

**Florida
Power**
CORPORATION

September 3, 1985
3F0985-01

Director of Nuclear Reactor Regulation
Attention: Mr. Gus Lainas, Assistant Director
Operating Reactors Branch #4
Division of Licensing
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Subject: Crystal River Unit 3
Docket No. 50-302
Operating License No. DPR-72
10 CFR 50.54(p) Change 4-02
Identification of Plant-Specific and Generic Backfits

Dear Sir:

On April 9, 1985, Florida Power Corporation (FPC) furnished the Nuclear Regulatory Commission (NRC) with a copy of a change to our Modified Amended Security Plan (Rev. 4) which FPC determined to not involve a decrease in security effectiveness. This notification was made pursuant to 10 CFR 50.54(p).

On June 18, 1985, the staff indicated that removal of safety-related equipment from vital equipment lists (and hence protection) constituted a decrease in our plan effectiveness. FPC does not concur. Further, FPC, in conversations with appropriate office of Nuclear Material Safety and Safeguards (NMSS) staff, has been informed that the root cause for this action was internal staff guidance which requires reductions in vital equipment/area scope to be approved via a safety evaluation and hence require an amendment application pursuant to 10 CFR 50.90. FPC considers this deviation from regulatory requirements based upon internal guidance to be a plant specific backfit pursuant to Generic Letter 84-08 and subsequent drafts of the NRC Policy Manual on the subject. We cannot argue the merits of the basis of this internal guidance since it was not transmitted to licensees generally or to FPC in your rejection.

Our technical position has been discussed in our response to a related Civil Penalty EA84-104 and the subject 10 CFR 50.54(p) change which concludes that failure to control this area as a vital area does not lessen the effectiveness of our security program.

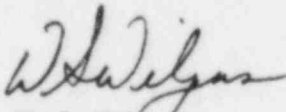
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A second issue is raised in Mr. Stolz's letter which we consider a generic backfit. The phrase "... removing safety-related equipment from the list of items committed to in the Security Plan to be protected as vital ..." implies a connection between the terms "vital" and "safety-related". The regulations of 10 CFR 73.2(i) adequately define "vital" absent any reference to "safety-related" and use criteria different from those in 10 CFR 100, Appendix A. As pointed out in our response to the enforcement action, the Crystal River 3 Security Plan Evaluation Report clearly states that vital area determinations (per existing staff guidance) requires confirmatory analysis (the RER effort). Furthermore, the staff has relied on the Regulatory Effectiveness Review methodology used by FPC in our appraisal to define vital equipment. We consider a reversal of the position regarding that methodology to be highly inappropriate and to constitute a generic backfit. We understand this matter is being reviewed, and we would be pleased to comment further on any draft resolution you may wish to make available for such input.

Your prompt consideration of these matters will be appreciated since FPC may be required to man an extra guard post at a cost of over one hundred thousand dollars per year until this issue is resolved.

Sincerely,



W. S. Wilgus
Vice President
Nuclear Operations

KRW/feb

xc: Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. James M. Taylor, Director
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Mr. Victor Stello, Jr.
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