

APPENDIX A

Notice of Violation  
and  
Proposed Imposition of Civil Penalty

Florida Power and Light Company  
Turkey Point 3

Docket No. 50-250  
License No. DPR-31  
EA 81-22

Based on the inspection conducted on January 29, 1981, and in accordance with the Interim Enforcement Policy, 45 FR 66754 (October 7, 1980), this office proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954 as amended (42 USC 2282, P.K. 96-295) and 10 CFR 2.205 in the amount set forth below for the following violation:

10 CFR 50.54(k) states that an operator or senior operator licensed pursuant to Part 55 of this chapter shall be present at the controls at all times during operation of the facility. Technical Specification 6.8.1 requires that written procedures and administrative policies 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, Appendix "A" of USNRC Regulatory Guide 1.33; this includes plant operating procedures. Plant Operating Procedure 0103.2, "Responsibilities of Operators on Shift and Maintenance of Operating Logs and Records," states in Section 5.3.3 that the Nuclear Control Center Operator (NCCO) shall have an unobstructed view of and access to the control panels, including instrumentation displays and alarms. He shall not leave the Surveillance Area (Figure 1) for any non-emergency reason without obtaining a qualified relief. Section 5.3.4 states that a single operator shall not assume the NCCO responsibility for both units at the same time unless so directed and such action is in compliance with Technical Specification 6.2.2 or is necessitated by emergency conditions.

Contrary to the above, at about 11:45 a.m. on January 29, 1981, the NRC Resident Inspector observed Turkey Point Unit 3 operating at full power without an operator present at the controls. The assigned Unit 3 operator was in a room behind the Unit 4 instrument panels which precluded visually monitoring the Unit 3 reactor conditions. The room, although open to the control room, is outside the surveillance area specified in Plant Operating Procedure 0103.2. A qualified relief had not been obtained and an operator leaving the surveillance area was not necessitated by an emergency condition, nor was the Unit 4 operator directed to assume NCCO responsibilities for both units.

This is a Severity Level III Violation. Civil Penalty - \$40,000

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Pursuant to 10 CFR 2.201, Florida Power and Light Company is hereby required to submit to this office within 25 days of the date of this Notice a written statement or explanation including: (1) admission or denial of the alleged violation, (2) the reason for the violation if admitted, (3) corrective steps which have been taken and the results achieved, (4) corrective steps which will be taken to avoid further violations and (5) the date when full compliance will be achieved. Under the authority of Section 182 of the Atomic Energy Act as amended, this response shall be submitted under oath or affirmation.

Florida Power and Light Company, within 25 days of the date of this Notice, may pay the civil penalty in the cumulative amount of \$40,000 or may protest the imposition of the civil penalty in whole or in part by a written answer. Should Florida Power and Light Company fail to answer within the time specified, this office will issue an order imposing the civil penalty 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 (a) deny the item of noncompliance listed in the Notice of Violation in whole or in part, (b) demonstrate extenuating circumstances, (c) show error in the Notice of Violation or (d) 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. 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., giving 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, in particular, failure to answer and ensuing orders; answer, consideration by this office, and ensuing orders; requests for hearings, hearings and ensuing orders; compromise; and collection.

Upon failure to pay any civil penalty due which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, the 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 Atomic Energy Act of 1954, as amended (42 USC 2282).

FOR THE NUCLEAR REGULATORY COMMISSION

Victor Stello, Jr.  
Director, Office of Inspection  
and Enforcement

Dated at Bethesda, Maryland  
this 18th day of February, 1981