

November 14, 1996

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

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORT NO. 50-302/96-06)

Dear Mr. Beard:

Thank you for your response of August 26, 1996, to our Notice of Violation (NOV) issued on July 26, 1996, concerning activities conducted at your Crystal River facility. We have evaluated your response and found that it meets the requirements of 10 CFR 2.201 with the following exception. With respect to Violation 50-302/96-06-04, Florida Power Corporation (FPC) denied the violation due to the stated belief that the NOV is not consistent with NRC guidance concerning the applicability of 10 CFR 50.59.

FPC cited as a basis for their denial, a memorandum from the NRC Executive Director of Operations to the NRC Commission Chairman, dated April 15, 1996, and NRC Generic Letter 91-18, Information to Licensees Regarding Two NRC Inspection Manual Sections on Resolution of Degraded and Nonconforming Conditions and on Operability.

Generic Letter 91-18 stated that whenever degraded or nonconforming conditions of structures, systems and components (SSCs) subject to 10 CFR 50 Appendix B are identified, Appendix B requires prompt corrective action to correct or resolve the condition. The Generic Letter stated that 10 CFR 50.59 may be used to make a change in the facility as described in the safety analysis report (SAR) which would resolve the condition adverse to safety or quality so that the degraded and nonconforming condition no longer exists. According to the Generic Letter, delay or partial correction of conditions adverse to safety or quality is considered a change in the facility or procedures and is subject to 10 CFR 50.59 review.

10 CFR 50.59 states that the holder of a license authorizing operation of a utilization facility may make changes in the facility as described in the safety analysis report, without prior Commission approval, unless the proposed change involves a change in the technical specifications incorporated in the license or an unreviewed safety question. The licensee shall maintain records of changes in the facility made pursuant to 10 CFR 50.59, to the extent that these changes constitute changes in the facility as described in the safety analysis report. 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.

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During the refueling outage, you were implementing a change to the facility by a modification to replace the battery chargers, including the two spare battery chargers. At the time of unit restart, the two spare battery chargers were inoperable. This was a known nonconformance resulting from the partial implementation of a modification. Without a documented evaluation, as required by 10 CFR 50.59, the unit was restarted from the refueling outage, entered modes 4 through 1, and operated at power in a configuration different from that described in the SAR from May 4, 1996 until August 7, 1996. During that time the two spare battery chargers remained inoperable until replacements were installed. This was not a situation in which, as quoted in your response, "the licensee discovers that the facility does not conform in some respect with the SAR or Technical Specifications." A 10 CFR 50.59 evaluation should have been accomplished, prior to returning to the operational mode, to determine if the partial completion of a modification which created the known condition of two inoperable spare battery chargers, constituted an unreviewed safety question.

Following our review, we have determined that Violation 50-302/96-06-04 stands as written. Please provide a supplemental response as required by the original notice of violation detailing your corrective actions within 30 days from the date of this letter.

We appreciate your cooperation in this matter.

Sincerely,

Orig signed by Stewart D. Ebnetter

Stewart D. Ebnetter  
Regional Administrator

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

cc: Gary L. Boldt, Vice President  
Nuclear Production (SA2C)  
Florida Power Corporation  
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cc: Continued see page 3

cc: Continued

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DATE	9 / 24 / 96	10 / 8 / 96	10 / 9 / 96	10 / 9 / 96	10 / 7 / 96	10 / 7 / 96
COPY?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

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