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 FACIL: 50-261 H. B. Robinson Plant, Unit 2, Carolina Power & Light C 05000261
 AUTH. NAME AUTHOR AFFILIATION
 UTLEY, E. E. Carolina Power & Light Co.
 RECIP. NAME RECIPIENT AFFILIATION
 LIEBERMAN, J. Ofc of Enforcement (Post 870413)

SUBJECT: Responds to NRC 871113 ltr re violations noted in Insp Repts
 50-261/87-06 & 50-261/87-17 & proposed imposition of civil
 penalty in amount of \$50,000, per Enforcement Action
 EA-87-124. Corrective actions: inadequate procedures denied.

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James Lieberman
NRC

CP&L

Carolina Power & Light Company

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DEC 17 1987

SERIAL: NLS-87-279
10CFR50.2

E. E. UTLEY
Senior Executive Vice President
Power Supply and Engineering & Construction

Mr. James Lieberman
Director Office of Enforcement
United States Nuclear Regulatory Commission
Washington, D. C. 20555

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2
DOCKET NO. 50-261
LICENSE NO. DPR-23
REPLY TO NOTICE OF VIOLATION AND ANSWER TO NOTICE OF VIOLATION

- REFERENCES:
1. Notice of Violation and Proposed Imposition of Civil Penalty, EA 87-124, Dated November 13, 1987
 2. NRC Inspection Report No. 50-261/87-17, July 15, 1987
 3. CP&L Response to NRC Inspection Report No. 50-261/87-06, July 10, 1987
 4. NRC Inspection Report No. 50-261/87-06, June 18, 1987
 5. Safety System Functional Inspection Special Report - Carolina Power & Light Company Follow-Up, Serial: RNPd/87-1760, Dated April 23, 1987.
 6. Safety System Functional Inspection Status Report - Carolina Power & Light Company Follow-Up, Serial: RNPd/87-1960, Dated May 8, 1987.
 7. Safety System Functional Inspection Status Report - Carolina Power & Light Company Follow-Up, Serial: RNPd/87-2506, Dated June 4, 1987.
 8. NRC Safety Evaluation Report, August 8, 1984.
 9. NRC Supplemental Safety Evaluation Report, November 21, 1985.

Dear Mr. Lieberman:

Pursuant to 10CFR2.201 and 10CFR2.205, please find enclosed Carolina Power & Light Company's (CP&L) response to Dr. J. N. Grace's letter of November 13, 1987 which enclosed a Notice of Violation (NOV) and Proposed Imposition of Civil Penalty (EA 87-124). The subject NOV related to CP&L's compliance with 10CFR50 Appendix R. On December 11, 1987, Mr. Paul Fredrickson approved an extension of the response date for this NOV to December 18, 1987. As directed in the NOV, CP&L's response is divided into two attached documents: the Reply to the Notice of Violation, responding to the alleged violations, and an Answer to the Notice of Violation, responding to the proposed civil penalty.

NRC's Safety System Functional Inspection (SSFI) and the results of CP&L's internal SSFI at the H. B. Robinson Plant have given us valuable insight into areas where additional improvements in our programs are possible and desirable. Carolina Power & Light

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NRC DCS
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Company is committed to resolving the issues and maintaining the necessary strong management attention and controls required to safely operate the Robinson Plant and to establish a record of continued improvement toward the goal of excellence in operations.

While we are conscious of the valuable lessons learned from critical self-evaluation, Carolina Power & Light Company continues to take exception to the subject violations as stated. We believe the information contained in this letter and its attachments demonstrate that CP&L complied with the requirements of 10CFR50 Appendix R, although some problems may have existed at the time of the SSFI. This information demonstrates that these problems do not involve "[a] system designed to prevent or mitigate a serious safety event not being able to perform its intended function under certain conditions," and thus should not be categorized as a Severity Level III violation pursuant to 10CFR2 Appendix C, Supplement I, Item C.2. The relevant facts demonstrate that the deficiencies involved were not violations of regulations or Technical Specifications. In the event NRC nonetheless concludes that violations occurred, these alleged violations would merit no more than a Severity Level IV violation (see 10CFR2, Appendix C, Supplement I, Item D.3).

In no instance does the NOV raise any issues that individually or collectively could have jeopardized the capability of the operating staff using established procedures to safely shut down the Robinson Plant. In fact, NRC Region II management acknowledged at CP&L's enforcement conference on June 26, 1987, and at the SALP Review Board meeting at Robinson Plant October 13, 1987, that the Plant could be safely shutdown as required. Since the capability to safely shut the unit down always existed, these alleged violations should not be classified a Severity Level III violation. If the NRC still considers that a violation occurred, when one compares the situation at the Robinson Plant with Severity Level III and IV violations of fire protection requirements alleged in previous Notices of Violation concerning other licensees, it is apparent that this alleged violation at the Robinson Plant should not be classified any higher than a Level IV. Furthermore, considering the Robinson Plant's good enforcement history in this area, as well as the actions in progress at the time of the inspection and immediately thereafter to resolve the NRC concerns, the associated civil penalty should be completely remitted.

Should you desire further clarification of the attached information, we would appreciate the opportunity to meet with you.

Very truly yours,


E. E. Utley

EEU/bmc (5352JSK)

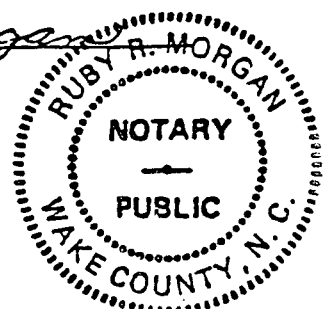
Attachments

cc: Dr. J. Nelson Grace
Mr. K. Eccleston
NRC Resident Inspector - RNP

E. E. Utley, having been first duly sworn, did depose and say that the information contained herein is true and correct to the best of his information, knowledge and belief; and the sources of his information are officers, employees, contractors, and agents of Carolina Power & Light Company.


Notary (Seal)

My Commission Expires: 11/27/89



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF ENFORCEMENT

CAROLINA POWER & LIGHT COMPANY)
(H. B. Robinson Steam Electric Plant,)
Unit 2))

DOCKET NO. 50-261
LICENSE NO. DPR-23
EA NO. 87-124

REPLY TO A NOTICE OF VIOLATION

Pursuant to 10CFR2.201, Carolina Power & Light Company (CP&L) hereby responds to the Notice of Violation (NOV) issued on November 13, 1987, in the above captioned enforcement action. The enclosed response is provided in three parts.

I. RESPONSE TO ISSUES RAISED IN NOTICE OF VIOLATION COVER LETTER

The thrust of the Nuclear Regulatory Commission's (NRC) Notice of Violation (NOV), as clarified by the Notice's cover letter, is that following turnover of the responsibility for the Appendix R compliance program from the Contractor to CP&L, CP&L's management controls allegedly allowed an apparent deterioration in the attention devoted to implementation of the Appendix R program. The asserted lack of attention, over approximately a two-year period, was alleged to be such that "It was unlikely that they (licensed operators) could have promptly accomplished the complex multiple local operations necessary for the safe shutdown of the plant under severe fire and loss of power conditions." Carolina Power & Light Company denies that this alleged lack of attention occurred and believes that the established management controls functioned to ensure that a process was in place for the safe shutdown of the plant in the event of a severe fire.

As noted in our previous correspondence responding to the Safety System Functional Inspection (SSFI) findings (Reference 3), a contractor developed the original Dedicated Shutdown Procedures (DSPs) and conducted the initial training classes. Neither 10CFR50, Appendix R, nor Technical Specifications require these procedures to be validated by a formal verification and validation program, and in particular, not at the level that was required of the Emergency Operating Procedures (EOPs) developed following the Three Mile Island accident. Although a formal, documented verification and validation was not performed, especially to the extent of that of the EOPs, the original DSPs were validated as was described in CP&L's previous correspondence, Reference 3. This validation, which took the form of procedure walkdowns by CP&L's Nuclear Engineering & Licensing Department and Plant Operations personnel responsible for procedure review and development, was enhanced by the walkdowns and comments of the licensed personnel trained during the initial training process.

In the NOV cover letter and in Inspection Reports 50-261/87-06 (Reference 4) at page 6 and 50-261/87-17 (Reference 2) at page 4, NRC erroneously described CP&L's original training process to have contained less than an hour of in-plant training on 12 procedures. In fact, the NRC references are contradictory and confusing regarding whether or not, and to what extent classroom and walkthrough training did occur.

Carolina Power & Light Company planned this original training program for three days duration with the morning of one day devoted to an in-plant walkdown. As CP&L conducted the training and improved the training techniques, approximately a one day time savings resulted. Thus, two days of DSP training was conducted with in-plant walkdowns occurring during one of those two days.

Contrary to the statements in Reference 4 at page 6, initial training on the DSPs was included in the Reactor Operator Training Class 86-1 and Senior Reactor Operator Training Class 86-1 in September 1986. The 1987 Reactor Operator and Senior Reactor Operator training classes received this training also. Retraining subject materials are determined based on 10CFR55 requirements and current plant training priorities. Although DSP retraining is not a specifically "required" item, it is included in a pool of material from which prioritized subjects are selected. Although requalification training on the DSPs was not conducted, it was considered for inclusion in the 1987 retraining program. It was removed from the program, however, to accommodate the use of licensed operators in the validation of the new Robinson Plant simulator. Thus, there is no basis for the NRC's implication in References 2 and 4 and the NOV that DSP initial training and retraining was ignored during the period between the initial contractor training and March 1987. In the future, CP&L will ensure DSP retraining is conducted, as appropriate in accordance with the retraining selection methodology.

Significantly, NRC evaluated the adequacy of the DSPs prior to the SSFL. During February 1985, as discussed in Reference 3, NRC conducted an Appendix R compliance audit prior to CP&L's committed compliance deadline. NRC's audit team identified five inspector follow-up items related to the draft DSPs. Following CP&L's resolution of these inspector follow-up items, CP&L considered the procedures to be adequate and no further reviews were required other than routine reviews due to modifications or the ANSI 18.7-1976 biennial review requirement. The biennial review of the DSPs implemented by Plant Operating Manual Procedure, AP-004, "Development Review and Approval of Procedures Revisions and Temporary Changes" was due by June 1, 1987 and may well have addressed some of the issues raised during the SSFL.

Reference 1 alleges that CP&L committed to immediately upgrade training and procedures, but that these alleged commitments were not met in that significant deficiencies in operator training and the ability to accomplish safe shutdown continued during the follow-up inspection on May 26-29, 1987. Carolina Power & Light Company had committed to upgrade procedures and training prior to power operation following completion of the refueling outage, not immediately as the NOV cover letter stated. The commitment to upgrade procedures and training prior to power operation was made in a meeting in the NRC Region II offices on April 15, 1987, and is documented in the overheads presented by CP&L at that meeting, as well as References 5, 6, and 7. The plant returned to power operation on June 16, 1987. Although procedure revisions had been made and procedure training had been conducted, the procedures were still in the draft stage and had not been finalized at the time of the follow-up inspection.

During the March 1987 SSFL inspection, the plant was shutdown for the 1987 Refueling Outage. Following the identification of the NRC DSP concerns during the inspection, CP&L recognized that additional procedure reviews and training were warranted. The plant staff members responsible for the DSP revisions understood the DSP revisions had to be completed prior to power operation.

The original DSP retraining conducted during the week of May 18, 1987 to support the then-planned unit start-up schedule was conducted using an Operations staff member involved in the DSP revision process. Use of members of the Operations staff as

supplemental instructors had been an accepted practice for exigent situations. With the information available at the time, CP&L determined that the approach used was proper. The technical issues identified during the DSP review process did not alter the fundamental approach CP&L took to satisfy the safe shutdown requirements of Appendix R. The retraining on the revised DSPs conducted during the week of May 18, 1987, informed the operators of these technical changes. It is CP&L's opinion that this training provided the operators sufficient information to continue to allow them to safely control the plant in the event of a fire emergency. The additional operator training conducted after the May 26-29, 1987, reinspection provided additional information to the operators, but much of it involved information beyond the operators' expected need as discussed in subsequent portions of this letter.

Carolina Power & Light Company acknowledges that some enhancements of the draft revised DSPs that NRC reviewed during the follow-up inspection on May 26-29, 1987 were still desirable. Carolina Power & Light Company's position is that these remaining enhancements could have been identified and corrected during the review and approval process for the revised DSPs, and that basing enforcement action on the status of draft procedures is inappropriate, especially since CP&L's committed deadline to complete these actions prior to power operation had not been reached. Significantly, CP&L Procedure AP-004 called for a biennial review of DSPs to be completed by June 1, 1987.

Finally, CP&L has had numerous occasions, both prior and subsequent to the SSFI, to address the adequacy of procedural development and implementation as a result of regulatory actions and major plant modifications. As a result of these activities, it is felt that the alleged violations are not symptomatic of a larger problem.

II. RESPONSE TO ALLEGED SEVERITY LEVEL III VIOLATION

STATEMENT OF ALLEGED VIOLATION

Although only one Severity Level III violation was alleged, for ease of discussion, CP&L has divided the NRC's statement of the violation into its various component parts.

The NRC's Notice of Violation states in part as follows:

- "I. 10 CFR 50.48 requires, in part, that the licensee implement fire protection features to assure fire protection of safe shutdown capability in accordance with Section III.G of 10 CFR Part 50, Appendix R. The licensee elected to install a dedicated shutdown capability pursuant to Section III.G of Appendix R and was required to do so by March 24, 1986. Section III.L.3 of Appendix R required the licensee to have procedures in effect to implement this shutdown capability.

Technical Specification 6.5.1.1.f requires that written procedures shall be established, implemented, and maintained for the Fire Protection Program.

Contrary to the above, the licensee failed to adequately establish, implement and maintain procedures to carry out the dedicated shutdown capability in the event of a fire in the control room. Specific examples of these failures include the following:

A. Failure to Establish Procedures

1. On March 24, 1987, plant operating procedures were not adequately established in that the procedure entry conditions were insufficient to ensure that Dedicated Shutdown Procedure (DSP) - 001, Hot Shutdown Using the Dedicated/Alternate Shutdown System, was entered only when required. In particular, the lack of decision points in the procedures may not preclude unwarranted de-energization of all AC power sources."

CP&L RESPONSE

1. Denial of Alleged Violation

CP&L denies the alleged violation.

NRC alleges: "Plant operating procedures were not adequately established in that the procedure entry conditions were insufficient to ensure that Dedicated Shutdown Procedure (DSP-001), Hot Shutdown Using the Dedicated/Alternate Shutdown Systems, was entered only when required."

However, DSP-001 (1985 version)¹ stated:

"This procedure is used to safely bring the reactor plant to a hot shutdown condition subsequent to a severe fire. The procedure will only be used if the extent of the fire induced damage precludes the use of the Emergency Operating Procedures Network to safely control the plant." (emphasis added)

NRC's November 21, 1985 Supplement Safety Evaluation Report (SSER) (Reference 9) accepted substituting the EOP network in lieu of specific symptom-based operating procedures. Considering the function and requirements of the EOP network and the above statement, it is clear that entry into DSP-001 (1985) was, in fact, sufficiently defined. Accordingly, enforcement action in this instance is not appropriate.

NRC further alleges "Lack of decision points may not preclude unwarranted de-energization of all AC power sources."

However, DSP-001 (1985) stated:

"The procedure utilizes the Dedicated Shutdown (DS) System components and manual (local) operations to achieve a safe hot shutdown condition. This procedure presupposes a loss of off-site power as a limiting condition. In the event that off-site power is not lost or is recovered during this procedure, the components operated in this procedure have their normal power removed to prevent spurious operations."

NRC's August 8, 1984 SER credited de-energization of major busses as a measure to prevent spurious operations from impacting safe shutdown and from causing

1 CP&L changed the enumeration of DSPs. Where applicable, reference to an earlier DSP is indicated by a parenthetical reference to the year of issue.

damage to other plant equipment (Reference 8). NRC Inspection Report No. 50-261/85-07 revealed two inspector concerns: spurious operation of the Emergency Diesel Generators and equipment running without loss of off-site power. Carolina Power & Light Company resolved these Inspector Follow-Up Items by determining that all AC power sources except for the DS diesel be de-energized initially and that restoration occur as possible following stabilization of the plant in hot shutdown and determination as to the extent of fire damage and completion of any needed repairs.

Therefore, DSP-001 (1985) included appropriate actions to comply with the requirements of Appendix R, the concerns of Inspection Report 50-261/85-07, and commitments made by CP&L, so that no violation of regulations occurred.

The DSPs (1985) were developed assuming realistic drastic conditions associated with a "worst case fire" that could not be controlled by using EOPs. An event of this magnitude does not afford one time to diagnose equipment malfunctions during the initial stages outside the EOP network or from the remote operating stations. Initial event decisions must be made prior to that time. The DSPs developed for Appendix R met Appendix R requirements and commitments made by CP&L. Carolina Power & Light Company maintains that the NRC staff previously accepted this methodology that is now found deficient and as such, this may constitute a backfit. This revised NRC opinion should not be a basis for enforcement action.

2. Reason for the Alleged Violation if Admitted

Not applicable.

3. Corrective Steps Taken and Results Achieved

DSP-001 (1985) consisted of diagnostics as well as required operator actions. As a result of inspector concerns, CP&L made enhancements to DSP-001 (1985). These enhancements consisted of separating the content of DSP-001 into two procedures; 1) DSP-001 Alternate Shutdown Diagnostic, 2) DSP-002 Hot Shutdown using the Dedicated/Alternate Shutdown System.

4. Future Corrective Steps

Carolina Power & Light Company has determined no future corrective steps are necessary for compliance; however, in the future, CP&L will ensure DSP retraining is conducted.

5. Date When Compliance Was Achieved

Because CP&L submits that no violation of Appendix R occurred and that procedures were adequately established, the Company has been and continues to be in compliance with regulatory requirements. The enhancements to the DSPs described above were completed June 6, 1987, prior to return to power operation from Refueling Outage 11.

STATEMENT ALLEGED OF VIOLATION

The NOV further states:

- "2. On March 24, 1987, the Dedicated Shutdown Procedures did not provide directions for controlling the AFW pump speed controller."

CP&L RESPONSE

1. Denial of Alleged Violation

Carolina Power & Light Company denies that this is a violation.

DSP-001 (1985) stated:

"Turbine Building Operator Actions

5.1.3 START the Steam Driven AFW Pump by performing the following steps:

1. Manually OPEN steam supply valve V1-8A to start the Steam Driven AFW Pump. V1-8A is located at the MSIV platform in the Turbine Building.
2. Manually THROTTLE OPEN the Steam Driven AFW Pump discharge valve V2-14A to supply feedwater to SG-A using the manual handwheel adjacent to the Secondary Control Panel. Control SG-A level between 65% and 85% WR by throttling V2-14A.
3. ADJUST Steam Driven AFW Pump speed using the knurled knob on the speed controller at the pump as necessary throughout this procedure."

Carolina Power & Light Company assumes that this alleged violation is based on the procedure not specifically identifying the direction to adjust the knurled knob (clockwise or counter clockwise) depending on whether a pump speed increase or decrease is desired, so that an operator purportedly would not know how to control the pump speed. OST-202 (monthly) "Steam-Driven Auxiliary Feedwater System Component Test" is performed by Operations personnel who are familiar with routine system operation. This procedure requires the operator to use the knurled knob on the Steam-Driven AFW Pump Speed Controller. Carolina Power & Light Company considers that inclusion of specific instructions as to how to adjust the pump speed "as necessary" is not a failure to adequately establish procedures, but is within the skill and training of an operator. In any event, manipulation of the knurled knob is not a required action to control steam generator level. Steam Generator level control can be accomplished solely by pump discharge valve adjustment. As such, the requirement to adjust the steam driven AFW pump speed with the knurled knob had been deleted from the EOPs, but the DSPs had not yet been revised. Since this was an optional statement in DSP-001, enforcement action based on it is not appropriate.

2. Reason for the Alleged Violation if Admitted

Not applicable.

3. Corrective Steps Taken and Results Achieved

Although no corrective action was necessary, as an enhancement, the optional statement for AFW speed control was removed from the DSP which achieves consistency with the revised EOPs. This change could well have been revised during the biennial review required in June 1987.

4. Future Corrective Steps

No future corrective steps are necessary for compliance.

5. Date When Compliance Was Achieved

Because CP&L submits that no violation of Appendix R has occurred, the Company has been and continues to be in compliance with regulatory requirements.

STATEMENT OF ALLEGED VIOLATION

The NOV further states:

"3. On March 24, 1987, DSP-011, contained an incorrect cable routing diagram for the repair of the PORV control power."

CP&L RESPONSE

1. Denial of the Alleged Violation

This statement is correct, but CP&L denies that this is a violation of a regulatory requirement. Carolina Power & Light Company had recognized the need for a revised diagram as a result of a change to the doorway into the Auxiliary Building prior to the SSFI team's arrival. The walls installed in place of the doors had penetrations installed to accommodate the cable on the same route formerly allowed by the doors. Measures were in progress to upgrade this procedure, to the extent that the diagram depicting the corrected routing was complete at the time of the SSFI.

2. Reason for the Alleged Violation if Admitted

Not applicable.

3. Corrective Steps Taken and Results Achieved

The DSP has been revised to include the revised diagram. As shown on the attached diagrams, the cable routing is essentially the same. The only difference is that the cable must pass through two wall penetrations that are located in the proximity of the previously used doors. The original required cable length did not change. Since DSP-011 is not required to achieve hot shutdown, it is performed after additional personnel become available, six to eight hours after the fire to proceed to cold shutdown. Since the Emergency Response Organization (ERO) would be available prior to performing this procedure, having an incorrect diagram should have had no adverse consequences.

4. Future Corrective Steps

No future corrective steps are necessary for compliance.

5. Date When Compliance was Achieved

Carolina Power & Light Company submits that it was in compliance and continues to be in compliance in this regard. The procedure was updated to incorporate the corrected diagram on June 1, 1987 and, thus, reflects the completed change.

STATEMENT OF ALLEGED VIOLATION

The NOV further states:

- "4. On May 26-29, 1987, DSP-007 did not provide (1) specific acceptance criteria for parameters related to control and verification, (2) charts and tables required for performing necessary calculations and evaluations, and (3) the locations for local valves and breakers which were required to be operated."

CP&L RESPONSE

1. Denial of Alleged Violation

CP&L denies that this is a violation of regulations or Technical Specifications.

Implementation of DSP-007, "Cold Shutdown Using the Dedicated/Alternate Shutdown System," would occur six to eight hours after the fire. A fire of the magnitude to require use of DSP-007 would also require the activation of the Emergency Response Organization (ERO). Activation of the ERO provides additional resources, management, operations, and craft personnel to monitor, assess and evaluate plant conditions, repair equipment, and make recommendations for the continued safety of the Plant.

With respect to the concerns about specific acceptance criteria for parameters related to control and verification, DSP-007 provides specific parameters related to a controlled cooldown and depressurization of the Reactor Coolant System. When the control parameters are followed as described, acceptable operations criteria are met and no additional acceptance criteria are required.

With respect to the inspector's concern about charts and tables required for performing necessary calculations and evaluations, CP&L notes that data of this sort was and is incorporated by reference, and is available for use when needed (6-8 hours post fire with the plant in hot shutdown and stable). It is CP&L's practice to include this type of information by reference, therefore, no violation occurred. The EOP network incorporates the same type of information by reference.

Regarding the concern about providing the location for local valves and breakers which were required to be operated, CP&L's practice has been to list component identification within procedures. The specific location of components is shown on plant drawings and is not typically included in procedures because plant drawings are readily available to the plant staff when needed.

2. Reason for the Alleged Violation if Admitted

Not applicable.

3. Corrective Steps Taken and Results Achieved

In an effort to be responsive to inspector concerns, additional copies of charts and tables have been placed at the appropriate remote shutdown stations. This is considered an enhancement since sufficient time would exist to make the needed material available from one of many resources on site.

4. Future Corrective Steps

No future corrective steps are necessary.

5. Date When Compliance Was Achieved

CP&L submits that no violation of Appendix R or Technical Specification occurred and that procedures were adequately established. The Company has been and continues to be in compliance with regulatory requirements.

STATEMENT OF ALLEGED VIOLATION

The NOV further states:

B. Failure to Implement Procedures

- "1. As evidenced during the walkdown of DSP-002 and DSP-007 on May 26-29, 1987, the licensee's employees failed to properly implement procedures to demonstrate dedicated shutdown capability. The personnel observed by the NRC could not readily locate essential valves and breakers; locate necessary repair equipment such as cables and instruments; locate security keys and access required areas; locate or properly utilize required charts and tables associated with the procedures; and were unfamiliar with specific setpoints and requirements such as minimum boron concentration or the steam generator water level high band."

CP&L RESPONSE1. Denial of Alleged Violation

Carolina Power & Light Company denies this alleged violation.

This appears to allege a five-fold concern relating to two independent procedures: 1) inability to locate essential valves and breakers, 2) inability to locate repair equipment, 3) inability to locate security keys and access areas, 4) inability to locate and use associated required charts and tables, 5) unfamiliarity with specific setpoints and requirements.

None of the three operators involved with NRC's walkdown of DSP-002 recall having any difficulty with walking the inspectors through this procedure or having difficulty locating any equipment or any other of the noted items. Thus CP&L maintains that the charges above are unfounded with respect to DSP-002.

DSP-007 is a procedure used to achieve cold shutdown which would not begin to be implemented until six to eight hours after a fire. The NRC inspectors gave the operators involved in the walkdown the impression that DSP-007 needed to be accomplished without delay and without assistance from any other personnel or resources not in the procedure. Plant Emergency Procedure PEP-101, "Initial Emergency Actions" indicates that "any fire which could potentially affect vital, safety-related OR ESF equipment" would require an Alert to be declared (emphasis added). This would require the Emergency Response Organization to be called out and activation of the Technical Support Center and the Operations Support Center. In addition, "any fire that a) impairs the operability of any safety-related train OR vital equipment, b) causes the inability to shutdown the Plant, c) causes the inability to fight the fire" would require a Site Emergency to be declared requiring activation of the Emergency Operations Facility. Therefore, additional personnel and resources would be available to support the operators, unlike the situation created when the the NRC Inspector accompanied the operators during the DSP walkdown. The ERO would be in place several hours before DSP-007 would be implemented.

Specifically, the alleged violation stated that:

Personnel observed by the NRC:

"1. Could not readily locate essential valves and breakers."

This leads one to believe that several of the operators involved were unable to locate the valves and breakers. This statement is misleading. Only one operator could recall being unable to identify the location of a specific valve or breaker. That operator acted properly in admitting that he was unsure, and he appropriately pursued verifying the location with available resources. Upon reviewing a drawing, the operator confirmed the valve location. One operator's inability to recall the location of certain valves does not constitute a programmatic failure to implement procedures. Under this particular procedure, time would be available for the operator to consult other personnel or references to locate equipment. Carolina Power & Light Company believes it is inappropriate for the NRC to impose unrealistic limitations in its walkthrough scenarios or prohibit use of resources reasonably expected to be available.

The NOV also alleges that personnel NRC observed could not readily:

"2. Locate necessary repair equipment such as cables and instruments."

Carolina Power & Light Company does not require operators to memorize the storage locations for post-fire repair equipment. Repair for cold shutdown is not necessary until six to eight hours after a fire, prior to which sufficient support personnel would be available to obtain and transport the repair equipment from the warehouse to the Plant. NRC recognized and approved this methodology in NRC's August 8, 1984 SER (Reference 8), pages 2, 16, and 21.

The NOV also alleges that personnel NRC observed could not readily:

"3. Locate security keys and access required areas."

The implementation of DSPs uses the following philosophy regarding locked area/component access control. Procedures addressing immediate actions (i.e., DSP-002, "Hot Shutdown Using the Dedicated/Alternate Shutdown System") designate the keys required, their storage location, and provide instructions regarding when they are used. For those DSPs used for longer term actions (generally greater than one hour) normal key control is used.

The operators who participated in the NRC walkdowns could recall no concern about gaining access to a locked room. The only indication that this was an NRC concern was when one CP&L operator recalled being asked what he would do if he were not able to obtain a key for access and repairs were being seriously delayed. The operator indicated that access could be gained by destruction of the door hardware if necessary under extreme emergency conditions.

The NOV also alleges that personnel NRC observed could not readily:

"4. Locate or properly utilize required charts and tables associated with the procedures."

The only operator who recalled knowledge of this concern during the NRC walkdowns had thought this information was included with the DSP. When asked by NRC where he could obtain copies of charts and tables he responded properly. As noted above, sufficient time (6 to 8 hours) would be available to take the above action in an actual event.

The NOV also alleges that personnel NRC observed:

"5. Were unfamiliar with specific setpoints and requirements such as minimum boron concentration or the steam generator water level high band."

Carolina Power & Light Company does not require operators to memorize specific parameters and setpoints which are readily available in procedures and reference material. Indeed reliance on memory for this type of information would make procedural errors more likely. Emphasis is placed on having a procedure available to properly guide operators especially when several hours are available to conduct the procedure.

2. Reason for the Alleged Violation if Admitted

Not applicable.

3. Corrective Steps Taken and Results Achieved

Carolina Power & Light Company believes that corrective steps were not necessary as a violation did not exist.

4. Future Corrective Steps

No future corrective steps are necessary for compliance; however, in the future CP&L will ensure DSP retraining is conducted as appropriate in accordance with the retraining selection methodology.

5. Date When Compliance Was Achieved

Because CP&L submits that no violation of Appendix R or Technical Specifications occurred and that procedures were adequately implemented, the Company has been and continues to be in compliance with regulatory requirements.

STATEMENT OF ALLEGED VIOLATION

The NOV further states as follows:

- "2. On March 24-25, 1987, the implementation of DSP-001 was not adequate in that the necessary communication between operating stations could not be accomplished. The portable radio system, the only communication system available under this DSP, could not provide communications essential to the dedicated shutdown evolutions and coordination."

CP&L RESPONSE

1. Denial of Alleged Violation

Carolina Power & Light Company recognizes that radio communications required during dedicated shutdown at the time of the inspection were not up to previous demonstrated capability. However, CP&L denies that a violation of regulations or technical specifications occurred. The acceptability of the portable radio system as it existed in 1985 was determined based on testing. This testing revealed a few areas in the Auxiliary Building where radio communications were weak, but it was determined by moving around that communications were possible. Since this system was the same radio system that the operators used for daily operation, they were familiar with this condition.

The statement "the portable radio system, the only communication system available under this DSP, ..." is considered by CP&L to be misleading. It is true that portable radios are the only practical means of communication available during approximately the first one-half hour of the event, due to the three operators involved moving between component locations. However, once these local manipulations are completed, one operator is stationed at the charging pump room local control panel, one is stationed at the turbine building mezzanine local control panel, and one is stationed at the dedicated shutdown diesel remote control panel located in the 4160 volt switchgear room. A sound-powered phone system exists between these three locations. Thus, another potential communications system could be available to the operators once the local actions have been completed. This system could be used to coordinate the activities of the three operators to maintain the plant in stable hot shutdown.

2. Reason for Alleged Violation

Not applicable.

3. Corrective Steps Taken and Results Achieved

CP&L had recognized the desirability of an enhancement of radio communications capability for normal operations as well as for dedicated shutdown prior to SSFI. CP&L evaluated possible alternatives for upgrading these communications. Of the alternative upgrades, it was determined that the previous Robinson Plant Security

Radio System, which was being replaced during a major security system modification, would provide a cost-effective, adequate solution to fulfill the portable radio communications needs. In November 1986, CP&L applied to the FCC for the appropriate license to allow Operations to use the system. A new FCC license was required because the original use of the Security Radio system had changed. Since SSFI raised the level of concern associated with communications, CP&L accelerated its actions required to implement this "new" system. The FCC issued the license to CP&L on April 24, 1987. The new system includes a repeater which has been shown by testing to provide significantly improved radio communications throughout the plant.

Carolina Power & Light Company took additional corrective actions following the SSFI and the follow-up inspection, including annotation of the DSPs with a note in the procedure where communication problems may occur should the radio system repeater become inoperable.

4. Corrective Steps That Will Be Taken To Avoid Further Violation

Although CP&L denies that a violation occurred, as stated in Reference 3, the power supply for the repeater will be moved to the DS Bus by December 1987, obviating the concern about a fire in the vicinity of MCC 5, the present power supply.

5. Date When Full Compliance Will Be Achieved

Carolina Power & Light Company denies that noncompliance occurred. However, as an enhancement to the communications capability, the repeater power supply will be relocated as noted above.

III. RESPONSE TO ALLEGED SEVERITY LEVEL IV VIOLATION

STATEMENT OF ALLEGED VIOLATION

The NOV states as follows:

"10 CFR Part 50, Appendix R, Section III.J, requires, in part, that emergency lighting units with at least an eight-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto."

"Contrary to the above, on March 24-25, 1987, emergency lighting units were not provided in several areas needed for operation of safe shutdown equipment. These areas included the dedicated shutdown diesel enclosure and local operating panel, and the auxiliary feedwater (AFW) local control area. Subsequent reviews by the licensee noted additional dedicated shutdown areas where emergency lighting was nonexistent, inadequate, or improperly directed and also noted a large number of emergency lights and battery packs out for maintenance."

CP&L RESPONSE

1. Denial in Part of Alleged Violation

This appears to allege a violation with three aspects: 1) no lighting in the dedicated shutdown diesel enclosure and local operating panel, 2) no lighting

at the auxiliary feedwater (AFW) local control area, and 3) nonexistent, inadequate or improperly directed lighting for additional dedicated shutdown areas.

Carolina Power & Light Company believes that the first two aspects of the alleged violations are unfounded in that Appendix R requirements were not violated. This is substantiated by Inspection Report 50-261/85-07 and our July 10, 1987 response to Inspection Report 50-261/87-06.

- a) Emergency lighting not provided in the dedicated shutdown enclosure and local operating panel.

As previously described (see Reference 3), Appendix R does not require analyzing for a fire and a single failure (i.e., diesel generator trip). The dedicated shutdown diesel is started and operated remotely from the 4 kV switchgear room. This was recognized as acceptable in the August 8, 1984 SER (page 9) and supported by Inspector Report 50-261/85-07, hence no violation exists for this area.

- b) Emergency lighting not provided for AFW local control area.

Although actions in this area were possible, re-evaluation has confirmed that action in this area is not necessary. Action in this area is not required by the safe shutdown analysis or basis for Appendix R compliance, hence no violation of Appendix R existed.

- c) Subsequent licensee reviews noted additional dedicated shutdown areas where emergency lighting was nonexistent, inadequate, or improperly directed and also noted a large number of emergency lights and battery packs out for maintenance.

Carolina Power & Light Company agrees with this as stating a violation in part of Appendix R requirements. A re-evaluation of lighting for safe shutdown was performed as a result of the SSFI. This re-evaluation indicated that lighting was not provided in every area needed for one of the original procedures. This noncompliance was not specifically identified in either inspection report. Also, as a result of procedure changes resulting from inspector concerns, additional lighting was installed. This lighting was installed prior to start up. The NOV statement that lighting was inadequate or improperly directed is clearly based on a subjective opinion, which is not an appropriate basis for enforcement action. As for lighting being in need of repair, Appendix R does not specify the time frequency of testing nor time allowed or required for return to service. Operations Surveillance Test Procedure OST-640, "Self-Contained DC Emergency Lighting System" (semiannual) requires that adequacy of emergency lighting be verified semiannually. This procedure was performed on May 7, 1987 and the previous testing was conducted November 27, 1986. Maintenance work requests were processed for repair of lighting, and repairs were completed prior to startup as committed.

2. Reasons for the Alleged Violation if Admitted

The violation was a result of inadvertent oversight during the original review of emergency lighting.

3. Corrective Steps Taken and Results Achieved

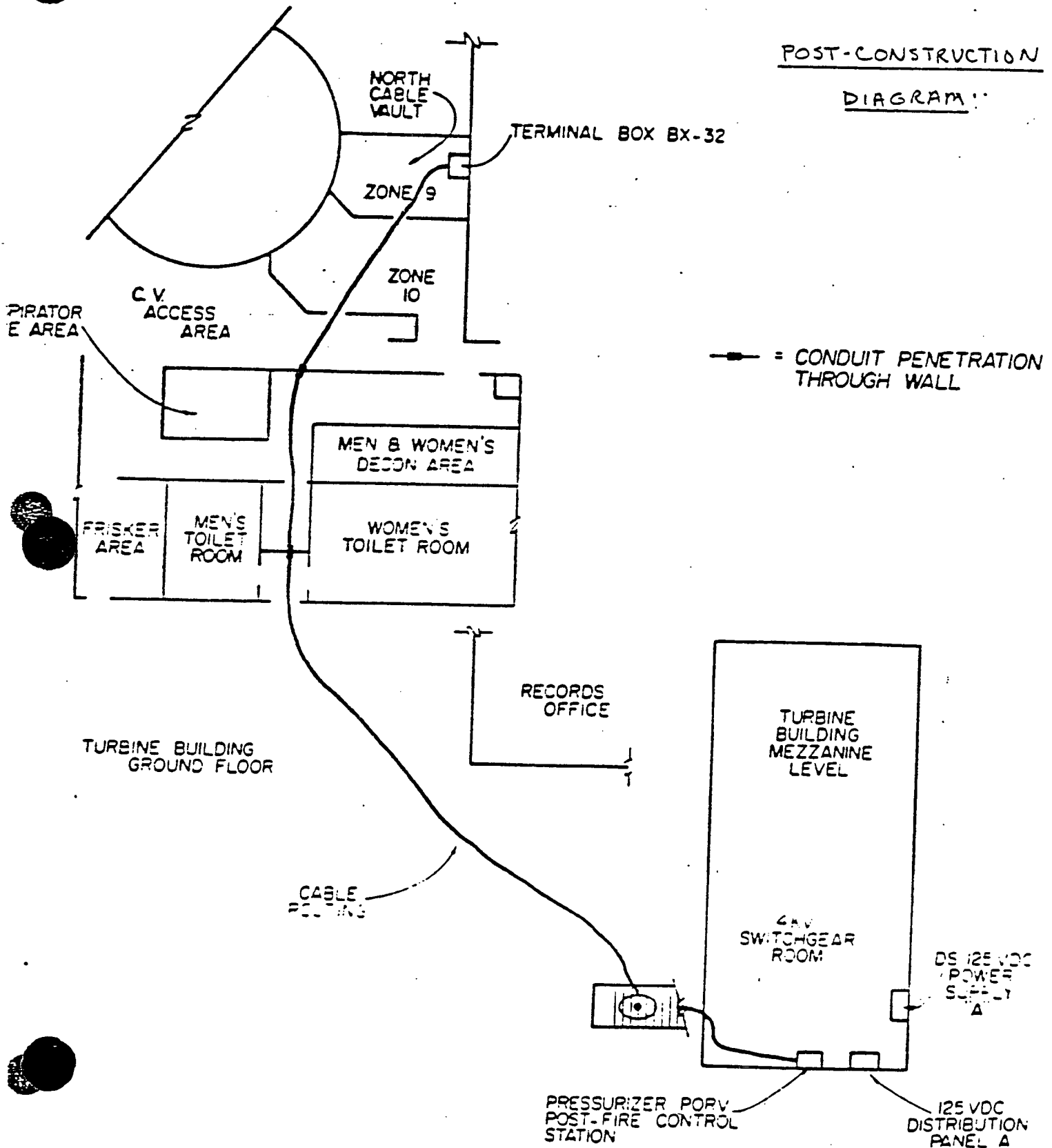
Eight-hour battery-powered lighting was added where found deficient to support operator actions required in the original procedure.

4. Future Corrective Steps

Carolina Power & Light Company is not aware of any future corrective measures needed for compliance.

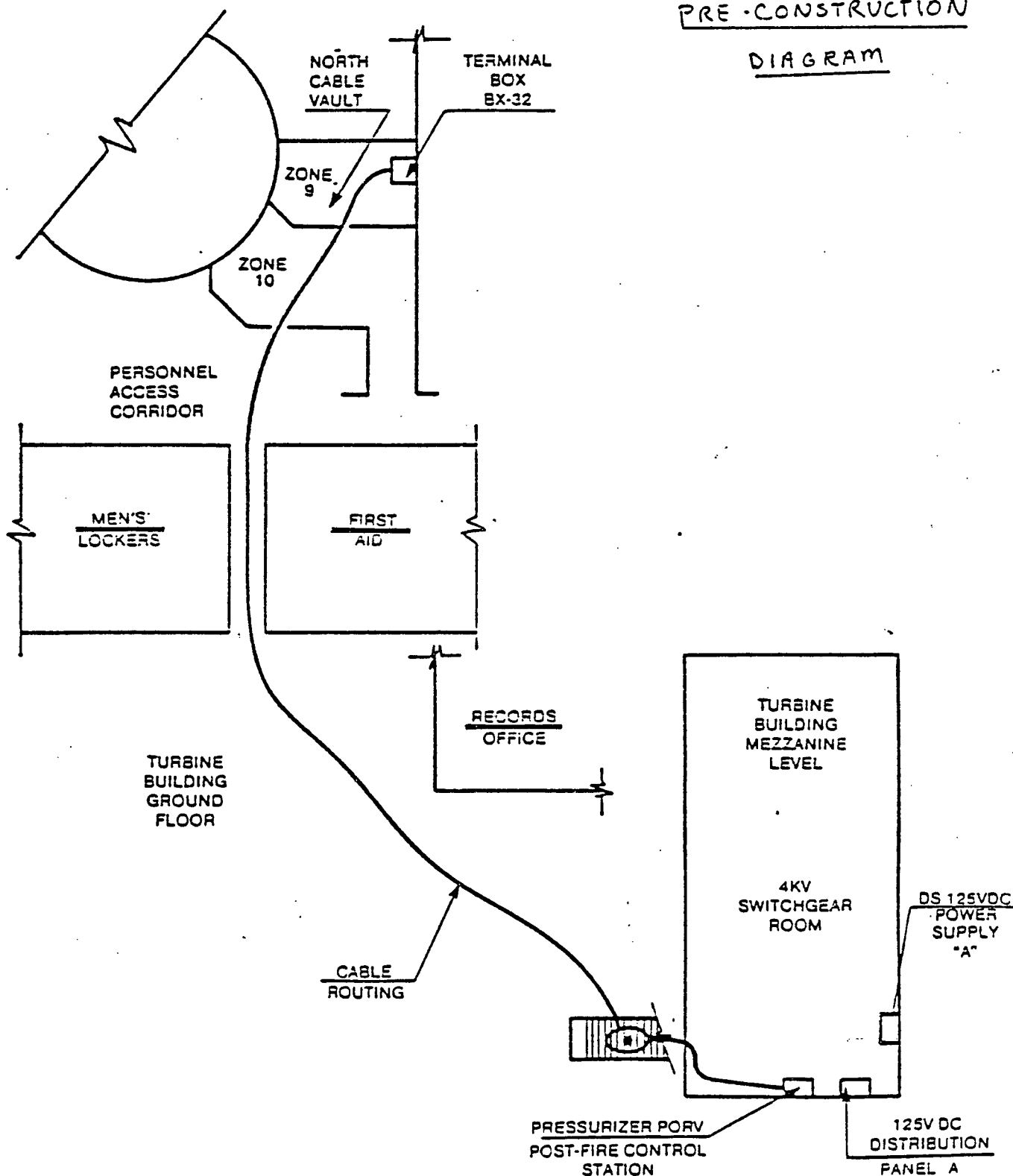
5. Date When Compliance was Achieved

Compliance was achieved prior to return to power operation as committed.

CABLE ROUTING PRESSURIZER PORV POST-FIRE CONTROL STATIONPOST-CONSTRUCTIONDIAGRAM:

CABLE ROUTING PRESSURIZER PORV
POST-FIRE CONTROL STATION

PRE-CONSTRUCTION
DIAGRAM



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
OFFICE OF ENFORCEMENT

CAROLINA POWER & LIGHT COMPANY
(H. B. Robinson Steam Electric Plant,
Unit 2)

) DOCKET NO. 50-261
) LICENSE NO. DPR-23
) EA NO. 87-124
)

ANSWER TO A NOTICE OF VIOLATION

Pursuant to 10CFR§2.205, Carolina Power & Light Company (CP&L) hereby responds to the proposed imposition of civil penalty issued on November 13, 1987 in the captioned enforcement action. The staff has proposed a \$50,000 civil penalty against CP&L for an alleged Severity Level III violation of 10CFR Part 50, Appendix R and Technical Specifications.

As set forth below, CP&L urges the staff to mitigate in full the proposed civil penalty.

1. Denial of the Alleged Violation

For the reasons set forth in the corresponding sections of CP&L's Reply to a Notice of Violation, incorporated by reference herein, CP&L denies that a violation of Appendix R or the Technical Specifications occurred as alleged. Accordingly, the proposed civil penalty should be withdrawn.

2. Extenuating Circumstances

Should the NRC disagree with CP&L's denial of the alleged violation of Appendix R and the Technical Specifications, CP&L submits that there are extenuating circumstances present that justify mitigating in full the proposed civil penalty. First, in accordance with 10CFR2 Appendix C, Part V.B.3, CP&L is entitled to a 100 percent reduction of the civil penalty because of the Robinson Plant's prior good performance in the fire protection area. Specifically, the Robinson Plant received "Category 2" SALP report ratings in the two most recent SALP reports, which covered May 1, 1984 through October 31, 1985 and November 1, 1985 through June 30, 1987. Furthermore, the Robinson Plant has not previously been issued any violations involving fire protection.

Second, in accordance with 10CFR2 Appendix C, Part V.B.2, CP&L should not be penalized because of the corrective action taken to prevent recurrence. Carolina Power & Light Company submits that in Reference 1 (the letter transmitting the November 13, 1987 NOV at page 2), the NRC has mischaracterized CP&L's corrective action as inadequate. As explained in the attached Reply, CP&L's corrective action to upgrade the operators' familiarity with the DSPs was sufficiently prompt and effective in that CP&L satisfied its commitment to retrain the operators prior to power operation.

Accordingly, CP&L should receive 100 percent mitigation of the proposed civil penalty because of its prior good performance in fire protection and because its corrective action was indeed adequate, satisfying CP&L's commitment regarding retraining.

3. Error in the Notice

Carolina Power & Light Company submits that the information provided in the attached "Reply to a Notice of Violation" demonstrates that the specific issues alleged in this Notice of Violation do not involve "[a] system designed to prevent or mitigate a serious safety event not being able to perform its intended function under certain conditions," and, thus, should not be categorized as a Severity Level III violation pursuant to 10CFR2 Appendix C, Supplement I, Item C.2. The facts discussed in the attached Reply demonstrate that the alleged deficiencies involved no more than an alleged Severity Level IV "[f]ailure to meet regulatory requirements that have more than minor safety or environmental significance," as stated in 10CFR2 Appendix C, Supplement I, Item D.3. In no instance has NRC raised any issues that individually or collectively could have jeopardized the capability of the operating staff using established procedures in safely shutting down the Robinson Plant. In fact, it was recognized by NRC Region II management at CP&L's enforcement conference on June 26, 1987, and at the SALP Review Board meeting at Robinson Plant October 13, 1987, that the Plant could be safely shutdown as required. Since the capability to safely shut the unit down always existed, this alleged violation should not be classified a Severity Level III violation.

If the NRC still considers that a violation occurred, when one compares the situation at the Robinson Plant with Severity Level III violations of fire protection requirements alleged in previous Notices of Violations concerning other licensees, it is apparent that this alleged violation at the Robinson Plant should not be classified any higher than a Level IV. For example, on June 15, 1987 the NRC issued an NOV to Pennsylvania Power & Light Company for an alleged Severity Level III violation of 10CFR Part 50, Appendix R, § III.G at the Susquehanna Plant. This violation involved the licensee's alleged failure to provide adequate fire protection features for systems necessary to achieve and maintain hot shutdown. According to the NRC, the Susquehanna fire hazard analysis was based on improperly rated fire barriers. Specifically, the licensee allegedly did not conform to one of the four alternatives listed in §§ III.G.2 and III.G.3, which require at least one redundant train of equipment cabling and associated circuits necessary to achieve and maintain hot shutdown conditions from either the control room or the emergency control stations to remain free from fire damage.

Another example of a recent severity Level III fire protection enforcement action is the NRC's June 15, 1987 NOV to Vermont Yankee Nuclear Power Corporation for an alleged Severity Level III violation of 10CFR Part 50, Appendix R, §§ III.G.1, III.G.2, and III.G.3. The Staff concluded that the licensee had failed to implement any of the four alternative fire protection methods specified in §§ III.G.2 and III.G.3 in that it did not assure that one redundant train of equipment and/or cable necessary to achieve and maintain hot shutdown would remain free of fire damage. The Staff concluded that the licensee's alleged failure to upgrade its fire protection features to Appendix R indicated a breakdown in its efforts for assuring compliance with NRC requirements.

As a final example of a recent fire protection enforcement action, on June 15, 1987 the NRC issued an NOV to Public Service Electric & Gas Company for an alleged Severity Level III problem regarding three alleged violations of 10CFR Part 50, Appendix R at the Salem Nuclear Generating Station. The first violation resulted from the licensee's alleged failure to implement any of the four fire protection methods specified in §§ III.G.2 and III.G.3 to assure that one redundant train of equipment and/or cable necessary to achieve and maintain hot shutdown remains free from fire damage. The second violation resulted from the licensee's alleged failure to assure that systems necessary to achieve and maintain cold shutdown be capable of repair within 72 hours as required by § III.G.1.b. The third violation resulted from the licensee's alleged failure to provide one of six fire protection options required by § III.G.2 for redundant trains of systems necessary to achieve and maintain hot shutdown conditions for equipment located inside noninerted containments.

Carolina Power & Light Company's submits that each of the three above-described enforcement actions involved substantially more safety-significant alleged violations of Appendix R than is alleged in this Notice of Violation involving the Robinson Plant. Particularly in light of the further factual information submitted in the attached Reply, the alleged violation at Robinson is simply not as safety-significant as the alleged redundant train separation violations described above that were classified at Severity Level III. Carolina Power & Light Company submits that the proposed Severity Level III violation alleged in the Robinson Plant NOV is more comparable to the two Severity Level IV violations that the NRC identified at Florida Power & Light Company's St. Lucie, Unit 2 in NOV dated May 22, 1985. Specifically, Region II cited that licensee for: 1) procedural errors in an Emergency Operating Procedure for alternate shutdown that allegedly isolated a reactor coolant charging path relied upon for make-up water; and 2) the allegedly belated issuance and implementation of an alternate shutdown procedure. The NRC classified each of these alleged violations at Severity Level IV. To ensure consistency in fire protection enforcement actions, CP&L submits that should the NRC continue in its belief that CP&L has violated fire protection requirements at the Robinson Plant, then the proposed Severity Level III violation should be reclassified no higher than Severity Level IV.

4. Other Reasons Why a Civil Penalty Should Not be Imposed

Carolina Power & Light Company submits that a civil penalty should not be imposed because of the lack of clarity in and evolving nature of the NRC's fire protection requirements. The resulting potential for confusion in Appendix R was one of the bases that the NRC relied on in declining to impose civil penalties even for Severity Level III violations in the three above-described fire protection enforcement actions involving Susquehanna, Vermont Yankee, and Salem. While the additional basis in those enforcement actions for declining to impose a civil penalty—a significant passage of time between the inspection and the enforcement action—is not present in the present situation involving the Robinson Plant, other significant facts compensate for this. That is, the Robinson Plant's approach in the draft DSPs was accepted by the NRC Appendix R audit team in 1985. Furthermore, as stated in Generic Letter 86-10's "question and answers" concerning fire protection requirements, the NRC has issued no guidance on such procedures. Accordingly, lacking any objective standards on which to evaluate the Robinson Plant's procedures, the present subjective NRC disagreement concerning the DSPs is not an adequate basis for enforcement action.

The SSFI conducted by the NRC and the results of CP&L's internal SSFI at the Robinson Plant have given the Company valuable insight into areas where additional improvements in our programs are possible and desirable. Carolina Power & Light Company does not believe that the presence of room for improvement means that the Robinson Plant's fire protection program violated NRC requirements, however. Furthermore, even without considering whether any violation occurred, in view of the lack of clear, objective standards for compliance, CP&L believes no civil penalty should be imposed.