

JAN 13 1993

Docket No. 50  
License No. DPR-23  
EA 92-167

Carolina Power and Light Company  
ATTN: Mr. R. A. Watson  
Senior Vice President  
Nuclear Generation  
Post Office Box 1551  
Raleigh, North Carolina 27602

Gentlemen:

This will acknowledge receipt of your letter dated November 20, 1992, and your check for \$50,000 in payment for the civil penalty proposed by NRC in a letter dated October 23, 1992.

In your letter, you sought clarification of the application of the "Identification" factor. While acknowledging that the test which confirmed this problem was performed in response to NRC questions about a decrease in recirculation flow, you assert that the subsequent discovery of the singular piece of foreign material was only coincidentally related to the apparent trend, and therefore, was not actually self-disclosing. You have based this conclusion on the fact that during subsequent recirculation flow tests, the blockage occurred suddenly. At issue here is that your staff accepted an engineering evaluation allowing the 20 percent flow reduction without ascertaining the cause of that reduction. The NRC inspector pursued this matter and as a result you ran the test again. We don't dispute that you were responsive to the inspector's concern in performing another test to investigate the matter. It was, in part, because of this response that the civil penalty was not escalated. However, your not questioning the cause of the decrease is the basis for not mitigating the civil penalty. I trust that this is responsive to your concern.

Your corrective actions will be examined during future inspections.

Sincerely,  
**Original Signed By**  
**James Lieberman**

James Lieberman, Director  
Office of Enforcement

cc: S. Ebnetter, RII

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