

CATEGORY 1

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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 AUTHOR AFFILIATION
PLUNKETT,T.F. Florida Power & Light Co.
RECIP.NAME RECIPIENT AFFILIATION
Document Control Branch (Document Control Desk)

SUBJECT: Responds to NRC ltr re violations noted in insp rept
50-250/97-12 & 50-251/97-12. Corrective actions: Emergency
Plan was revised to clarify requirement for drill between
biennial exercises IAW App E to 10CFR50.

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FPL

P O Box 14000, Juno Beach, FL 33408-0420

FEB 02 1998

L-98-015
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 a Notice of Violation 97-12-04

Florida Power & Light Company has reviewed the subject notice of violation 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: Regional Administrator, Region II, USNRC
Senior Resident Inspector, USNRC, Turkey Point Plant

9802130034 980202
PDR ADOCK 05000250
Q PDR



REPLY TO A NOTICE OF VIOLATION

RE: Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
NRC Inspection Report 97-12
Notice of Violation 97-12-04

"During an NRC inspection conducted on November 2 to December 13, 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:

- A. 10 CFR 50.54(q) specifies that a licensee authorized to possess and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards in 10 CFR 50.47(b) and the requirements in Appendix E to 10 CFR Part 50, and that the licensee may make changes to these plans without Commission approval only if the changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the standards in 10 CFR 50.47(b) and the requirements in Appendix E to 10 CFR Part 50.

Section IV.F.2.b of Appendix E to 10 CFR Part 50 was revised in 1996 to allow a licensee to conduct an exercise of its onsite emergency plan every two years instead of annually, and to specify that 'the licensee shall take actions necessary to ensure that adequate emergency response capabilities are maintained during the interval between biennial exercises by conducting drills, including at least one drill involving a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities.'

Contrary to the above, Revision 32 to the licensee's emergency plan decreased the effectiveness of the plan in that it did not address the requirement in Appendix E to conduct a drill between biennial exercises that would involve a combination of some of the principal functional areas of the licensee's onsite emergency response capabilities.

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

RESPONSE TO FINDING

1. FPL concurs with the violation.



2. Reason for the violation:

In August 1996, with the approval of Revision 30 of the Turkey Point Radiological Emergency Plan, a change was incorporated to Section 7.1.4.1, *Exercises (Integrated Drills)*. The intent of the change was to reflect a revision of Appendix E to 10 CFR Part 50, which changed the requirement for an annual evaluated exercise, to an evaluated exercise every two years. The Appendix E revision also required licensees to conduct a drill between biennial exercises (off-year drill) that would involve a combination of some of the principal functional areas of the licensee's emergency response capabilities. The requirement for an integrated drill, between biennial exercises, was not specifically stated in Section 7.1.4.1, of Revision 30 of the Emergency Plan, although Section 7.1.4 contained references for the conduct of an annual exercise.

Other mechanisms in place to prevent Turkey Point from missing the requirement to conduct an annual drill, as required by Appendix E, included:

- a) FPL letter L-96-309, dated November 25, 1996, to the NRC stated, "FPL recently established plans to increase the frequency of Emergency Preparedness drills at each plant to better ensure that participants have the opportunity to demonstrate their skills on an annual basis. This process will involve facility activation and operation drills approximately once each quarter. Any deviation from this schedule will require the approval of the President, Nuclear Division. These drills will provide FPL a greater opportunity for self-assessment, refine training needs, improve implementing procedures while allowing the ERO (Emergency Response Organization) members the opportunity to refresh their hands-on drill and exercise skills." As stated in NRC inspection report 97-12, "...the licensee had commenced a program of quarterly drills beginning in December 1996 (any one of which met the requirement for an off-year drill)."
- b) Turkey Point's commitment tracking system (CTRAC) contained action items to ensure that an annual Emergency Plan exercise, and quarterly drills were conducted.
- c) Revision 30 of the Emergency Plan, Section 7.1.4.5, *Communication Tests and Drills*, and Section 7.1.4.6, *Unannounced Drills*, referred to an annual exercise.
- d) Departmental directives continued to reference an annual exercise.
- e) Five exercises have been performed since Revision 30 of the Emergency Plan was issued in August 1996, each of which met the requirements for the off-year drill.



Two 10 CFR 50.54 reviews were conducted to determine if the changes made to the Emergency Plan would decrease its effectiveness. Neither reviewer recognized that the relaxation in evaluated exercise frequency did not adequately capture the off-year drill requirement added to Appendix E. Both reviewers had the mind set that the change being made was to reflect a change in the time frame of the evaluated exercise, and not a change to the actual drill and exercise program.

The root cause for this event was an inadequate review to determine if the changes made in Revision 30 of the Emergency Plan resulted in a decrease in effectiveness. The intent and conduct of the annual exercise was clearly met, but the program semantics were not clearly consistent with Appendix E to 10 CFR Part 50. Therefore this was technically a decrease in effectiveness of the Emergency Plan, in violation of 10 CFR 50.54(q).

Causal factors that contributed to this situation include:

- a) Multiple personnel were responsible for the Emergency Plan change, resulting in a lack of continuity in the change and review process.
- b) The review was done with the perception of changing the time frame for the evaluated exercise and not with the intent of changing the requirement for an annual exercise.
- c) Currently the 50.54 Screening Criteria Form (used to determine if changes decrease the effectiveness of the Emergency Plan) does not require the reviewer to justify responses to the questions.
- d) There is no independent review performed on the 50.54 Screening Criteria Form.

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

- a) The Emergency Plan was revised to clarify the requirement for a drill between biennial exercises that would involve a combination of some of the principal functional areas of emergency response capabilities, in accordance with Appendix E to 10 CFR Part 50.
- b) The reviewers responsible for the inadequate 10 CFR 50.54 review were counseled, and the Site Emergency Preparedness group has received awareness training on this issue.



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

- a) Add a note to department directive EP-AD-005, *Review and Approval of Emergency Plan, Recovery Plan and Emergency Plan Implementing Procedures*, emphasizing that one responsible individual should coordinate changes throughout the review and revision process of the Emergency Plan.
- b) Revise EP-AD-005 to require justification for responses marked to the 50.54 Screening Criteria Form.
- c) Revise EP-AD-005 to provide more guidance on the Emergency Plan change process, such as a more detailed screening/evaluation, and an independent review of the changes made.
- d) Revise EP-AD-005 to include instructions for attaching the completed 50.54 Screening Criteria Form to all future Emergency Plan review packages.
- e) A sample of prior revisions to the Emergency Plan and its implementing procedures will be reviewed, to ensure that compliance with the requirements of 10 CFR 50.54(q) was maintained.

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

Full compliance was achieved on February 2, 1998, when the Radiological Emergency Plan was revised to require an annual integrated exercise.