



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-8931

July 12, 2007

Carolina Power & Light Company
ATTN: Mr. T. D. Walt
Vice President
H. B. Robinson Steam Electric Plant, Unit 2
3581 West Entrance Road
Hartsville, SC 29550

SUBJECT: H. B. ROBINSON STEAM ELECTRIC PLANT - NRC EMERGENCY
PREPAREDNESS INSPECTION REPORT 05000261/2007501

Dear Mr. Walt:

On June 5-7, 2007, the U. S. Nuclear Regulatory Commission (NRC) conducted an inspection at your H. B. Robinson Steam Electric Plant, Unit 2. The enclosed inspection report documents the inspection findings, which were discussed on June 7, 2007 with you and other members of your staff.

The inspection examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. The inspector reviewed selected procedures and records, observed activities, and interviewed personnel.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. This violation is being treated as a Non-Cited Violation (NCV), consistent with Section VI.A of the Enforcement Policy. The NCV is described in the subject inspection report. If you contest the violation or its significance, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001; with copies to (1) the Regional Administrator, Region II; (2) the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001; and (3) the NRC Resident Inspector at the H. B. Robinson facility.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice", a copy of this letter and its enclosure, and your response, if you choose to provide one, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS).

ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Should you have any questions concerning this letter, please contact us.

Sincerely,

/RA/

Brian R. Bonser, Chief
Plant Support Branch 1
Division of Reactor Safety

Docket No. 50-261
License No. DPR-23

Enclosure: NRC Inspection Report 05000261/2007501
w/Attachment: Supplemental Information

cc w/encl:
Director, Site Operations
Carolina Power & Light Company
H. B. Robinson Steam Electric Plant
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Plant General Manager
Carolina Power & Light Company
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U. S. NUCLEAR REGULATORY COMMISSION

REGION II

Docket Nos: 50-261

License No: DPR-23

Report No: 05000261/2007501

Licensee: Carolina Power & Light Company

Facility: H. B. Robinson Steam Electric Plant, Unit 2

Location: 3581 West Entrance Road
Hartsville, SC 29550

Dates: June 5-7, 2007

Inspector: James L. Kreh, Emergency Preparedness Inspector

Approved by: Brian R. Bonser, Chief
Plant Support Branch 1
Division of Reactor Safety

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SUMMARY OF FINDINGS

IR 05000261/2007-501; 06/05-07/2007; H. B. Robinson Steam Electric Plant, Unit 2;
Emergency Preparedness Baseline Inspection

This report covers an announced inspection conducted by a Region II emergency preparedness inspector. The NRC's program for overseeing the safe operation of commercial nuclear power reactors is described in NUREG-1649, "Reactor Oversight Process," Revision 4, dated December 2006.

A. NRC-Identified and Self-Revealing Findings

Cornerstone: Emergency Preparedness

No Color. A non-cited violation (NCV) was identified for implementing a change which decreased the effectiveness of the Emergency Plan without prior NRC approval, contrary to the requirements of 10 CFR 50.54(q). The change concerned an emergency action level applicable to the inability to monitor a significant transient in progress. The licensee entered this issue into its corrective action program for resolution.

The finding was evaluated under the NRC's Enforcement Policy using the traditional enforcement process because licensee reductions in the effectiveness of its emergency plan impact the regulatory process. This finding is more than minor because it could have resulted in failure to accurately declare a Site Area Emergency under certain conditions. The finding was determined to be a Severity Level IV NCV because it involved licensee failure to meet an emergency planning requirement (i.e., 10 CFR 50.54(q)) not directly related to assessment or notification (Section 1EP4).

B. Licensee-Identified Violations

None

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REPORT DETAILS

1. REACTOR SAFETY

Cornerstone: Emergency Preparedness

1EP4 Emergency Action Level (EAL) and Emergency Plan Changes

a. Inspection Scope

Since the last NRC inspection of this program area, Revisions 61 and 62 of PLP-007, Robinson Emergency Plan (Plan), were implemented based on the licensee's determination, in accordance with 10 CFR 50.54(q), that the changes resulted in no decrease in the effectiveness of the Plan, and that the revised Plan continued to meet the requirements of 10 CFR 50.47(b) and Appendix E to 10 CFR Part 50. The inspector conducted a review of the Plan changes to evaluate for potential decreases in effectiveness of the Plan. This review was not documented in a Safety Evaluation Report and does not constitute formal NRC approval of the changes. Therefore, these changes remain subject to future NRC inspection in their entirety.

The inspector also reviewed the licensee's assessment of its EAL scheme in response to NRC Regulatory Information Summary (RIS) 2007-01, "Clarification of NRC Guidance for Maintaining a Standard Emergency Action Level Scheme", issued on January 10, 2007.

The inspection was conducted in accordance with NRC Inspection Procedure 71114, Attachment 04, "Emergency Action Level and Emergency Plan Changes". The applicable planning standard 10 CFR 50.47(b)(4) and related requirements contained in 10 CFR 50.54(q) and Appendix E to 10 CFR Part 50 were used as reference criteria. This inspection activity represents one sample on an annual cycle.

The inspector reviewed various documents which are listed in the Attachment to this report.

b. Findings

Introduction: A violation of 10 CFR 50.54(q) was identified for an EAL change which decreased the effectiveness of the Emergency Plan.

Description: The licensee's self-assessment of its current EAL scheme in response to RIS 2007-01 identified one EAL at the Site Area Emergency (SAE) level as a potential compliance issue that represented a decrease in effectiveness (DIE) of the Plan compared with the last NRC-approved version of the Plan. This SAE EAL, which was revised to its current form on February 23, 1996, in Rev. 8 to the EAL-1 flow chart (incorporated by reference into the Plan), concerned the inability to monitor a significant transient in progress, and included as its entry criterion the UNPLANNED LOSS OF

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≥ 7 ANNUNCIATOR PANELS FOR > 15 MINUTES. This EAL change was identified by the licensee (and confirmed by the inspector) as a DIE because the qualifiers “unplanned” and “for > 15 minutes” (applicable only to the related NOUE and Alert EALs) were erroneously included and were inconsistent with the NRC-approved methodology of NUMARC/NESP-007, incorporated into Rev. 8 of EAL-1 under the provisions of EPPOS [Emergency Preparedness Position] No. 1, dated June 1, 1995. (EPPOS No. 1 was an internal NRC document intended to provide guidance to the staff regarding the acceptability of incorporating selected NUMARC/NESP-007 EALs, including both deletions and clarifications allowed by the NUMARC/NESP-007 methodology, into a NUREG-0654-based EAL scheme.)

Analysis: The finding was evaluated under the NRC’s Enforcement Policy using the traditional enforcement process instead of the Significance Determination Process (SDP) because licensee reductions in the effectiveness of its Plan impact the regulatory process (see Section 2.2.e of Appendix B to NRC Manual Chapter 0609).

The licensee identified the decrease in effectiveness in connection with the SAE EAL through its assessment as noted above, but did not take immediate corrective action to restore compliance. The licensee viewed the forthcoming implementation of its new NEI 99-01 EAL scheme as addressing the intent of NRC’s expectation that immediate corrective actions be taken to restore compliance as well as long-term corrective action to prevent recurrence, as discussed in RIS 2007-01. Licensee management determined that revising the EAL to address the identified problem could delay and detract from the ongoing training of staff regarding the NEI 99-01 EAL methodology, resulting in further postponement of the implementation of the new EAL scheme.

Following discussion of this matter with the inspector, the licensee decided to take near-term corrective action for this SAE EAL, and documented this commitment in Action Request 236936. The inspector was informed by the licensee on July 3, 2007, that all corrective actions for the SAE EAL under discussion were completed as of that date, including training of applicable ERO personnel. The inspector reviewed the revised EAL and determined that the identified discrepancies had been resolved.

Enforcement. 10 CFR 50.54(q) states, in part, that licensees may make changes to emergency plans without Commission approval only if the changes do not decrease the effectiveness of the plans, and the plans, as changed, continue to meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Contrary to the above, on February 23, 1996, the licensee made changes to its Emergency Plan, via Rev. 8 to the EAL-1 flow chart, that resulted in a decrease in effectiveness because an SAE EAL applicable to the inability to monitor a significant transient in progress was inconsistent with NRC-approved guidance. This was a performance deficiency in that it represented an inadequate 10 CFR 50.54(q) evaluation.

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Because the violation involved licensee failure to meet an emergency planning requirement not directly related to assessment or notification (i.e., 10 CFR 50.54(q)), and was entered into the licensee's corrective action program as Action Request 236936, it is being treated as a non-cited Severity Level IV violation consistent with Section VI.A.1 of the Enforcement Policy. NCV 05000261/2007501-01, Implementation of a Change in Rev. 8 of the EAL-1 Flow Chart which Decreased the Effectiveness of the Emergency Plan.

4. OTHER ACTIVITIES

4OA1 Performance Indicator (PI) Verification

a. Inspection Scope

Cornerstone: Emergency Preparedness

The inspector reviewed the licensee's process for developing the data for the three Emergency Preparedness PIs listed below, and examined data reported to the NRC for the three-quarter period July 1, 2006 - March 31, 2007. To verify the accuracy of the PI data reported during that period, PI definitions and guidance contained in NEI 99-02, "Regulatory Assessment Performance Indicator Guideline," Revision 4, were used to substantiate the basis in reporting for each data element.

- Drill and Exercise Performance (DEP)
- Emergency Response Organization (ERO) Drill Participation
- Alert and Notification System (ANS) Reliability

The inspector verified the accuracy of the PI for DEP through review of a sample of drill and event records. The inspector reviewed selected training records to verify the accuracy of the PI for ERO drill participation for personnel assigned to key positions in the ERO. The inspector verified the accuracy of the PI for ANS reliability through review of a sample of the records of periodic system tests.

The inspection was conducted in accordance with NRC Inspection Procedure 71151, "Performance Indicator Verification." This inspection activity represents three samples on an annual cycle.

The inspector reviewed various documents which are listed in the Attachment to this report.

b. Findings

No findings of significance were identified.

4OA6 Meetings, including Exit

On June 7, 2007, the inspector presented the inspection results to Mr. T. Walt, Vice President, and other members of his staff who expressed disagreement with the finding described in Section 1EP4. The inspector confirmed that proprietary information was not provided during the inspection.

ATTACHMENT: SUPPLEMENTAL INFORMATION

Enclosure

SUPPLEMENTAL INFORMATION

KEY POINTS OF CONTACT

Licensee Personnel

C. Baucom, Licensing Supervisor
S. Brown, Outage and Scheduling Manager (Acting)
B. Clark, Manager, Nuclear Assessment Section
W. Guthrie, Superintendent, Security
T. Tovar, Radiation Control Superintendent
T. Walt, Vice President, Robinson Nuclear Plant
S. Wheeler, Supervisor, Emergency Preparedness

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened and Closed

05000261/2007501-01	NCV	Implementation of a Change in Rev. 8 of the EAL-1 Flow Chart which Decreased the Effectiveness of the Emergency Plan (Section 1EP4)
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Discussed

None

DOCUMENTS REVIEWED

Section 1EP4: Emergency Action Level (EAL) and Emergency Plan Changes

Plans and Procedures

Robinson Emergency Plan, Revision 61
Robinson Emergency Plan, Revision 62

Records and Data

10 CFR 50.54(q) Emergency Preparedness Program Evaluation for Revision 61
10 CFR 50.54(q) Emergency Preparedness Program Evaluation for Revision 62
RIS 2007-01 Review of EAL Changes

Action Requests

231078, Adverse Condition Investigation of all EAL changes implemented since original NRC approval of Emergency Plan

232221, Potential EAL noncompliance items

236936, Adverse Condition Investigation regarding potential violation from NRC inspection

Section 40A1: Performance Indicator (PI) Verification

Procedures

REG-NGGC-0009, NRC Performance Indicators and Monthly Operating Report Data, Revs. 5 and 6

Records and Data

Siren System Availability Test Records for July 2006 - March 2007

Documentation (scenario, time line, event notification forms, PI evaluation forms, critique report) for ERO drill on 01/15/2007

Documentation of DEP Opportunities from Operations Simulator evaluations on 02/06/2007, 02/13/2007, 02/20/2007, 02/27/2007

Records of drill and exercise participation by selected key ERO personnel in 2006-2007