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. DRP-31 and DRP-41 EA 83-138

As a result of the inspection conducted on October 18-21, 1983, and in accordance with NRC Enforcement Policy, 10 CFR Part 2, Appendix C, violations of NRC requirements were identified.

On October 14, 1983, during the evening shift, work was being performed in the Unit 3 reactor containment in preparation for refueling activities. The reactor cavity was being filled with water as a prerequisite for the anticipated movement of fuel. Earlier, during the day shift, radiation protection supervision had anticipated the need to examine the reactor sump area when the cavity was filed because leaks in the seal between the reactor vessel and the cavity had been found in this location when this operation had previously been performed. The roving radiation protection technician in the containment had been provided with a key to the sump area by his supervisor, and had been admonished to only look in the door and not to enter the sump. This precaution was believed to be necessary because the retractable thimbles of the incore detection system were exposed in the sump and this resulted in high radiation levels being present, exceeding 50 rems/hr. However, the filling of the cavity did not take place on the day shift. When the shift personnel were changed, the on-coming technician received the key to the sump from the off-going technician, but he did not recall being told he was not to enter the sump.

When the cavity filling process began, another worker, a Shift Technical Advisor (STA), was sent into the containment to determine if there were leaks. By chance, he met the technician at the door to the reactor sump. The door was conspicuously marked with signs reading "EXCLUSION AREA, HIGH RADIATION AREA, STAY-OUT, RWP REQUIRED FOR ENTRY," but the two workers decided to open the door to determine if there was any leakage into the sump. Each worker had in his possession a dose-rate indicating instrument, which could detect radiation levels of up to 5 rems/hr.

The STA could not determine if leakage was occurring, so he decided to enter the sump. The technician descended the ladder approximately halfway and performed a radiation survey. The radiation levels measured were approximately 0.03 rems/hr. The technician allowed the STA to descend after setting the STA's instrument on the 0.5 rems/hr scale. The STA proceeded down the ladder into the sump and was followed by the technician. When the technician reached the bottom of the ladder, the STA was 6-8 feet toward the area under the reactor vessel. At that time the technician asked the STA what his instrument was reading. The STA replied that it was off-scale. The technician immediately told the STA to get out of the sump and both exited promptly.

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The STA then read his self-indicating pocket dosimeter and found it to be offscale (greater than 0.200 rems). The workers reported this event to Florida Power and Light radiation protection supervision. Subsequent evaluation of the STA's thermoluminescent dosimeter indicated that he had received 1.3 rems as a result of his entry into the reactor sump. The workers estimated that the time spent in the sump was less than one minute. A radiation worker with an appropriately established exposure history is permitted by 10 CFR 20.101 to receive up to 3 rems in a calendar guarter.

In accordance with the NRC Enforcement Policy, 10 CFR Part 2, Appendix C, and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205, the particular violations and associated civil penalty are set forth below:

A. Technical Specification 6.12 requires that a radiation work permit be issued for entries into a high radiation area (an area where the dose rate exceeds 0.1 rem per hour), that workers entering into high radiation areas possess a radiation monitoring device which continuously indicates the radiation dose rate in the area, and that entries into locked high radiation areas be controlled by locks with their keys maintained under administrative control.

Technical Specification 6.11 requires that procedures for radiation protection be prepared consistent with the requirements of 10 CFR 20 and be approved, maintained, and adhered to for all operations involving radiation exposure.

Plant Procedure 11550.2 (HP-2) prohibits entry by personnel into local radiation control areas until they comply with the precautions and limitations posted at the entry to the area.

Contrary to the above, on October 14, 1983,

- a radiation protection technician and a Shift Technical Advisor entered an area in Unit 3 where dose rates were in excess of 50 rems/hr and did not:
 - a. obtain a radiation work permit as required by Technical Specifications,
 - comply with precautions and instructions posted at the entry to a local radiation control area, and
 - c. possess a radiation monitoring device which continuously indicated the radiation dose rate in the area in that the instrument was incapable of measuring dose rates in excess of 5.0 rems/hr.

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- 2. the licensee did not:
 - a. maintain the keys to a locked high radiation area under adequate administrative control to preclude unauthorized entry, and
 - b. implement by procedure the requirement of Technical Specification 6.12 that a radiation work permit be issued for entries into a high radiation area. Instead, the established procedure permitted substitution of a radiation protection technician for a radiation work permit.

This is a Severity Level III violation (Supplement IV). (Civil Penalty - \$40,000).

B. Technical Specification 6.8 requires that written procedures be established, implemented and maintained that meet or exceed the requirements and recommendations of Appendix A of Regulatory Guide 1.33 and that each procedure be reviewed by the Plant Nuclear Safety Committee and approved by the Nuclear Plant Superintendent before implementation.

Regulatory Guide 1.33, Appendix A, states that plants should have procedures for the control of radioactivity, including procedures for spent resin and filter sludge handling and procedures for demineralizer resin replacement.

Contrary to the above, the procedure used to transfer radioactive resin from the spent fuel pool demineralizer to a temporary collection facility in the cask washdown area on October 18, 1983 had not been reviewed by the Plant Nuclear Safety Committee, nor approved by the Nuclear Plant Superintendent.

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

Pursuant to 10 CFR 2.201, Florida Power and Light Company is hereby required to submit to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555, with a copy to this office within 30 days of the date of this Notice a written statement or explanation, including for each alleged violation: (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) the corrective steps which will be taken to avoid further violations; and (5) the date when full compliance will be achieved. 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 in the amount of Forty Thousand Dollars (\$40,000) for the violation, or may protest 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, 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

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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 IV(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

James P. O'Reilly Regional Adminstrator

Dated at Atlanta, Georgia this 2nd day of February 1984