

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Florida Power and Light Company
Turkey Point Units 3 and 4

Docket Nos. 50-250 and 50-251
License Nos. DPR-31 and DPR-41
EA 85-80

During an NRC inspection conducted during the period of May 15 - June 5, 1985, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the NRC 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, PL 96-295 and 10 CFR 2.205. The particular violation and associated civil penalty are set forth below.

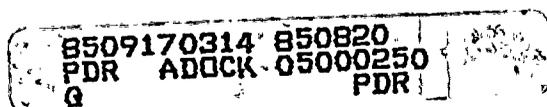
10 CFR 50.59(a) allows the holder of a license to make changes in the facility as described in the Final Safety Analysis Report (FSAR) without prior Commission approval unless it involves a change to the Technical Specifications or is an unreviewed safety question. An unreviewed safety question is created if the consequences of an accident or the malfunction of equipment important to safety previously evaluated in the FSAR are increased.

10 CFR 50.59(b) requires in part that the licensee maintain records of changes in the facility to the extent that such changes constitute changes in the facility as described in the FSAR. These records shall include a written safety evaluation which provides the bases for the determination that the change does not involve an unreviewed safety question.

Section 9.3 of the Turkey Point FSAR states that the possibility of siphon draining of the Spent Fuel Pit (SFP) by a break in the SFP drain piping is prevented by a normally closed valve located six feet above the fuel assemblies.

Contrary to the above, sometime prior to September 1984, and continuing through June 5, 1985, the licensee had failed to meet the requirements of 10 CFR 50.59 in that a change was made to the facility described in the FSAR after license issuance without first conducting and documenting a review to determine that the change did not involve an unreviewed safety question. The change to the facility involved operating a valve on the drain piping portion of each unit's SFP cooling loop in an open position, although it was described in Section 9.3 of the FSAR as closed. This change involved an unreviewed safety question since a malfunction could have completely drained the SFP. The FSAR includes an evaluation of the possibility of a piping break upstream of this normally-closed valve, but did not evaluate a piping break or other malfunctions of equipment downstream of the valve with the valve open.

This is a Severity Level III violation (Supplement I).
(Civil Penalty - \$100,000)





Pursuant to 10 CFR 2.201, Florida Power and Light Company is hereby required to submit to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II, within 30 days of the date of this Notice a written statement of explanation including: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps which have been taken and the results achieved, (4) corrective steps which will be taken to avoid further violation, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, the Director, Office of Inspection and Enforcement, may issue an order to show cause 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, Florida Power and Light Company may pay the civil penalty by letter addressed to the Director, Office of Inspection and Enforcement, with a check, draft, or money order payable to the Treasurer of the United States in the cumulative amount of One Hundred Thousand Dollars (\$100,000) or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Inspection and Enforcement. Should Florida Power and Light Company fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalty in the amount proposed above. Should Florida Power and Light Company elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such answer may: (1) deny the violation 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.

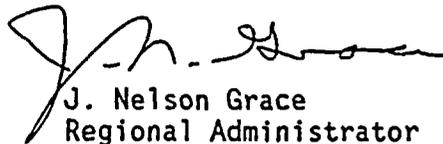
In requesting mitigation of the proposed penalty, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C, should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply in specific reference (e.g., citing page and paragraph numbers) to avoid repetition. Florida Power and Light Company's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Notice of Violation

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Upon failure to pay any civil penalty due, which has been subsequently 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. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION



J. Nelson Grace
Regional Administrator

Dated at Atlanta, Georgia
this 20 day of August 1985