

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Florida Power Corporation  
Crystal River Nuclear Plant  
Unit 3

Docket No. 50-302  
License No. DPR-72  
EA 92-002

During an NRC inspection conducted on December 8 - 23, 1991, 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 (1991), 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:

- A. Technical Specification (TS) section 3.3.2.1 requires that the Engineered Safety Feature Actuation System (ESFAS) instrumentation channels shall be OPERABLE as stated in Table 3.3-3. TS Table 3.3-3 states that two out of three channels of the "Reactor Coolant System Pressure Low" ESFAS instrumentation for High Pressure Injection must be available in Modes 1, 2, or 3.

Contrary to the above, on December 8, 1991, at 3:13 a.m., the "Reactor Coolant System Pressure Low" ESFAS instrumentation for High Pressure Injection was not OPERABLE or available while the reactor was in Mode 3. Specifically, at 3:13 a.m., a licensed operator bypassed all three channels of both trains for over six minutes during a Reactor Coolant System (RCS) pressure transient. The bypass of these channels disabled automatic High Pressure Injection, Diverse Containment Isolation, Emergency Feedwater Initiation and Control, and start of the Emergency Diesel Generators. As a result, the system failed to automatically actuate when called upon by a valid low RCS pressure condition.

This is a Severity Level III Violation (Supplement 1).  
Civil Penalty - \$50,000

II. Violations Not Assessed a Civil Penalty

- A. TS 6.8.1 requires that written procedures shall be established, implemented, and maintained as recommended in Appendix "A" of Regulatory Guide 1.33, November 1972. Appendix "A" recommends procedures for correcting abnormal or alarm conditions. Abnormal Procedure AP-380, "Engineered Safeguards Actuation," states in follow-up action 3.14 to "Close RCV-13."

Contrary to the above, on December 8, 1991, procedures for correcting abnormal conditions were not implemented in that RCV-13 (the pressurizer spray block valve) was not closed in accordance with Abnormal

Procedure AP-380. As a result, the RCS pressure transient was not terminated until 35 minutes after the Engineered Safeguards Actuation occurred.

This is a Severity Level IV Violation (Supplement I)

- B. 10 CFR 50.54(q) requires that a licensee follow and maintain in effect emergency plans which meet the prescribed standards. The licensee's Radiological Emergency Response Plan (RERP) was developed using the guidance of NUREG-0654/FEMA-REP-1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness Support of Nuclear Power Plants." RERP Section 8.2 states "Emergency Action Levels are used to assure that the initial classification of emergencies can be accomplished rapidly, based on specific instrument readings, alarms, and observations...." RERP Section 13.1 states "For each emergency classification...the Emergency Coordinator shall assure that those assessment activities required to identify fully the nature of the emergency are completed quickly...." RERP Table 8.1 indicates that an "Unusual Event" was the appropriate Emergency Action Level classification for a valid actuation of ECCS and required prompt notification of offsite authorities.

Contrary to the above, on December 8, 1991, the RERP reporting requirements applicable for notification of offsite authorities were not properly implemented. A valid actuation of the High Pressure Injection portion of ECCS occurred, with discharge into the RCS, which was not rapidly classified as an Unusual Event nor promptly reported to offsite authorities. High Pressure Injection actuated at 3:19 a.m., and an Unusual Event was declared at 4:55 a.m., 96 minutes after the High Pressure Injection. Authorities for the State of Florida were notified of the Unusual Event at 5:15 a.m., almost two hours after the High Pressure Injection.

This is a Severity Level IV Violation (Supplement VIII).

- C. 10 CFR 50.72 (t)(1)(iv), requires that the licensee shall notify the NRC as soon as practical and in all cases within one hour of the occurrence of any event that results in or should have resulted in Emergency Core Cooling System (ECCS) discharge into the RCS as the result of a valid signal.

Contrary to the above, on December 8, 1991, the licensee did not notify the NRC within one hour of an event that resulted in ECCS discharge into the RCS. A valid actuation of the High Pressure Injection portion of ECCS occurred, with discharge into the RCS, at 3:19 a.m. The NRC was notified at 5:32 a.m., two hours and thirteen minutes after the High Pressure Injection.

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

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

Contrary to the above, conditions adverse to quality were not promptly identified and corrected. Repetitive malfunctions of the pressurizer spray valve (RCV-14) position indication that occurred in June 1990, and July 1991, were not effectively corrected. As a result, on December 8, 1991, the RCV-14 valve malfunctioned resulting in a reactor coolant system pressure transient and erroneous indication of the valve position as closed when the valve was stuck open.

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

Pursuant to the provisions of 10 CFR 2.201, Florida Power Corporation (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 reason 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 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 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 V.B of 10 CFR Part 2, Appendix C (1991), 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 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 11 and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice.

Dated at Atlanta, Georgia  
this 9<sup>th</sup> day of April 1992