

# CATEGORY 1

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 50-251 Turkey Point Plant, Unit 4, Florida Power and Light C 05000251  
 AUTH. NAME AUTHOR AFFILIATION  
 PLUNKETT, T.F. Florida Power & Light Co.  
 RECIP. NAME RECIPIENT AFFILIATION  
 Document Control Branch (Document Control Desk)

SUBJECT: Responds to NRC 970203-07 ltr re violations noted in insp  
 repts 50-250/97-02 & 50-251/97-02. Corrective actions:  
 IP-904 has been revised.

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FPL

MAR 28 1997

L-97-080  
10 CFR 2.201


U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D. C. 20555

Re: Turkey Point Units 3 & 4  
Docket Nos. 50-250/251  
Reply to Notice of Violation  
NRC Inspection Report 97-02

Florida Power & Light Company has reviewed the subject inspection report and, pursuant to 10 CFR 2.201, the required response is attached.

If there are any questions, please contact us.

Very truly yours,



T. F. Plunkett  
President  
Nuclear Division

CLM

Attachment

cc: Luis A. Reyes, Regional Administrator, Region II, USNRC  
T. P. Johnson, Senior Resident Inspector, USNRC, Turkey Point  
Plant

IEO11

9704040110 970328  
PDR ADOCK 05000250  
Q PDR





REPLY TO NOTICE OF VIOLATION

RE: Turkey Point Units 3 and 4  
Docket Nos. 50-250 and 50-251  
NRC Inspection Report 97-02

FINDING

"During an NRC inspection conducted on February 3-7, 1997, a violation of NRC requirements was identified. In accordance with the 'General Statement of Policy and Procedures for NRC Enforcement Actions,' NUREG 1600, the violation is listed below:

10 CFR 73.56(e) requires in part that each licensee implementing an unescorted access authorization program shall provide an employee the opportunity to provide additional relevant information and provide an opportunity for an objective review of the information on which a denial or revocation of access authorization was based.

Contrary to the above, on December 29, 1995, a Florida Power and Light employee was denied unescorted access and was not provided the opportunity to provide additional relevant information and was not provided an opportunity for an objective review of the information on which a denial or revocation of access authorization was based.

This is a Severity Level IV violation (Supplement III)."

RESPONSE TO FINDING

1. Florida Power & Light Company (FPL) concurs with the finding.

2. Reason for the violation:

FPL uses one appeal process for denial of access regardless of the reason, e.g., Fitness For Duty, Psychological reason, or adverse background screening. FPL believed that an adequate appeal process was provided through the bargaining unit grievance procedure. Upon further review, it was determined that certain aspects for denial of access notification were not clearly outlined in the grievance documentation. Specifically, the reason for denial and the appropriate offer of appeal of the denial decision were not adequately delineated in the grievance procedure documentation.

Section 3.0 of IP-904, "Nuclear Division Access Appeal Process," specifically stated that the procedure applied to all non-bargaining unit personnel, and bargaining unit employees shall follow their grievance procedures to appeal access denial decisions. Upon further review, it was determined that reliance on the grievance procedure to implement the requirements of the rule [10 CFR 73.56(e)] was not sufficient. The grievance procedure does not account for the tracking or verification of appropriate actions necessary to deny a bargaining unit employee access.

3. Corrective steps which have been taken and the results achieved:

The employee was informed by certified mail on March 19, 1997, that his access had been denied for failure to meet the psychological requirements of 10 CFR 73.56, with his right to appeal this decision by using the grievance procedure, as outlined in the Memorandum of Agreement (MOA) between FPL and the bargaining unit.



4. Corrective actions which will be taken to prevent further violations:

IP-904 has been revised to stipulate that all personnel denied unescorted access to the protected area, shall be informed in writing by a standard form. This form includes the reason for the denial, plus the right to appeal that decision. The form, and the general instructions on how to file an appeal, are attachments to IP-904.

5. The date when full compliance was or will be achieved:

The licensee achieved full compliance on March 19, 1997, when a letter was sent to the employee by certified mail informing him that his access had been denied, and he had the right to appeal that decision by using his grievance procedure, as outlined in the Memorandum of Agreement.