

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Carolina Power & Light Company
H. B. Robinson Steam Electric Plant
Unit 2

Docket No. 50-261
License No. DPR-23
EA 94-119

During an NRC inspection conducted on May 22 through June 24, 1994, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

I. Violation Assessed a Civil Penalty

10 CFR 50, Appendix B, Criterion III, Design Control, requires, in part, that design control measures be provided for verifying or checking the adequacy of design, such as by design reviews or suitable testing programs.

10 CFR 50, Appendix B, Criterion XI, Test Control, requires, in part, that a test program shall be established to assure that all testing required to demonstrate that systems will perform satisfactorily in service is identified and performed in accordance with written test procedures which incorporate the acceptance limits contained in the applicable design documents.

The licensee's Updated Final Safety Analysis Report (UFSAR) sections 6.4 and 9.4.2 require, in part, that the control room ventilation system (CRVS) be capable of maintaining the control room at a positive differential pressure with respect to adjacent areas and the outdoors when the CVRS is operated in the emergency pressurization mode of operation.

Contrary to the above, from February 1, 1991 until May 7, 1994, the licensee did not implement adequate design reviews or suitable testing programs to verify that the control room ventilation system was capable of performing its intended safety function as described in UFSAR sections 6.4 and 9.4.2. Specifically, the design review failed to consider plant configurations that resulted in the pressure in areas adjacent to the control room exceeding the control room pressure, as evidenced by the positive pressure relative to the control room of Reactor Auxiliary Building room E1/E2 during testing on May 7, 1994. In addition, testing programs did not confirm that a positive pressure could be maintained in the control room with respect to areas adjacent to the control room during the emergency pressurization mode of operation. (01013)

This is a Severity Level III violation (Supplement I).
Civil Penalty - \$75,000

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II. Violations Not Assessed a Civil Penalty

- A. 10 CFR 50, Appendix B, Criterion XVI, requires that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected.

Contrary to the above, between issuance of the operating license on September 23, 1970 and February 7, 1994, the licensee performed testing of the safety-related main steam isolation valves (MSIVs) with non-safety-related instrument air aligned to the valves' actuators, an activity that was a condition adverse to quality in that a non-safety-related system was being utilized to ensure a safety-related component could perform its intended safety function. The licensee's March 8, 1985 response to a violation issued in NRC Inspection Report 84-44, dated February 6, 1985, indicated that under certain accident situations, isolation of the steam generators by the MSIVs could not be assured if instrument air was isolated. (02014)

This is a Severity Level IV violation (Supplement I).

- B. 10 CFR 50, Appendix B, Criterion XVI, requires that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected.

Contrary to the above, between June 30, 1992 and June 14, 1994, conditions adverse to quality, identified in an internal assessment of compliance with Technical Specification (TS) Table 4.1-1, were not corrected. Specifically, as identified in the internal assessment, between June 30, 1992 and January 6, 1994, the 4 KV undervoltage trip was not tested on a monthly frequency and the circuit between bi-stable outputs PC-502 and PC-503 and test switches TC-456 and TC-455C, respectively, of the Overpressure Protection System were not included in the 18 month calibration as required by Technical Specification (TS) 4.1, Operational Safety Review, and TS Table 4.1-1, Minimum Frequencies for Checks, Calibrations and Test of Instrument Channels. In addition, between June 30, 1992 and June 14, 1994, a finding that indicated that deficiencies existed in the implementation of the requirements of TS tables was not addressed. During review of the finding on June 14, 1994, the licensee determined that the High Steam Flow in 2/3 Steam Lines setting was 111.5 percent of full steam flow rather than 110 percent as required by TS Table 3.5-1. (02024)

This is a Severity Level IV violation (Supplement I).

Notice of Violation and Proposed
Imposition of Civil Penalty

- 3 -

Pursuant to the provisions of 10 CFR 2.201, Carolina Power and Light Company, Inc., (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved.

If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section VI.B.2 of 10 CFR Part 2, Appendix C, should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be

Notice of Violation and Proposed
Imposition of Civil Penalty

- 4 -

referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II, Atlanta, Georgia and a copy to the NRC Resident Inspector at the H. B. Robinson Nuclear Plant.

Dated at Atlanta, Georgia
this 30th day of August 1994