



Florida Power

CORPORATION
Crystal River Unit 3
Docket No. 50-302

December 20, 1996
3F1296-13

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)

References: A. NRC to FPC letter, 3N0796-21, dated July 26, 1996
B. FPC to NRC letter, 3F0896-19, dated August 26, 1996
C. NRC to FPC letter, 3N1196-10, dated November 14, 1996

Dear Sir:

In the subject Inspection Report, Florida Power Corporation (FPC) received a Notification of Violation (NOV) concerning operating the plant in a configuration different than described in the Final Safety Analysis Report (FSAR). FPC originally denied this violation in our response to the NOV of August 26, 1996 (Reference B). Further discussions with your staff provided better understanding of the NRC's expectations regarding 10 CFR 50.59 and has caused us to reconsider the denial. Please note that an extension to December 20, 1996, was granted in a discussion with Mr. Kerry Landis on December 13, 1996, at the Crystal River site. Our acceptance of this violation and the corrective actions are attached.

Sincerely,

P. M. Beard,
Senior Vice President
Nuclear Operations

PMB/GHH

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 50-302/96-06-04

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) accepts the violation.

REASON FOR THE VIOLATION

The reason for the violation was that FPC did not realize that, in essence, a change to the facility was made by the decision not to replace the spare battery chargers prior to start up from the refueling outage (10R) even though the spare chargers were described in the FSAR. FPC believed that this condition was not a change to the facility because:

- o It affected only the "spare" battery chargers which were declared inoperable and logged as such in the control center notebook,
- o Plant technical specifications permit the spare chargers to be inoperable at power and during mode ascension, and
- o The spare chargers were scheduled for prompt replacement with new equipment after start up.

Also, upon restart from 10R, FPC successfully performed a comprehensive review of key safety systems which included the status of approximately 40 issues related to the fission product barriers, ECCS and their support systems, as well as items deleted from the outage scope. That review considered fundamental safe operation as opposed to the specific issues of a formal 10 CFR 50.59 evaluation. The battery chargers were included as one of the ECCS support systems.

Nevertheless, the absence of a clear understanding of the staff's position on the use of 10 CFR 50.59 evaluations for nonconformance items under the Appendix B program led to the failure to perform the required 10 CFR 50.59 evaluation.

CORRECTIVE STEPS THAT HAVE BEEN TAKEN AND THE RESULTS ACHIEVED

A subsequent full 10 CFR 50.59 evaluation was completed which confirmed the safety review performed prior to start up from 10R was comprehensive and ensured safe operation of the electrical system with no unreviewed safety questions.

The FPC nonconformance process (CP-111) has been modified to require a 10 CFR 50.59 evaluation whenever a potentially significant (Category A or B precursor) nonconformance is unresolved for an extended period of time. Ninety days was used as a definition for such a time frame.

Additionally, FPC will strengthen our restart reviews to more explicitly address significant outstanding nonconformances. That review will include a 10 CFR 50.59 evaluation unless the NRC/Industry interactions on this subject conclude this is not an appropriate interpretation of the existing regulatory requirements. Specifically, we remain somewhat concerned that, depending on how fundamental questions on 10 CFR 50.59 are resolved (e.g., definition of Margin of Safety), it may be inappropriate to utilize 10 CFR 50.59 in such a manner. Regardless of the outcome of the generic interactions, we will review the issues from a fundamental safety perspective.

CORRECTIVE STEPS THAT WILL BE TAKEN TO AVOID FURTHER VIOLATIONS

The appropriate procedures will be modified to improve our performance in this area. CP-111 has already been modified to address reviews of nonconformances. The PRC Charter (AI-300) will be modified to address restart reviews. A more comprehensive training program for 10 CFR 50.59 is being developed. The lessons from this violation will be incorporated into this training in addition to training on the specific procedures. FPC will also continue to be an active participant in the generic industry interaction with the NRC on this issue. When guidance is issued, FPC will adjust processes to conform to issued NRC requirements.

DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

FPC issued Revision 55 to CP-111 on November 22, 1996, and will issue the revision to AI-300 by January 15, 1996.