

SAFEGUARDS INFORMATION

FEB 11 1988

Docket Nos. 50-250 and 50-251
License Nos. DPR-31 and DPR-41
EA 87-179

Florida Power and Light Company
ATTN: Mr. C. O. Woody
Group Vice President
Nuclear Energy Department
P. O. Box 14000
Juno Beach, FL 33408

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES
(NRC INSPECTION REPORT NOS. 50-250/87-38, 50-251/87-38,
50-250/87-47, AND 50-251/87-47)

This refers to the Nuclear Regulatory Commission (NRC) inspection conducted by Mr. D. Thompson at the Turkey Point facility on August 24-28, 1987 and Ms. O. Masnyk on November 16-20 and 23-24, 1987. These physical security inspections included a review of records and reports, the security system power supply, compensatory measures, access control, and the physical protection of safeguards information. The reports documenting these inspections were provided to you by letters dated September 24 and December 16, 1987. As a result of these inspections, significant failures to comply with NRC regulatory requirements were identified, and accordingly, NRC concerns relative to the inspection findings were discussed during Enforcement Conferences held on October 28 and December 21, 1987. Letters summarizing these Conferences were sent to you on November 18 and December 31, 1987.

The violations described in Section I of the enclosed Notice of Violation and Proposed Imposition of Civil Penalties involved six failures to maintain positive access control. The first three of these violations involved the licensee's failure to control access of personnel to the protected area, to the Unit 4 containment personnel hatch, and to the Unit 3 containment equipment hatch. The fourth violation described in this Section of the enclosed Notice involved the reported event of a security officer admitting to sleeping while on duty, and the fifth violation involved the entry of an individual into the protected area without being issued a picture badge. This violation is significant because a guard force supervisor directed a member of the guard force to disregard security requirements. The last violation described in this Section involved a guard acting as a compensatory measure leaving his post.

These violations are indicative of a need for more aggressive management involvement to assure that each Florida Power and Light Company (FPL) employee

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who has a need to enter protected or vital areas is fully trained concerning the objectives and requirements of the security program and is made fully aware that security is the responsibility of all employees not just the security force. Additionally, the violations described in Section I of the enclosed Notice are similar to violations contained in notices sent to you by letters dated April 21 and July 28, 1987. Although we acknowledge that FPL has implemented a Security Enhancement Program, it has repeatedly failed to address current problems as evidenced by the repetitive nature of these violations and by number of violations in the area of access control. The security force members continue to demonstrate an inability to perform their security duties.

The violation described in Section II of the enclosed Notice involved the failure to properly mark, protect, and recognize safeguards information. This violation is of particular concern because the documentation collectively disclosed security systems for protection of safety-related vital equipment, physical security system vulnerabilities, and security force response actions and capabilities. Additionally, this violation demonstrates a lack of management knowledge of NRC requirements and an apparent weakness in employee training relative to the protection of safeguards information.

To emphasize the need for the guard force to implement the security program by strict adherence to their duties and responsibilities and for increased management review and attention to the protection of safeguards information, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Regional Operations, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalties in the amount of One-Hundred Fifty Thousand Dollars (\$150,000) for the violations described in the enclosed Notice. The violations described in the enclosed Notice have been categorized in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1987) (Enforcement Policy).

The violations described in Section I of the enclosed Notice involving six failures to maintain positive access control have been categorized in the aggregate as a Severity Level III problem. The base value of a civil penalty for a Severity Level III problem is \$50,000. The escalation and mitigation factors in the Enforcement Policy were considered, and the base civil penalty amount has been increased by one hundred percent due to your continued poor performance in the area of concern, to the repetitive nature of the violations, and to the number of violations in the area of access control.

The violation described in Section II of the enclosed Notice involving the failure to properly mark, protect, and recognize safeguards information has been categorized as a separate Severity Level III violation. The escalation and mitigation factors in the Enforcement Policy were considered, and no mitigation of the base civil penalty amount has been deemed appropriate for this violation.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. The repetitive nature of the violations

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described in Section I of this Notice and the failure of previous corrective measures to prevent them is of significant concern to the NRC, please give particular attention in your response to the identification of the root causes of these problems and your corrective actions to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790(d) and 10 CFR 73.21, safeguards activities and security measures are exempt from public disclosure; therefore, the enclosure to this letter will not be placed in the NRC Public Document Room.

The responses directed by this letter and its enclosure are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Should you have any questions concerning this letter, please contact us.

Sincerely,

J. Nelson Grace
Regional Administrator

Enclosure:
Notice of Violation and Proposed
Imposition of Civil Penalties
(Safeguards Information)

cc w/encl:
J. S. Odom, Vice President
Turkey Point Nuclear Plant
C. J. Baker, Plant Manager
Turkey Point Nuclear Plant
L. W. Bladow, Plant QA Superintendent
J. Arias, Jr., Regulatory and Compliance
Supervisor

bcc w/encl:
NRR/DRIS/SB

bcc w/o encl:
Document Control Desk (RIDS IE04), 016
NRC Resident Inspector
State of Florida

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 SECY
 CA
 ACRS
 JTaylor, DEDRO
 JNGrace, RII *
 JLieberman, OE
 RRosano, OE *
 LChandler, OGC
 Enforcement Coordinators
 RI, RII, RIII, RIV, RV
 FIngram, PA
 BHayes, OI
 SConnelly, OIA
 EJordan, AEOD
 FMiraglia, NRR
 OE File
 EA File
 DCS

<i>RR</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
OE	RII <i>2</i>	OGC	OE	DEDR
RRosano	JNGrace	LChandler	JLieberman	JTaylor
2/2/88	2/2/88	2/3/88	2/2/88	2/2/88

Handwritten notes: "tells from", "for", "tells from", "Melbourne", "it"

RII	RII	RII	RII
<i>JP</i>	<i>LR</i>	<i>GR</i>	<i>ML</i>
JPStohr	LR Reyes	GR Jenkins	ML Ernst
2/9/88	2/9/88	2/9/88	2/10/88

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