

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 86-38

During the Nuclear Regulatory Commission (NRC) inspection conducted on January 15-16, 1986, violations of NRC requirements were identified. The violations involved the licensee's failure to properly train a worker to use a radiation survey instrument and failure to follow plant procedures. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), 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, PL 96-295, and 10 CFR 2.205. The violations and associated civil penalty are set forth below:

- A. 10 CFR 19.12 requires that all individuals working in or frequenting any portion of a restricted area shall be instructed in precautions or procedures to minimize their exposure and in the purposes and functions of protective devices employed.

Contrary to the above, instructions given to a worker who entered the Traversing Incore Probe (TIP) drive area of Unit 3 containment on January 8, 1986, with a radiation survey instrument with which he was to assess the radiation hazards that may be present did not include methods of detecting instrument failures and actions to be taken if the instrument was suspected of failure. The individual remained in the TIP drive area for 5 minutes and was unaware that the instrument was not responding properly because of the high radiation levels in the area.

- B. Technical Specification 6.8.1 requires that procedures be established, implemented, and maintained consistent with Appendix A of Regulatory Guide 1.33, Revision 2, February 1978.

Regulatory Guide 1.33, Appendix A, Revision 2, February 1978, requires procedures for radiation protection, maintenance, and operation of nuclear instrument systems.

1. Procedure 190.19, Control of Maintenance on Nuclear Safety Related and Fire Protection Systems, Paragraph 8.3, requires thorough documentation of disassembly/troubleshooting on plant work orders (PWOs). When all discrepancies and problems have been identified, work is to be stopped and the foreman/supervisor is required to clearly define the problem and corrective actions on the PWO in a step-by-step format.

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UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

TO : SAC, NEW YORK  
FROM : SAC, PHOENIX  
SUBJECT: [Illegible]

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Contrary to the above, on January 8, 1986:

- a. An Instrument and Control (I&C) technician failed to thoroughly document the disassembly and troubleshooting of the Unit 3 TIP drive on the PWO.
  - b. An I&C technician failed to stop work when the discrepancies and problems outlined on the PWO had been identified and performed work outside the scope of the instructions of the PWO.
  - c. The I&C Foreman failed to clearly define the problem and corrective action on the PWO in a step-by-step format.
2. Procedure 12407.2, Incore Flux Detector Drive Mechanism and Detector Replacement, requires that health physics perform a thorough survey after the detector has been fully withdrawn, that two persons be present at all times while performing maintenance inside containment, and that workers not exceed the exposure limits established by health physics on the radiation work permit.

Contrary to the above, on January 8, 1986:

- a. A survey of the Unit 3 TIP drive area was not performed by health physics after the TIP was withdrawn from the reactor core.
  - b. Two persons were not present during the I&C technician's second containment entry to perform maintenance on the "A" TIP drive.
  - c. The I&C technician failed to keep his exposure within limits established by the radiation work permit.
3. Procedure 12404.1, Normal Operation of Incore Moveable Detector System, requires that Nuclear Plant Operations and Health Physics Operations be notified before operating the incore detector.

Contrary to the above, on January 8, 1986, Health Physics Operations was not notified before the operation of the incore detector.

Collectively, these violations have been evaluated as a Severity Level III problem (Supplement IV).

Cumulative Civil Penalty - \$50,000 assessed equally among the violations.

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, 101 Marietta Street, N.W., Suite 2900, Atlanta, Georgia 30323, within 30 days of the date of this Notice a written statement or explanation including for each violation: (1) admission or denial of the violation, (2) the reasons for the violation if admitted, (3) the corrective steps which have been taken and

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the results achieved, (4) corrective steps which will be taken to avoid 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, 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, the 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 Fifty Thousand Dollars (\$50,000) 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 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 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 by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of Florida Power and Light Company is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay the 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

Original signed by  
J. Nelson Grace

J. Nelson Grace  
Regional Administrator

Dated at Atlanta, Georgia  
this 26 day of April 1986

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