

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Florida Power Corporation  
Crystal River Nuclear Plant

Docket No. 50-302  
License No. DPR-72  
EA 89-172

During the Nuclear Regulatory Commission (NRC) inspections conducted on April 24 - May 5, 1989 and September 7 - 8, 1989, 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, (1989), 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 violation and associated civil penalty is set forth below:

10 CFR Part 50, Appendix B, Criterion III, "Design Control," requires that measures be established for the selection and review for suitability of application of materials, parts, equipment, and processes that are essential to the safety-related functions of structures, systems and components.

Contrary to the above, inadequate measures were established for selection and review for suitability of application of materials, parts, and equipment that are essential to the safety-related functions of systems and components. Specifically:

A. Pursuant to the actions initiated by the indicated material qualification form (MQF) or Purchase Order (PO), the following commercial grade items that are essential to the safety-related functions of systems and components were installed, as of April 24, 1989, without adequate selection or review for suitability:

1. MQF 1436-89 - Transferred three ASCO series 8321, three-way, air-operated solenoid valves, initially procured as nonsafety, from the CR4 fossil plant to CR3 in January 1989. These valves were installed in valves CAV-6-SV and CAV-7-SV in the chemical addition system. The basis for dedication was limited to a visual inspection, part number comparison with page 48 of ASCO's commercial grade catalog No. 31, and a continuity check of the solenoids electrical coil.
2. MQF 1433-89 - Upgraded two series 8321 and two HT 8320A20 three-way air operated ASCO solenoid valves. The electrical coils from the 8320 series valves were installed in the 8321 series valves that were subsequently installed in main steam valves MSV 130 and 138 in January 1989. The dedication basis for the four ASCO valves was limited to a visual inspection and a part number comparison with the ASCO commercial grade catalog.
3. MQF 1413-88 - Upgraded two Agastat 7012 ac model time delay relays. Characteristic verification was limited to a visual check of the physical dimensions per the Agastat catalog, a verification of nameplate details, such as voltage and time range and a check for physical damage.

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4. MQF 1332-88 - Upgraded a 600 volt, three phase, 10-ampere, HE 3A010-type ITE molded-case circuit breaker for valve MUV-53, located in the makeup system, in January 1988. Characteristic verification was limited to a visual inspection to verify the dimensions and part number and to check for physical damage.
  5. MQF 1301-87 - Upgraded a three-phase, HE 3A025-type ITE molded-case circuit breaker required to replace a failed breaker on motor center 3B1 (unit 11B), which powers a motor-operated valve located in the decay heat removal system, in November 1987. The characteristic verification was limited to checking the dimensions and part number.
  6. MQF 972-85 - Upgraded three Model VIIHAA three-way air operated solenoid valves, manufactured by Johnson Controls, for use in the air damper system for the 1B EDG in August 1985. Dedication was limited to a visual inspection to determine equivalency with the manufacturer's catalog.
  7. PO F9038125V - Issued on October 1985 to Norton Corrosion Limited for an extended snout, 9-inch shielded Bayanode element used for cathodic protection and installed in the service water system. A review of the procurement file revealed the following deficiencies: Hardness testing was not performed; electrical characteristics were not addressed; traceability was not established from the material manufacturer's certificate to that of the Bayanode's manufacturer's certificate; and a review for suitability of critical operating requirements was not performed.
- B. During the Spring 1989 overhaul of raw water pump 2B, an incorrect impeller, which was procured in 1981, was installed, resulting in the pump being unable to provide the flowrate specified in the plant design.

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

Civil Penalty - \$50,000

Pursuant to the provisions of 10 CFR 2.201, Florida Power Corporation 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. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) admission or denial of the violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violation, 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 may be issued to show cause 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.

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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, or money order payable to the Treasurer of the United States in the amount of the civil penalty proposed above, 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 violation 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, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section V.B 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 the penalty due, which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be 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 the Act, 42 U.S.C 2282.

The responses to the Director, Office of Enforcement, noted above (Reply to a 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, DC 20555, with a copy to the Regional Administrator, Region II and a copy to the NRC Resident Inspector, Crystal River.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By  
J. L. Milhoan

Stewart D. Ebnetter  
Regional Administrator

Dated at Atlanta, Georgia  
this 15<sup>th</sup> day of December 1989