

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 87-85

During the Nuclear Regulatory Commission (NRC) inspection conducted from May 18 through July 20, 1987, violations of NRC requirements were identified. In accordance with "General Statement of Policy and Procedure for NRC Enforcement Action," 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 penalty are set forth below:

- A. 10 CFR, Part 50, Appendix B, Criterion V, requires that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

Technical Specification 6.8.1 requires that written procedures shall be established and implemented for activities recommended in Appendix A of Regulatory Guide 1.33. Appendix A recommends, in part, that procedures for the operation of safety-related systems should be established.

NUREG-0737, Item I.C.6, Independent Verification, requires the implementation of procedures to verify the correct performance of operating activities. This item was implemented by an Order dated July 10, 1981.

Contrary to the above, the licensee did not establish or implement adequate procedures to assure configuration control over emergency boration, a safety-related system, between May 28 and June 3, 1987. Examples include the following:

1. The boration flowpath established on May 28, 1987 from the discharge of the 3b boric acid (BA) pump to the Unit 4 Reactor Coolant System (RCS) was not authorized by established procedures, the administratively allowable alternatives of a Plant Work Order, or an approved temporary procedure.
2. Non-licensed personnel without SRO direction or an approved procedure established a boration flow path from Unit 4 BA system to the suction of the 3b BA pump. Establishment of the flowpath resulted in nitrogen intrusion from the Unit 4 BA system to the Unit 3 BA system and a loss of all boric acid flowpaths.
3. Independent verification to ensure valving alignment documentation and restoration from the above unauthorized valve line-up was not implemented in accordance with Administrative Procedure O-ADM-31, Independent Verification, and NUREG-0737, Item I.C.6.

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4. Off-Normal Operating Procedure ONOP-046.1, Emergency Boration, did not provide directions to operators for a loss of all boration flowpaths, including flow from the RWST.
5. Between May 30 and June 3, 1987 additional valve operations of the boration systems were performed without approved procedures, proper documentation or independent verification. These evolutions allowed additional nitrogen intrusion from the failed seal in the 4b BA pump into Unit 4 and an additional loss of the 3b BA pump.

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

(Civil Penalty - \$75,000.)

- B. Technical Specification 3.18 requires, in part, that two independent auxiliary feedwater (AFW) trains and associated flowpaths shall be operable in reactor modes 1, 2 and 3. With both required AFW trains inoperable, and neither is returned to service within two hours, then the affected unit must be placed in at least hot standby (mode 3) within the next six hours and in hot shutdown (mode 4) within the following six hours.

Technical Specification definition 1.4, entitled Operable-Operability, specifies, in part, that a train or system shall be considered operable when it is capable of performing its specified functions.

The AFW nitrogen system is a necessary auxiliary system installed to provide at least two hours of automatic AFW flow control in the event of the loss of the instrument air system.

Contrary to the above, on July 15, 1987 with the Unit 4 in Mode 1, a turbine operator improperly aligned both trains of the AFW nitrogen supply system on Unit 4 such that all bottles were isolated. Consequently, for the approximately 20 hours the AFW nitrogen supply system was isolated the AFW system was not capable of performing its specified function.

This is a Severity Level III violation (Supplement I). (Applies to Unit 4 only.)

(Civil Penalty - \$75,000.)

- C. 10 CFR 50, Appendix B, Criterion XVI, as implemented by Florida Power and Light Topical Quality Assurance Report FPLTQAR 1-76A, Revision 10, and TQR 16.0, Revision 5, entitled Corrective Action, requires in part, that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition.

FPLTQAR 1-76A defines significant conditions adverse to quality as failures, malfunctions, deficiencies or deviations in material and equipment and other nonconformances which require engineering evaluation and/or



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evaluation for reportability as required by 10 CFR 50.55(e), reportable occurrences (LERs) or 10 CFR 21 deficiencies.

Administrative procedures O-ADM-913, entitled Corrective Action for Conditions Adverse to Quality, revision dated July 15, 1986, specifies in section 5.3 that supervisors shall be alert to significant conditions adverse to quality when recommending or approving changes based on observed or reported discrepancies.

Turkey Point FSAR, Section 9.3 states, following a loss of coolant accident, two Component Cooling Water (CCW) heat exchangers accommodate the heat removal loads. If a CCW heat exchanger fails, the standby heat exchanger provides a 50 percent backup. Additionally, FSAR Table 9.3-5 specifies that two CCW heat exchangers can carry the total emergency heat load. The FSAR specifies, in Section 9.6, that only one Intake Cooling Water (ICW) pump is required following a Maximum Hypothetical Accident (MHA) and that the minimum operating requirements for the ICW system are met by one pump and one loop header.

FPL's Substantial Safety Hazards Evaluation for Intake Cooling Water System, JPE-L-85-38, determined that the ICW system was susceptible to single active failures. The licensee subsequently determined that the active failures were inconsequential during a MHA provided that a manual isolation valve was shut, and ICW (Cooling Canal) temperature and CCW heat exchanger cleanliness were maintained within given parameters.

Contrary to the above, on December 1, 1986, a performance test conducted on the Unit 3 Component Cooling Water (CCW) heat exchangers indicated degraded performance. Revised data and a proposed immediate cleaning schedule were forwarded to the Shift Technical Advisors on December 4, 1986, but the changes required by the revised performance data were not adhered to and the cleaning schedule was not followed. As a result of this failure to perform corrective action, with the 3B CCW heat exchanger out of service for cleaning during a seventeen hour period on December 11, 1986, the two CCW heat exchangers remaining in service would not have been able to dissipate the maximum hypothetical heat load even with the ICW flow provided by two ICW pumps as described in safety evaluation JPE-L-85-38, Rev. 2, and the turbine plant cooling system isolated.

This is a Severity Level III violation (Supplement I). (Applies to Unit 3 only)

(Civil Penalty - \$75,000.)

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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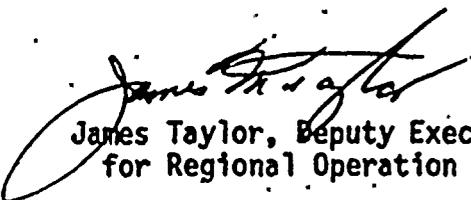
why such other action as may be proper should not be taken. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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 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 an answer should be clearly marked as an "Answer to a Notice of Violation" and 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, 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 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) 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 facility.

FOR THE NUCLEAR REGULATORY COMMISSION


James Taylor, Deputy Executive Director
for Regional Operation

Dated at Bethesda, Maryland
This 9th day of October 1987

Florida Power and Light Company

Distribution

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