

JUL 12 1989

Docket Nos. 50-250 and 50-251
License Nos. DPR-31 and DPR-41
EA 89-125

Florida Power and Light Company
ATTN: Mr. C. O. Woody, Acting
Senior Vice President - Nuclear
Post Office Box 14000
Juno Beach, Florida 33408-0420

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Gentlemen:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NOS. 50-250/89-21 AND 50-251/89-21)

This refers to an NRC inspection conducted by A. Tillman on April 24-28, 1989. The inspection included a review of activities authorized for your Turkey Point facility. At the conclusion of the inspection, the findings were discussed with those members of your staff identified in the enclosed Inspection Report.

Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observation of activities in progress.

The inspection findings indicate that certain activities appeared to violate NRC requirements. The violations, references to pertinent requirements, and elements to be included in your response are described in the enclosed Notice of Violation.

The violations described in the enclosed Notice are repeat violations. In addition to the need for corrective action regarding the specific matters identified in the enclosed Notice, we remain concerned that previous corrective actions taken in response to earlier similar violations have allowed these violations to persist. Consequently, your response should describe those particular actions taken or planned to improve the effectiveness of your prior corrective actions which were taken in response to the previously identified violations.

The first violation described in the enclosed Notice involved sleeping guards and is similar to violations contained in Notices sent to you by our letters of April 21, 1987 (EA 87-040) and February 11, 1988 (EA 87-179) for which civil penalties were proposed. The second violation described in the enclosed Notice involved allowing an individual to gain access to a vital area without checking his security badge and is similar to violations contained in Notices sent to you by our letters dated July 28, 1987 (EA 87-098) and February 11, 1988 (EA 87-179) for which civil penalties were proposed. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1988) (Enforcement Policy), the violations described in the enclosed Notice have been categorized as Severity Level IV violations.

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JUL 12 1989

Severity Level IV violations are defined in the Enforcement Policy as being of more than minor significance which, if left uncorrected, could lead to a more serious concern. Because of your past performance, a letter from the NRC dated February 1, 1989, forwarding another Notice of Violation and Proposed Imposition of Civil Penalty advised you that a continuation of the past level of performance in security cannot be tolerated. We recognize that you have made substantial improvements in your security program since the last enforcement action including additional management changes. In addition, we recognize that these violations occurred before you completed all of the corrective actions that you undertook in response to that enforcement action. While we considered an additional civil penalty in view of the recurring nature of these violations, we have determined under the circumstances that a penalty is not warranted at this time to further emphasize the need for lasting improvement in your security program.

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. 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 enclosures to this letter with the exception of the report cover page, which presents a nonexempt summary, will not be placed in the NRC Public Document Room. In your response to this letter and Notice, you should place all Safeguards Information in an enclosure so as to allow your letter (without the enclosure) to be placed in the Public Document Room.

The response directed by this letter and its enclosures 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.

Sincerely,

151

Stewart D. Ebnetter
Regional Administrator

Enclosures:

1. Notice of Violation
(Safeguards Information)
2. NRC Inspection Report
(Safeguards Information)

cc w/encls: (See Page 3)

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Document transmitted herewith
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information. Do not disseminate from

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cc w/encls:

- K. N. Harris, Vice President
Turkey Point Nuclear Plant
- J. E. Cross, Plant Manager
Turkey Point Nuclear Plant
- L. W. Bladow, Plant QA Superintendent
- E. Lyons, Acting Regulatory and
Compliance Supervisor

cc w/Inspection Summary:
State of Florida

bcc w/encls:
NRR/DRIS/SB

bcc w/Inspection Summary:
G. E. Edison, Project Manager, Project
Directorate II-2, Division of Reactor
Projects, NRR
NRC Resident Inspector
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