

October 18, 1996

EA 95-126 and EA 96-185

Florida Power Corporation
Crystal River Energy Complex
Mr. P. M. Beard, Jr. (SA2A)
Sr. Vice President, Nuclear Operations
ATTN: Manager, Nuclear Licensing
15760 West Power Line Street
Crystal River, FL 34428-6708

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES -
\$500,000 (NRC Inspection Report Nos. 50-302/95-13 and 50-302/95-22
and Investigation Report Nos. 2-94-036 and 2-94-036S)

Dear Mr. Beard:

This will acknowledge receipt of your letter dated September 9, 1996, and your payment of the \$500,000 civil penalty proposed by the NRC in our letter to Florida Power Corporation (FPC) dated June 10, 1996. We have evaluated your response and found that it meets the requirements of 10 CFR 2.201 and 10 CFR 2.205. However, two issues regarding your response to the subject Notice of Violation and Proposed Imposition of Civil Penalties (Notice) warrant additional discussion.

First, although your response to Violation B in Part I of the Notice adequately addressed the specific citation of operations staff performance with respect to 10 CFR 50.59 compliance and the conduct of unauthorized tests, subsequent inspection effort has identified that compliance with 10 CFR 50.59 is a broader issue that also encompasses engineering and the design review processes. As already discussed with you, these emerging issues will be the subject of a predecisional enforcement conference in the near future. In addition, because performance deficiencies described in our June 10, 1996, letter appear to be continuing, it is important for FPC to develop and implement an effective, performance measurement program to identify adverse trends and to monitor the effectiveness of corrective actions including the adequacy of training and management oversight. Such a program was discussed with you in a management meeting conducted on August 28, 1996. Please be advised that the NRC will monitor the progress of your implementation of this program to determine its effectiveness in improving overall plant performance.

Second, by letter dated August 6, 1996, NRC requested that you supplement your response to Violation B in Part I of the Notice for EA 95-126 to also address Unresolved Item (URI) 50-302/96-04-08 identified in our Inspection Report transmitted to you by letter dated June 17, 1996. This URI identified four additional tests, not described in the safety analysis report, for which safety evaluations were not documented as required by 10 CFR 50.59. The URI addressed: (1) tests conducted in the 1980s and 1990s which involved shutting off spent fuel pool cooling pumps to gauge heatup rate; (2) a test conducted on June 20, 1994, which involved shutting off the reactor cavity cooling

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system supply pumps to gauge reactor cavity heatup rate; (3) a test conducted on January 10, 1994, which involved shutting off reactor building penetration cooling fans to gauge heatup rate; and (4) a test conducted in the early 1980s to assess instrument air system pressure decay by shutting off the compressors during plant operations.

Based on our original inspection findings and your response, we have determined that these four tests constitute violations of 10 CFR 50.59. Violation B in Part I of the Notice for EA 95-126 identified two examples of the failure to comply with the requirements of 10 CFR 50.59 by conduct of unauthorized tests on September 4 and 5, 1996. Due to the circumstances of each of the four additional tests and the similarity of the tests and their root cause to those conducted on September 4 and 5, 1994, the NRC has determined to disposition these four unauthorized tests as examples three, four, five, and six of Violation B in Part I of the Notice for EA 95-126.

No additional written response is required to address your actions associated with the subject enforcement action or the additional violations resulting from URI 50-302/96-04-08. We will continue to examine the implementation and adequacy of your corrective actions during future inspections. This letter also serves as closure for URI 50-302/96-04-08.

We appreciate your cooperation in this matter.

Sincerely,

Original Signed by R. A. Reyes

Stewart D. Ebnetter
Regional Administrator

Docket No. 50-302
License No. DRP-72

cc:
Gary L. Boldt, Vice President
Nuclear Production (SA2C)
Florida Power Corporation
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15760 West Power Line Street
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B. J. Hickie, Director
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cc (cont'd on Page 3)

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NRC Resident Inspector

U.S. Nuclear Regulatory Commission

6745 N. Tallahassee Road

Crystal River, FL 34428

AG 10/18/96

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