

Carolina Power & Light Company

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SERIAL: NLS-88-133
10CFR50.49

JUN 3 1988

LYNN W. EURY
Senior Vice President
Operations Support

Dr. J. Nelson Grace, Regional Administrator
United States Nuclear Regulatory Commission
101 Marietta Street, NW
Atlanta, GA 30303

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BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2
DOCKET NOS. 50-325 & 50-324/LICENSE NOS. DPR-71 & DPR-62
EXTENSION REQUEST FOR RESPONSE TO NOTICE OF
VIOLATION AND PROPOSED CIVIL PENALTY FOR
ENVIRONMENTAL QUALIFICATION DEFICIENCIES

Dear Dr. Grace:

On May 5, 1988, you issued a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) for self-identified deficiencies relating to environmental qualification (EQ) of electrical equipment. The purpose of this letter is to request additional information on how the "clearly should have known" test was applied to each deficiency, and to request a 30-day extension to respond to the Notice from the date of receipt of the additional information.

I. INTRODUCTION

On July 6-10, 1987, your staff conducted an inspection of the Brunswick Steam Electric Plant (BSEP) EQ Program to review several self-identified deficiencies. The results of the inspection are documented in an inspection report dated August 27, 1987.

On September 17, 1987, Carolina Power & Light Company (CP&L) attended an NRC Staff Region II enforcement conference to discuss the potential violations. During the conference, CP&L presented relevant information and responded to staff questions. This information was documented in a letter dated October 15, 1987. The Notice is based on the issues addressed during the conference.

II. REQUEST FOR EXTENSION OF TIME

The information presented during the September 17, 1987, conference was based on our detailed review of the findings noted in the August 27, 1987, inspection report. As presented in the conference and documented in our October 15, 1987, letter: CP&L agreed that the deficiencies constituted violations of regulatory requirements; however based upon the enforcement guidance in effect at the time, it was our belief that each of the items discussed were "qualifiable for the application in question" and, therefore, not "sufficiently significant for assessment of civil penalties."

The CP&L assessment was based upon the following NRC EQ-related enforcement guidance documents that were in effect at the time of our letter: (1) Generic Letter 85-15, issued August 6, 1985; (2) Generic Letter 86-15, issued September 22, 1986;

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and (3) Memorandum from James Taylor, Director of the Office of Inspection and Enforcement, to Regional Administrators dated April 10, 1987. This EQ enforcement guidance has since been modified and replaced by Generic Letter 88-07, "Modified Enforcement Policy Related to 10CFR50.49," dated April 7, 1988.

In developing a response to the Notice, we have determined that we need more time to respond than we would generally need for a case involving a civil penalty proposed under the normal Enforcement Policy of 10CFR 2, Appendix C. The revised policy is relatively new and substantially different from the previous EQ enforcement guidance. In addition, the policy has been in effect for such a short time that there are no examples of its application. To our knowledge, only two other escalated enforcement actions have been proposed based on Generic Letter 88-07 and both cases are at a stage in the enforcement process similar to BSEP. Because of these factors, CP&L requests additional time to develop and submit a response to the Notice.

III. "CLEARLY SHOULD HAVE KNOWN" FINDINGS

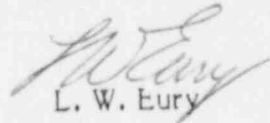
The Notice makes the general statement that CP&L "clearly should have known about the environmental qualification deficiencies ... and would have discovered many of them had adequate field verification inspections been performed and if there had been adequate design interface control for skid-mounted components." However, the Notice does not provide CP&L with sufficient information to respond to the assertion that CP&L clearly should have known of each deficiency prior to the deadline. The only information is a general reference to the existence of two IE Notices and one IE Circular. So that we may respond appropriately to the Notice, CP&L requests that you provide us with your evaluation, for each of the nine proposed violations, of the four factors that Generic Letter 88-07 indicates should be examined in determining whether specific deficiencies meet the "clearly should have known" test.

IV. SUMMARY

CP&L requests a 30-day extension in the time to respond to the Notice following receipt of your response to CP&L's request for additional information on how the four factors in the "clearly should have known" test were applied for each of the proposed violations.

If you have any questions, please contact Mr. Pedro Salas at (919) 836-8015.

Yours very truly,


L. W. Eury

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cc: Mr. W. H. Ruland
Mr. E. D. Sylvester
NRC Document Control Desk