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MAY 24 1995

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SERIAL:BSEP 95-0235
10 CFR 2.201

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

BRUNSWICK STEAM ELECTRIC PLANT, UNIT 2
DOCKET NO. 50-324/LICENSE NO. DPR-62
REPLY TO A NOTICE OF VIOLATION

Gentlemen:

On April 25, 1995, the Nuclear Regulatory Commission (NRC) issued a Notice of Violation for the Brunswick Steam Electric Plant, Unit 2. The basis for the alleged violation is provided in NRC Inspection Report 50-324/95-05. Enclosure 1 provides Carolina Power & Light Company's response to the Notice of Violation in accordance with the provisions of 10CFR2.201.

Inspection Report Nos. 50-325/95-05 and 50-324/95-05 also indicated the licensee had agreed with the inspector's conclusion that the root cause related to diesel start times was a human performance issue rather than the hardware problems. CP&L has reviewed the evaluation of the root cause and reverified that the root cause was hardware and not human performance.

Please refer any questions regarding this submittal to Mr. G. M. Thearling at (910) 457-2038.

Sincerely,



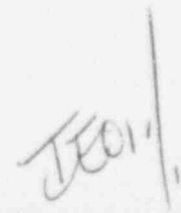
Roy A. Anderson

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Enclosures

1. Reply to Notice of Violation
2. List of Commitments



cc: Mr. S. D. Ebnetter, Regional Administrator, Region II
Mr. D. C. Trimble, NRR Senior Project Manager - Brunswick Units 1 and 2
Mr. C. A. Patterson, Brunswick NRC Senior Resident Inspector
The Honorable Hugh Wells, Chairman of the N.C. Utilities Commission

ENCLOSURE 1

BRUNSWICK STEAM ELECTRIC PLANT, UNITS 1 and 2
NRC DOCKET NOS. 50-325 & 50-324
OPERATING LICENSE NOS. DPR-71 & DPR-62
REPLY TO NOTICE OF VIOLATION

VIOLATION:

"During the Nuclear Regulatory Commission (NRC) inspection conducted on March 4-31, 1995, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

Technical Specification 4.0.2 requires that each surveillance requirement be performed within the specified time interval with a maximum allowable extension not to exceed 25 percent of the interval.

Technical Specification 4.1.3.3 requires Technical Specification 3.1.3.3 be proven at times specified in Technical Specification 4.1.3.2.

Technical Specification 4.1.3.2.c requires testing for ten percent of the control rods, on a rotating basis, at least once per 120 days of operation.

Contrary to the above, a successful surveillance of record for the ten percent sample of control rods for Technical Specification 3.1.3.3 was not completed prior to the expiration of the 120 day plus 25 percent grace period after the surveillance of May 21, 1993. The next successful surveillance of record for the ten percent sample was completed January 23, 1994.

This is a Severity Level IV violation (Supplement I) applicable to Unit 2 only."

RESPONSE TO VIOLATION:

Admission or Denial of Violation

Carolina Power & Light denies this violation

Reason for Denial

Surveillance Requirement 4.1.3.2 states:

The maximum scram insertion time of the control rods shall be demonstrated through measurement:

- c. For 10% of the control rods, on a rotating basis, at least once per 120 days of operation.

The ACTION requirements of Technical Specification (TS) 3.1.3.2 state:

With the maximum scram insertion time of one or more control rods exceeding 7.0 seconds, operation may continue and the provisions of Specification 3.0.4 are not applicable provided that:

- a. The control rod with the slow insertion time is declared inoperable,
- b. The requirements of Specification 3.1.3.1 are satisfied, and
- c. If within the preset power level of the RWM, the requirements of Specification 3.1.4.1.d are also satisfied, and
- d. The Surveillance Requirements of Specification 4.1.3.2.c are performed at least once per 92 days when operation is continued with three or more control rods with slow scram insertion times;

Otherwise, be in at least HOT SHUTDOWN within the next 12 hours.

On October 3, 1993, periodic scram time testing of 10% of the Unit 2 control rods was performed in accordance with Surveillance Requirement 4.1.3.2.c. Fourteen rods were scram time tested, satisfying the 10% Surveillance Requirement of TS 4.1.3.2.c.

As a result of this testing, the resultant 5% insertion core average time was 0.360 seconds, which is greater than the 0.358 seconds allowed by TS 3.1.3.3. Five control rods were declared inoperable, were fully inserted, and disarmed in accordance with TS 3.1.3.1.b.1.c requirements to return the 5% insertion core average time to 0.355 seconds.

Technical Specifications applicable for inoperable control rods, Reactivity Control Systems, Control Rods (TS 3/4.1.3), contains no requirement for additional control rod tests should any of the sampled control rods result in the average scram insertion time requirements being exceeded. In addition, the Control Rod Operability specification 3.1.3.1.c allows for up to eight control rods being inoperable before other action is required due to the potential for a generic problem. CP&L's position is that following the discovery of inoperable control rods any additional test expansion requirements would be explicitly stated if required, such as occurs in TS 4.7.5.e.1 Plant Systems, Snubbers.

CP&L performed the October 3, 1993 10% sample surveillance, within the required rotational period (120 days), and determined that five control rods had insertion times that brought the average insertion times to values that did not meet the LIMITING CONDITION FOR OPERATION (LCO) for TS 3.1.3.3 and 3.1.3.4. The ACTION statements for these specifications were evaluated and appropriate actions were taken, by declaring the five limiting control rods inoperable and taking the actions required by TS 3.1.3.1.b for these control rods. This restored the average insertion times to within the LCO requirements. The scram solenoid pilot valve exhaust diaphragms associated with the affected rods were repaired, post maintenance tested, and returned to service. CP&L proactively scram time tested an additional 10% of the control rods to ensure the problem was bounded, independent of the surveillance of record requirements. These additional control rods met the scram insertion time requirements of TS 3.1.3.2.

CP&L's position is that once 10% of the rods are sampled for determining maximum insertion times, the surveillance is the valid surveillance of record, and remains so until updated within 120 days by the next performance of this surveillance. Per TS 4.0.3, performance of the surveillance within the specified time interval constitutes compliance with OPERABILITY requirements for the subject LCOs. The appropriate actions allowed by the LCO ACTION statements were taken. The findings of the surveillance did not invalidate the fact that this performance met the surveillance interval requirements. Identified limiting conditions were acted upon within the requirements of the specifications' Action statement.

Post maintenance testing following repairs is a standard industry practice that augments the last routine surveillance of record, insuring that, for equipment being restored to an Operable status the required portions of the TS surveillance remain current. Individual control rod problems that require repair and subsequent post maintenance scram time testing would not result in requiring a 10% sampling, and therefore an additional 10% surveillance of record for averaging insertion times should not be necessary if a failure is detected during the periodic surveillance of record. CP&L does not believe these two cases are required to be treated differently. Generic concerns are addressed by the requirements for more than eight inoperable control rods in TS 3.1.3.1.c. CP&L maintains a data base to calculate the latest valid average scram insertion test values. The scram insertion data collected from the post maintenance testing of control rods that are ready to be declared operable is averaged with the latest data from the rest of the reactor core's control rods. This insures the average scram insertion times used reflect the latest control rod conditions after repairs and that they meet the requirements of the LCO. CP&L therefore believes no violation of the Technical Specifications occurred.

In Summary:

The October 3, 1993, surveillance tested the required 10% control rod sample.

The results when averaged did not meet the requirements for TS 3.1.3.3 and 3.1.3.4. The TS Action statement requirements were properly implemented, resulting in the average scram times for Operable control rods being restored to allowable values.

Repairs were performed on the most limiting control rods and the appropriate post maintenance TS surveillances were performed to demonstrate their individual Operability requirements.

The post maintenance test data was integrated with the previous control rod data and used to calculate a current average control rod scram times that demonstrated compliance with TS 3.1.3.3 and 3.1.3.4.

As there is no TS surveillance requirement to initiate testing of a new 10% sample group, CP&L complied with the TS surveillance requirements.

Date When Full Compliance Will Be Achieved

Carolina Power & Light is in full compliance.

ENCLOSURE 2

LIST OF REGULATORY COMMITMENTS

The following table identifies those actions committed to by Carolina Power & Light Company in this document. Any other actions discussed in the submittal represent intended or planned actions by Carolina Power & Light Company. They are described to the NRC for the NRC's information and are not regulatory commitments. Please notify the Manager-Regulatory Affairs at the Brunswick Nuclear Plant of any questions regarding this document or any associated regulatory commitments.

Commitment	Committed date or outage
None	