. (01033)

These violations represent a Severity Level III problem (Supplement I). This problem is applicable to Unit 1 only.
Civil Penalty - \$50,000.

Pursuant to the provisions of 10 CFR 2.201, Florida Power and Light Company is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid



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further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section VI.B.2 of the Enforcement Policy should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Mr. James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II and a copy to the NRC Resident Inspector at the St. Lucie facility.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should

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clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Atlanta, Georgia
this 28th day of March 1996