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 FACIL: 50-250 Turkey Point Plant, Unit 3, Florida Power and Light C 05000250
 50-251 Turkey Point Plant, Unit 4, Florida Power and Light C 05000251
 AUTH. NAME: SAPORITO, T.J. AUTHOR AFFILIATION: Affiliation Not Assigned
 RECIP. NAME: STELLO, V. RECIPIENT AFFILIATION: Ofc of the Executive Director for Operations

SUBJECT: Requests suspension of Licenses DPR-31 & DPR-41 & imposition of civil penalty re safety & safeguards problems at plant.

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 TITLE: Request for NRR Action (e.g. 2.206 Petitions) & Related Correspondence

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Mr. Victor Stello, Jr.
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

April 25, 1989

FAXED & Certified
(P 982 346 224)

RE: 10 CRF 2.206 - Turkey Point Nuclear Stations
Dockets Nos. 50-250/50-251 Operating Licenses DPR-31 & DPR-41

Please be advised and officially informed as this letter represents formal notification to your office requesting specific actions pursuant to 10 CRF 2.206 (by your office) as delineated below and appropriately warranted as elaborated in the basis and justification text of this official petition.

SPECIFIC REQUEST:

Take immediate actions to cause the imposition of an escalated civil penalty.

Take immediate actions to cause the suspension of operating licenses DPR-31 and DPR-41.

Take immediate actions to cause an order to your licensee outlining the required steps and measures to be taken within a defined time frame to correct the numerous security and safeguards problems at the plant.

BASIS & JUSTIFICATION:

April 21, 1987...(EA 87-040) A civil penalty was proposed for numerous examples of access control violations. The civil penalty was escalated because of prior poor performance and prior notice based on internal reports of similar problems.

April 22, 1987...U.S. NRC News Release...The Nuclear Regulatory Commission staff has proposed a \$75,000 civil penalty against the Florida Power & Light Company for alleged noncompliance with NRC security requirements at the Turkey Point Nuclear Plant, located near Homestead, Florida.

The NRC said the action was taken after an NRC resident inspector found a security guard asleep at his post, and a second incident in which a NRC inspector from the agency's Region II office in Atlanta discovered a visitor without an escort in a vital area.

In a letter to the company, Dr. J. Nelson Grace, Administrator of the NRC's Region II office in Atlanta, said the violations were 'of particular concern' because reviews of records during subsequent inspections 'confirmed the occurrence of six additional instances of security personnel being found asleep and identified eight additional instances where visitors were discovered without an escort.' Grace called the company's attention to the repetitious nature of the violations, saying they demonstrate a lapse in management control and indicate an apparent weakness in the company's employee training for security at Turkey Point.

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PDR ADOCK 05000250
H PDC

BASIS & JUSTIFICATION:

June 1, 1987 - June 30, 1988...(SALP) Systematic Assessment of Licensee Performance...Weaknesses in the security program have continued to prevail in this SALP period as indicated by the number of violations.

Seven violations were identified during this rating period.

Severity Level III violation for failure to maintain positive access control, six examples:

failure to adequately control access to
the protected area;

failure to adequately control access to
the Unit 4 containment personnel hatch;

failure to adequately control access to
the Unit 3 containment hatch;

officer sleeping in defensive tower;

failure to adequately control access to
the protected area;

and an officer leaving a vital area
compensatory post without proper relief.

The violations continue to be repetitive in nature,

involving a failure of the guard force to implement
the security program,

an inability of security personnel and supervisors
to recognize violations and

a lack of management oversight.

These violations included escalated enforcement in the areas of

access control
compensatory measures
and the control of Safeguards Information.

BASIS & JUSTIFICATION:

June 1, 1987 - June 30, 1988...(SALP) continued from previous page.

Severity Level III violation for failure to recognize, properly mark and protect Safeguards Information.

Severity Level IV violation for inadequate protected area lighting.

Severity Level IV violation for inadequate search of vital area prior to revitalization.

Severity Level IV violation for inadequate compensatory measure.

Severity Level IV violation for inadequate protected area barriers.

Severity Level IV violation for inadequate vital area alarm testing.

S A L P RATING...3 for the reporting period.

July 28, 1987...(EA 87-089) a civil penalty was escalated because of continued poor performance, and we emphasized the continuing need for increased management involvement in oversight and control of the security program.

February 11, 1988...(EA 87-179) a civil penalty was proposed for access control violations. The civil penalty was escalated due to continued poor performance and the number of violations. In that letter, we noted that FPL's Security Enhancement Program had failed to adequately address the security problems at Turkey Point.

January 20, 1989...at 4:00 am a security guard was observed sleeping at her post.

February 1, 1989...\$100,000 Civil Penalty...This violation is significant in that it demonstrates a lack of awareness of vital areas and vital area boundaries by the security force and a lack of management oversight for security force operations. The base value of a civil penalty for a Severity Level III violation is \$50,000. The escalation and mitigation factors were considered, and the base civil penalty amount has been increased by 100% due to your continued poor performance in the area of security...you must clearly understand that a continuation of this level of performance cannot be tolerated...Should additional significant security violations occur, we intend to consider action in addition to civil penalties.

February 6-10, 1989...inspection...The violations described in the enclosed Notice are similar to violations contained in the Notice sent to you by our letter dated February 11, 1988. Because 'similar violations,' as described in the NRC Enforcement Policy, are of significant concern to the NRC, please give particular attention in your response to the identification of the root cause of these problems and your corrective action to prevent recurrence. We are concerned about the implementation of your security program that permits these repetitive violations to occur.

April 20, 1989...Licensee notified the NRC of a tower guard sleeping while on duty at the Turkey Point Nuclear Plant.

BASIS & JUSTIFICATION:

Because the voluminous inspection documentation and escalated civil penalties for violations in the areas of security and safeguards of which numerous violations in these areas were repetitive;

and because these escalated civil penalties have not been a deterrent that your licensee acknowledges to correct these poor performing areas;

and because of the continuing poor performance in the area of security and safeguards;

and because of the investigative security material which was FAXED to your NRC Region II office on 4/25/89 relating to Turkey Point;

I submit to you and the NRC Commissioners that immediate enforcement action beyond that which the NRC has (previously exercised in the form of escalated civil penalties), is justified and warranted as I believe that the Health and Safety of the Public is currently in jeopardy and will remain in jeopardy until the suspension of the Turkey Point Nuclear Plant Operating Licenses DPR-31 & DPR-41 occurs.

CONCLUSIONS:

I respectfully request a written response pursuant to 10 CFR 2.206 and in addition, I respectfully request my voice to be heard before the Honorable Nuclear Regulatory Commissioners in that I may apprise the Commissioners of the very grave conditions currently existing at the Turkey Point Nuclear Station.

Sincerely,



Thomas J. Saporito, Jr.
1202 Sioux Street
Jupiter, Florida 33458
(407) 747-8873

cc: U.S. President George Bush
U.S. Senator John Breaux
Congressman Dante B. Fascell
Governor Bob Martinez, Fl
U.S. NRC Region II, Oscar de Miranda
ALL MEDIA SOURCES

Thomas J. Saporito, Jr.
1202 Sioux Street
Jupiter, Florida 33458

CERTIFIED

P 982 346 224

MAIL

1 STELLA

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FL 334

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