

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Florida Power Corporation
Crystal River Nuclear Plant
Unit 3

Docket No. 50-302
License No. DPR-72
EA 97-012

During an NRC inspection conducted during the period December 2 through 19, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, the NRC proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

A. Condition 2.D, Physical Protection, of Operating License Number DPR-72 states that Florida Power Corporation (FPC) shall maintain in effect and fully implement all provisions of the Commission approved Physical Security, Safeguards Contingency, and Guard Training and Qualification Plans.

- (1) Part I of the licensee's Physical Security Plan, Revision (Rev.) 6-13, dated June 20, 1996, "Introduction," states that written procedures are implemented and maintained to the detailed requirements necessary to implement the Security Plan for plant operations. In addition, Part I also states that the Physical Security Plan provides FPC's policy and commitment to meet the requirements of 10 CFR 73.55.

Contrary to the above, procedures were not implemented and maintained to the detailed requirements necessary to implement the Security Plan for plant operations as evidenced by the following examples:

- a. As of December 19, 1996, Site Security Procedure 205, "Alarm Station Operations," Rev. 13, dated January 14, 1994, failed to reflect current equipment and operational instructions for the newly installed security computer system for the Central and Secondary Alarm Station operators. The licensee failed to revise the procedure when the new Temporary Central Alarm Station and the Secondary Alarm Station were placed into operation on November 5, 1996.
- b. As of December 19, 1996, Site Security Procedure 303, "Compensatory Measures for Pre-Planned Maintenance," Rev. 2, dated July 28, 1995, failed to establish requirements such that in the event of a vital area door degradation, compensatory measures would not be reduced in effectiveness as defined in 10 CFR 73.55(g)(1). (01013)
- (2) Security Information Report 10551, dated September 27, 1997, "JC 6000 Alarm Response," an addendum to Site Security Procedure 205, "Alarm Station Operations," Rev. 13, dated January 14, 1994,

Enclosure

states that the general rule for all alarm station operators will be to respond to all alarms.

Section 6.1.1.1 of the licensee's Physical Security Plan, Rev. 6-13, provides that in the event of a partial alarm system failure the following compensatory measures will be taken: Provide continuous surveillance utilizing a dedicated observer monitoring the closed circuit television monitor and increase Protected Area patrols through use of an additional officer, or station a member of the security force at the inoperable alarm location.

Contrary to the above, on November 20, 1996, the Central and Secondary Alarm Station Operators failed to respond to an intelligent multiplexer alarm, which resulted in the perimeter intrusion detection system being inoperable for approximately two hours and 22 minutes. Additionally, the loss of protected area intrusion detection alarms was not compensated. (01023)

- (3). Section 6.4 of the licensee's Physical Security Plan, Rev. 6-13 states, in part, that monitors located in the Central and Secondary Alarm Station will automatically switch to the appropriate camera during a perimeter alarm to immediately display the area in alarm.

Contrary to the above, from November 5 to December 6, 1996, the licensee failed to have a system that would automatically switch to the appropriate camera to display the areas in alarm when two or more perimeter alarms were generated. (01033)

- (4). Section 3.1 of the licensee's Physical Security Plan, Rev. 6-11, states that the Protected Area is located within the Owner-Controlled Area and is enclosed by physical barriers.

Contrary to the above, on November 1, 1996, for approximately 12 hours and 35 minutes, the licensee failed to enclose the Protected Area in that a physical barrier was not established at the Circulating Water System. (01043)

- (5). Section 2.4.5. of the licensee's Physical Security Plan, Rev. 6-13, states in part that security equipment, to include weapons and ammunition is stored in a locked repository within the Protected Area.

Contrary to the above, from approximately early 1988 to December 18, 1996, weapons and ammunition stored within the Protected Area were not properly secured in a repository. Specifically, the roof of the repository allowed security equipment to be accessible to plant personnel. (01053)

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- B. 10 CFR 50.54(p)(2) states that the licensee shall maintain records of changes to the Plans made without prior Commission approval for a period of three years from the date of the change, and shall submit as specified in 10 CFR 50.4 a report containing a description of each change within two months after the change is made.

Contrary to the above, the licensee failed to comply with the requirements of 10 CFR 50.54(p)(2) as evidenced by the following examples:

- (1). On February 16, 1996, the licensee implemented Revision 6-10, of the Physical Security Plan; however, the NRC did not receive a report containing a description of the changes made in Revision 6-10 until May 17, 1996, a period in excess of two months; and
- (2). In July 1995, the licensee permanently removed the E-field perimeter intrusion detection equipment due to the implementation of the security upgrade project, which constituted a change to the Physical Security Plan, and failed to submit a report of the change to the NRC. (01063)

This is a Severity Level III problem (Supplement III).

Pursuant to the provisions of 10 CFR 2.201, the Florida Power Corporation (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the

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Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalties, and Answer to a Notice of Violation) should be addressed to: Mr. James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II and a copy to the NRC Resident Inspector at the Crystal River Nuclear Plant.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Atlanta, Georgia
this 28th day of February 1997