

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 87-97

During an NRC inspection conducted on March 9 to April 27, 1987 and an NRC Augmented Inspection Team review on March 19 to May 5, 1987, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1987), 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 penalties are set forth below:

I. Violations Assessed A Civil Penalty

- A. 10 CFR Part 50, Appendix B, Criterion XVI, states, in part, that conditions adverse to quality be promptly identified and corrected.

Technical Specification 4.0.3 requires that in-service inspection of ASME Code Class 1, 2 and 3 components shall be performed in accordance with Section XI of the Boiler and Pressure Vessel Code and applicable Addenda as required by 10 CFR 50.55a(g).

IWA-5250(b) of the Code requires that the detection of boric acid residues on ferritic steel components shall require the location of the leakage source and the areas of general corrosion, if any.

Operating Procedure 1004.1, Reactor Coolant System - System Leak Test Following RCS Opening, states that during the visual examination, particular attention shall be given to the insulated areas of components constructed of ferritic steels to detect evidence of boric acid residues resulting from reactor coolant leakage.

Contrary to the above, on August 30, 1986, the licensee identified the leakage of reactor coolant from an Instrument Port Column Conoseal connection on the reactor vessel head of Unit 4, a condition adverse to quality, and did not properly evaluate the effect of the leakage and take appropriate corrective action. Consequently, substantial corrosion of vessel head pressure boundary components occurred. Specifically, the following events contributed to the situation:

1. On August 30, 1986, a safety evaluation was prepared by the licensee which failed to adequately address the possible damage to surrounding ferritic steel components from boric acid residue.
2. On October 24, 1986, an examination of the fitting leakage was inadequate in that large quantities of boric acid residue were found on the reactor vessel head reflective insulation, yet attention was not given to the examination of ferritic steel components under the insulation.

- B. Technical Specification 3.10.1 requires, in part, that while performing core alterations each penetration providing direct access from the containment atmosphere to the outside atmosphere shall be either closed by an isolation valve, blind flange, or manual valve, or capable of being closed by an operable automatic containment ventilation isolation valve.

Technical Specification 3.10.2 requires the containment ventilation isolation system to be operable during core alterations.

Technical Specification 3.10.6 requires direct communications to be maintained between the control room and personnel at the refueling station during core alterations.

Technical Specification 6.2.2.e requires that all core alterations be directly supervised by either a licensed Senior Reactor Operator or Senior Reactor Operator Limited to Fuel Handling who has no other concurrent responsibilities.

Contrary to the above requirements, on April 9, 1987, without apparent knowledge or consent of the Plant Supervisor - Nuclear and the control room, core alterations, consisting of lifting of the Unit 4 reactor core upper internals, were conducted without the required prerequisites being met. The containment purge valves were open providing direct flow path from the containment to the outside atmosphere. Also, the containment ventilation system automatic isolation function was inoperable in that the purge valves closure circuitry was jumpered such that the valves would remain open. The evolution was initiated without direct communication being established between the control room and personnel at the refueling station and without being directly supervised by persons of the requisite qualifications.

This is a Severity Level III problem (Supplement I).
Cumulative Civil Penalty - \$100,000 (assessed equally between the violations).

II. Violations Not Assessed A Civil Penalty

- A.. Technical Specification 6.8.1 states, in part, that written procedures shall be established, implemented and maintained that meet or exceed the requirements and recommendations of Section 5.1 and 5.3 of ANSI N18.7-1972.

ANSI N18.7 specifies that maintenance and modification which may effect functioning of safety-related components shall be performed in a manner to ensure quality at least equivalent to that specified in the original design bases and requirements. It also states that maintenance and modifications shall be performed in accordance with written procedures, documented instructions or drawings appropriate to the circumstances.

Contrary to the above, maintenance was performed on the Unit 4 Conoseal fitting, a safety-related component, in a manner that did not ensure quality at least equivalent to the original design and in accordance with written procedures appropriate to the circumstances. Specifically:

1. From 1972 through March 1985, Maintenance Procedure 1407.15 for the installation of reactor vessel head Conoseals did not contain sufficient information in that the shims necessary for the installation of the Unit 4 conoseal clamps were not mentioned.
2. After November 1985, Maintenance Procedure 4-GMM-043.2 requirements were changed to allow relaxation of clamping forces prior to torquing of clamp bolts which did not ensure quality equivalent to that specified in original design bases.
3. During the 1984 Unit 4 refueling outage, new shims were fabricated for the NE conoseal and at least one other conoseal by Maintenance personnel without written instructions, using carbon steel instead of stainless steel.

This is a Severity Level IV violation (Supplement I).

- B. Technical Specification 6.8.1 states, in part, that written procedures shall be established, implemented and maintained that meet or exceed the requirements of Appendix A of USNRC Regulatory Guide 1.33.

Appendix A to USNRC Regulatory Guide 1.33 states that procedures be provided for the performance of required surveillances such as the daily evaluation of reactor coolant system leakage required by Technical Specification Table 4.1-2, item 11.

Contrary to the above, Surveillance Procedure 4-OSP-041.1, Reactor Coolant System Leakage Rate Calculation, was not adequately established in that it contained temperature and level correction factors which were neither correct nor conservative for all applications of the procedure or changes in the temperature or level.

This is a Severity Level IV violation (Supplement I).

Pursuant to the provisions of 10 CFR 2.201, Florida Power and Light Company (licensee) 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 this 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, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that 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, an order may be issued to show cause why the license should not be modified, suspended, or revoked or

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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 to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order 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, 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 (1987), 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 responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II, and a copy to the NRC Resident Inspector, Turkey Point.

FOR THE NUCLEAR REGULATORY COMMISSION

ORIGINAL SIGNED BY:
J. NELSON GRACE

J. Nelson Grace
Regional Administrator

Dated at Atlanta, Georgia,
This 21 day of July 1987