



## Florida Power

CORPORATION  
Crystal River Unit 3  
Docket No. 50-302

August 26, 1996  
3F0896-19

U. S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, D. C. 20555-0001

Subject: Notice of Violation (NRC Inspection Report No.50-302/96-06)  
NRC to FPC letter, 3N0796-21, dated July 26, 1996

Dear Sir:

In the subject Inspection Report, Florida Power Corporation (FPC) received a Notification of Violation (NOV) concerning boric acid additions to the reactor coolant system, operating the plant in a configuration different than described in the Final Safety Analysis Report (FSAR), an untimely report to the NRC and a surveillance procedure that did not initially meet the acceptance criteria. Please note that FPC has denied the violation concerning operating the plant in a configuration different than described in the FSAR. Our justification for this denial and our response to the remaining violations are attached.

Sincerely,

G. L. Boldt  
Vice President  
Nuclear Production

GLB/RLM

cc: Regional Administrator, Region II  
NRR Project Manager  
Senior Resident Inspector

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FLORIDA POWER CORPORATION  
NRC INSPECTION REPORT NO. 50-302/96-06  
REPLY TO A NOTICE OF VIOLATION

VIOLATION 50-302/96-06-02

10 CFR 50, Appendix B, Criterion V, Instructions, Procedures, and Drawings, states that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

Contrary to the above, on June 23, 1996, following a boric acid addition to the reactor coolant system, licensee operators flushed the boric acid addition lines with demineralized water without specific procedural guidance requiring that a flush be performed.

ADMISSION OF THE ALLEGED VIOLATION

Florida Power Corporation (FPC) accepts the violation.

REASON FOR THE VIOLATION

The reason for the violation was an inadequate procedure. OP-402, "Makeup and Purification System", contained instructions for adding boric acid to the reactor coolant system, but did not specifically state that a Demineralized Water (DW) flush must be performed following the addition of high concentration boron.

CORRECTIVE STEPS THAT HAVE BEEN TAKEN AND THE RESULTS ACHIEVED

OP-402 was revised on July 2, 1996 to ensure that a flush is performed after boric acid additions. These changes provide specific procedural guidance for determining when a flush is required and the methodology for performing the flush.

CORRECTIVE STEPS THAT WILL BE TAKEN TO AVOID FURTHER VIOLATIONS

No additional corrective actions are considered to be required for this violation.

DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

Full compliance was achieved on July 2, 1996, with the revision to OP-402.

VIOLATION 50-302/96-06-04

10 CFR 50.59(a)(1) states that a licensee may make changes to the facility as described in the safety analysis report, without prior NRC approval, unless the proposed change involves an unreviewed safety question. 10 CFR 50.59(b)(1) requires that the licensee maintain records of changes in the facility, made in accordance with 10 CFR 50.59. These records must include a written safety evaluation, which provides the bases for the determination that the change does not involve an unreviewed safety question.

Contrary to the above, on July 2, 1996, it was determined that the plant had been operating with a vital battery charger configuration different than that described in the FSAR without performing a safety evaluation to determine that the change did not involve an unreviewed safety question.

#### ADMISSION OF THE ALLEGED VIOLATION

Florida Power Corporation (FPC) denies the violation.

#### REASON FOR THE DENIAL

The reason for denial is that FPC believes the NOV is not consistent with other NRC guidance concerning the applicability of 10 CFR 50.59.

Recent NRC guidance on the issue raised in this violation is contained in the "Action Plan for Improvements to 10 CFR 50.59 Implementation and Oversight," dated April 15, 1996, from James M. Taylor, Executive Director for Operations, to Chairman Jackson. The question of applicability of 10 CFR 50.59 in situations where a licensee discovers that the facility does not conform in some respect with the FSAR or Technical Specifications, similar to the issue raised in this violation, is addressed in Attachment 1, pages 9-10 of the Staff's action plan. For such "unplanned" changes, the Staff acknowledges that the role of 10 CFR 50.59 is "less clear" and cites the guidance contained in NRC Generic Letter 91-18, "Information To Licensees Regarding Two NRC Inspection Manual Sections On Resolution Of Degraded And Nonconforming Conditions And On Operability", dated November 7, 1991. The Staff further states (page 9) (emphasis added):

[t]he safety assessment of the "change" is the operability determination and appropriate resulting actions. The condition then must be "dispositioned," in accordance with 10 CFR Part 50 Appendix B, Criterion XVI, "Corrective Action" in a time frame commensurate with the safety significance of the deviation and the bases of the operability determination. A licensee may choose to restore the facility to the SAR condition, make other changes (compensating actions) to the facility to satisfy the corrective action requirements, or revise the SAR to reflect the new "as-found" condition. These latter two options require review to determine if the proposed changes meet the 50.59 criteria for allowed changes.

An issue that has arisen with respect to nonconforming conditions is the time frames in which the corrective actions and 50.59 evaluations should be performed (given that a determination of operability has been made). The staff has generally accepted the position that 50.59 reviews are not required for temporarily accepted nonconformances that will be restored to their original configuration.

n/: If the nonconforming condition is (promptly) restored "as described in the SAR", it may reasonably be argued that no "change" has occurred. Long-term operation with such a nonconforming condition would suggest that the condition is a "change" that should be evaluated.

The NRC Staff statements above are supported by the guidance contained in Generic Letter 91-18, Enclosure 1 (degraded conditions), sections 4.3.1 and 4.3.2, pages 2-3. In general, the design and operation of a facility are to be consistent with the facility's licensing basis and that, if applicable, 10 CFR Part 50, Appendix B requires prompt action to correct or resolve degraded or nonconforming conditions. Licensees may change the facility design as described in the FSAR in accordance with 10 CFR 50.59 in an effort to resolve a degraded or nonconforming condition and satisfy the corrective action requirements of Appendix B. Alternatively, licensees may restore the affected equipment to its original design.

In this instance, the facilities' spare battery chargers were declared inoperable and logged in the equipment out of service log prior to entering MODE 4 on May 4, 1996. At that time, an administrative clearance was issued to ensure it was clear the spare chargers were INOPERABLE for MODES 1-4 and the condition was logged as such in the Shift Supervisor logbook. This was also stated in LER 96-12, issued May 13, 1996. On July 2, 1996, the Resident Inspector questioned compliance with the FSAR description of the spare chargers. It was explained that Technical Specifications were being complied with, the spare chargers were declared inoperable and prompt corrective action was being taken to replace the inoperable chargers, therefore, no 10 CFR 50.59 evaluation was required for this temporary condition per the above discussion. LER 96-12 also stated that the spare chargers would be replaced by July 31, 1996. A subsequent issue on vendor qualification testing caused a one week delay and as of August 7, 1996, both spare battery chargers had been replaced with fully qualified, class 1E battery chargers.

Accordingly, FPC requests that the subject violation be withdrawn. We believe that neither 10 CFR 50.59 nor other NRC guidance on this issue supports a position that any discrepancy between the FSAR facility description and the facility itself automatically equates to a violation of 10 CFR 50.59 if the nonconforming condition was not accompanied by a licensee evaluation to determine whether an unreviewed safety question exists. Further, a violation based on 10 CFR 50.59 requirements under these circumstances, when the applicable Technical Specification, GL 91-18, and 10 CFR 50, Appendix B, guidance was met would tend to give increased legal significance to descriptive information in the facility FSAR.

The inspector recognized in the inspection report the absence of any safety concerns from operation with the discrepant spare battery charger configuration and the compliance with Technical Specifications. Since the NRC and the industry are presently reviewing this question as a significant generic issue and part of the overall initiative to address matters related to FSAR compliance and FSAR updating, we ask that the NRC refrain from issuing a violation in this instance on the basis that it is not clear that a 10 CFR 50.59 violation occurred. Specifically, in view of the actions taken by FPC in accordance with GL 91-18 and 10 CFR 50, Appendix B, it is not clear that a "change" existed for which application of 10 CFR 50.59 is appropriate in this instance.



**VIOLATION 50-302/96-06-06**

10 CFR 50.72 (b)(1)(ii)(B) requires that the licensee notify the NRC within one hour of the occurrence of any event or condition during operation that results in the nuclear power plant being in a condition that is outside the design basis of the plant.

Contrary to the above, the licensee failed to notify the NRC within one hour of a condition that occurred during operation on June 15, 1995, that resulted in Crystal River Unit 3 (CR-3) being outside its design basis. The condition was that the licensee determined by Revision 2 of Analysis/Calculation M94-0053 on June 15, 1995, that the hydrogen regulator was required to be set at a value less than or equal to 17 pounds per square inch gauge (psig) to meet the 10 CFR 50, Appendix R design basis, but the actual setpoint at that time was 19.5 psig. The licensee made the notification to the NRC on July 7, 1995, which exceeded the one hour reporting requirement by 22 days.

**ADMISSION OF THE ALLEGED VIOLATION**

Florida Power Corporation (FPC) accepts the violation.

**REASON FOR THE VIOLATION**

The reason for the violation is a failure to conduct a formal operability determination in accordance with NOD-14, "Evaluating Operability and Determining Safety Function Status". During the interdepartmental meeting held on June 15, 1995 to review Analysis/Calculation M94-0053 Revision 2, there was uncertainty as to the failure modes and requirements for proceduralized operator actions with respect to the Appendix R study/scenario. The requirements for meeting Appendix R with respect to the regulator setting were discussed and it was believed that under the Appendix R scenario, adequate operator actions would be possible and there would be sufficient time to preclude damaging the operating make-up pump. This conclusion was based upon the experience of the personnel involved in the meeting. Analysis/Calculation M94-0053, Revision 2 was approved and issued with no additional action taken to address the Appendix R concern.

Additional reviews by Operations prompted the issuance of Precursor Card 95-1636 to review and document the design basis discussion that took place during the June 15, 1995, meeting. These reviews resulted in the issuance of Problem Report 95-0122 on July 7, 1995, and the subsequent notification to the NRC. Had a proper NOD-14 review been performed on June 15, 1995, a review for reportability would also have been conducted and a more timely report made to the NRC.

**CORRECTIVE STEPS THAT HAVE BEEN TAKEN AND THE RESULTS ACHIEVED**

The reportability determination was made as a result of Problem Report 95-0122 and the condition was reported on July 7, 1995.

### CORRECTIVE STEPS THAT WILL BE TAKEN TO AVOID FURTHER VIOLATIONS

FPC's lack of sensitivity in determining operability and reportability requirements has received significant attention since 1995. As a result, CP-150, "Identifying and Processing Operability Concerns", was issued in October, 1995, and has improved the process. This issue was further reinforced by the 1996 Integrated Plant Assessment Process (IPAP) inspection. As a result of the IPAP inspection and the CR-3 Management Corrective Action Program, operability concerns receive greater consideration on a routine basis.

### DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

Full compliance was achieved with the notification to the NRC on July 7, 1995.

### VIOLATION 50-302/96-06-07

10 CFR 50, Appendix B, Criterion V, requires that activities affecting quality be prescribed by documented instructions or procedures, and shall be accomplished in accordance with these instructions or procedures.

Paragraph 4.2.1 of Florida Power Corporation procedure CP-111, "Initiation and Processing of Precursor Cards and Problem Reports", Revision 52, dated April 8, 1994, required initiation of a problem report for problems meeting the definition of Paragraph 3.1.2 of CP-111. Paragraph 3.1.2 of CP-111, in part, defined a problem as a condition when plant equipment was determined to be nonconforming. Paragraph 3.1.9 of CP-111 included test failures in the definition of a nonconforming condition.

Contrary to the above, the testing of control room emergency ventilation filter AHFL-4A required by Technical Specification 3.7.12, which was performed on July 2, 1994, did not meet the test acceptance criteria of a flow rate of 43,500 cubic feet per minute (CFM) plus or minus 10%. The measured flow rate was 37,540 CFM, which is 86.3% of 43,500 CFM. A problem report was not initiated to identify, document, and process this test failure as required by CP-111.

### ADMISSION OF THE ALLEGED VIOLATION

Florida Power Corporation (FPC) accepts the violation.

### REASON FOR THE VIOLATION

The reason for this violation was personnel error. The cause of the test failure (a mispositioned damper) was quickly discovered and corrected. The test was then re-performed with satisfactory results. The individuals involved did not recognize that a Problem Report should have been initiated per CP-111 to document the root cause evaluation and any potential generic or reportability implications.

### CORRECTIVE STEPS THAT HAVE BEEN TAKEN AND THE RESULTS ACHIEVED

A Problem Report was initiated on April 23, 1996, to document the failure of the test to meet the acceptance criteria.

CORRECTIVE STEPS THAT WILL BE TAKEN TO AVOID FURTHER VIOLATIONS

A discussion was held with the Engineering personnel involved with this issue to ensure they were clear on the expectation for implementing the requirements of CP-111. The surveillance procedure that performs the ventilation testing noted in the violation (SP-186) will be revised to clarify the requirement for generating an appropriate nonconformance report when such conditions are found. SP-186 will be revised prior to its next scheduled performance.

DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

Full compliance was achieved with the issuance of the Problem Report on April 23, 1996.