

May 30, 1997
EN 97-042

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Florida Power Corporation (EA 97-094)
Crystal River Unit 3
Docket No. 50-302

Subject: NOTICE OF VIOLATION AND EXERCISE OF ENFORCEMENT DISCRETION

This is to inform the Commission that a Notice of Violation and Exercise of Enforcement Discretion will be issued on or about June 6, 1997, to the Florida Power Corporation. The Severity Level III problem involves four violations of reporting requirements at the Crystal River plant. Two of the violations involved failure to make timely reports to the NRC with regard to significant conditions that were determined to be outside the design basis of the plant or in an unanalyzed condition that significantly compromised plant safety. The third violation involved failure to make timely reports associated with the discovery of a vulnerability in a safeguards system and the fourth violation involved a failure to follow required plant procedures for ensuring timely evaluation of a potentially reportable event. Two of the technical issues associated with these reportability violations were included in previous escalated enforcement actions, EA 96-365, 96-465, 96-527 and 97-012, the latter of which included a proposed \$50,000 civil penalty.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$55,000 is considered for a Severity Level III problem. The NRC has decided to exercise enforcement discretion in accordance with Section VII.B.(6) of the Enforcement Policy and not propose a civil penalty in this case. The NRC concluded that discretion is appropriate in that: (1) the Crystal River facility is shutdown for an extended period of time due to engineering performance issues (ref. EAs 96-365, 96-465, and 96-527), which contributed to the reporting deficiencies identified in the violations described in the enclosed Notice; (2) the NRC issued a \$500,000 civil penalty on July 10, 1996 (EA 95-126) which included sanctions for engineering violations; and, (3) Florida Power Corporation's decision to restart the Crystal River facility requires NRC concurrence in accordance with a Confirmatory Action Letter issued on March 4, 1997.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice June 6, 1997
Telephone Notification of Licensee June 6, 1997

The State of Florida will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contacts: B. Uryc, RII, 404-331-5505 M. Satorius, OE, 301-415-2741

Distribution

OWFN _____	OWFN _____	TWFN _____	Regional Offices
Chairman Jackson	EDO _____	OC _____	RI _____ RIV _____
Comm. Rogers	DEDR _____	AEOD _____	RII _____ WCFO _____
Comm. Dicus	DEDO _____	OP CTR _____	RIII _____
Comm. Diaz	OE _____	NMSS _____	
Comm. McGaffigan	OGC _____	IRM _____	<u>MAIL</u>
SECY	NRR _____	OIG _____	NUDOCS
OCA	OI _____	RES _____	PUBLIC
PA	SP _____	ACRS _____	
IP			

9707080364 970530
PDR I&E
EN-97-042

000109

PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION

1E33
011