

January 29, 1998

EA 98-040

Florida Power Corporation
Crystal River Energy Complex
Mr. Roy A. Anderson (SA2A)
Sr. VP, Nuclear Operations
ATTN: Mgr., Nuclear Licensing
15760 West Power Line Street
Crystal River, Florida 34428-6708

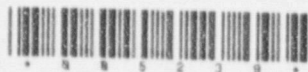
SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION (NUCLEAR REGULATORY COMMISSION
INSPECTION REPORT NO. 50-302/97-21)

Dear Mr. Anderson:

This letter supplements Inspection Report No. 50-302/97-21, transmitted in our letter dated December 29, 1997. In that letter, the Nuclear Regulatory Commission (NRC) documented the review and the exercise of enforcement discretion (EA 97-565) for 44 Licensee Event Reports (LERs) submitted by Florida Power Corporation (FPC) describing engineering design, procedural, reporting, and corrective action deficiencies at your Crystal River 3 Nuclear Station. Subsequently, the NRC conducted a review of five additional LERs. The LERs reviewed were: 50-302/97-042, 97-043, 97-044, 97-045, and 97-046. In addition an issue described in your letter to the NRC dated January 23, 1998, regarding the dynamic effects of a loss of coolant accident (LOCA) was also reviewed. As stated in your letter of January 23, 1998, this issue will be submitted as LER 50-302/98-001. Our review of the six issues (five LERs previously submitted, plus one to be submitted as LER 50-302/98-001) was discussed with members of your staff on January 29, 1998.

Based on our review of the six issues above, the NRC has concluded that violations of NRC requirements were involved. A brief description of the issues addressed by the LERs is enclosed. Normally, violations of regulatory requirements associated with the subject LERs would be categorized in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, as Severity Level III and Severity Level IV violations. In addition, in accordance with the Enforcement Policy, a civil penalty normally would be considered for each Severity Level III violation. However, as discussed in Section VII.B.2 of the Enforcement Policy, the NRC may refrain from issuing a Notice of Violation

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(Notice) or a proposed civil penalty for violations that are identified after (i) the NRC has taken significant enforcement action based upon a major safety event contributing to an extended shutdown of an operating reactor, or (ii) the licensee enters an extended shutdown related to generally poor performance over a long period of time.

After review of the six issues described above, and consultation with the Director, Office of Enforcement, the NRC has determined that exercising enforcement discretion is appropriate for these six issues. This determination is based on the items listed below: (1) the issues were identified by FPC and enforcement action is not considered necessary to achieve remedial action for those issues identified by the NRC; (2) the violations, for the most part, were based upon activities which took place before the events leading to the shutdown of Crystal River Unit 3 or while Unit 3 was shutdown; (3) the violations were not considered to be willful and would not be categorized at a Severity Level higher than Severity Level II; (4) the Crystal River facility has been shut down for performance reasons including engineering violations, such as the ones identified by these issues, and in enforcement actions issued on March 12, 1997 (Enforcement Actions 96-365, 96-465 and 96-527) which involved a Severity Level II problem for the failure to perform adequate reviews pursuant to 10 CFR 50.59; (5) the Crystal River facility will remain shut down until completion of a comprehensive program of improvements in the engineering area; (6) FPC has demonstrated that remedial action is being taken to ensure reestablishment of design margins for plant systems prior to plant restart; (7) NRC issued a \$500,000 civil penalty on July 10, 1996 (EA 95-126), which included sanctions for engineering violations; (8) FPC's decision to restart Crystal River Unit 3 requires NRC concurrence in accordance with a Confirmatory Action Letter issued on March 4, 1997; and, (9) FPC has made substantial progress in addressing and resolving the issues identified in the LERs described in the enclosure. Therefore, the NRC is exercising enforcement discretion in accordance with Section VII.B.2 of the Enforcement Policy and will not issue a Notice and/or proposed civil penalty for these issues. Note that this is similar to the action taken for the LERs listed in our December 24, 1997, letter since the issues, root causes, and programmatic actions to those LERs are similar.

The NRC will continue to examine the implementation of your corrective actions during future inspections. The exercise of enforcement discretion in this case will also be tracked as non-cited violation (NCV) 50-302/97-21-01, Noncompliances in Design Control, 10 CFR 50.59 Evaluations, Procedural Adequacy/Adherence, Reportability, and Corrective Actions, as indicated in our

December 29, 1997, letter. Your satisfactory completion of corrective actions will be tracked and evaluated as part of NRC's closeout of the individual LERs.

The NRC has concluded that information regarding the reasons for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence are already adequately addressed on the docket. Therefore, you are not required to respond to this letter unless the descriptions provided in the LERs addressed by this letter do not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector at the Crystal River facility, within 30 days of the date of this letter specifically describing any changes in your corrective actions or position. This letter should be in addition to or reference any required updates to the LERs.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, should you provide one, will be placed in the NRC Public Document Room. Should you have any questions concerning this letter, please contact us.

Sincerely,

Original Signed by
Bruce S. Mallitt / *for*

Luis A. Reyes
Regional Administrator

Docket No. 50-302
License No. DPR-72

Enclosure: List of Licensee Event
Reports (LERs)

cc w/encl: See Page 4

FPC

4

cc w/encl:

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5

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6

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NRC Resident Inspector

U.S. Nuclear Regulatory Commission

6745 N. Tallahassee Road

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DATE	1/24/98	1/29/98	1/20/98	1/24/98	1/24/98	1/24/98
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY DOCUMENT NAME: H:\197open.enf\97565cr.dir\final.oe2.

*Encl
from
DTN*

LIST OF LICENSEE EVENT REPORTS (LERs)
INCLUDED IN NCV 50-302/97-21-01

LER NUMBER EVENT DATE REPORT DATE	Title
97-042 07/30/97 12/17/97	INADEQUATE ENGINEERING EVALUATION RESULTS IN LOSS OF DIVERSE REACTOR COOLANT SYSTEM LEAK DETECTION CAPABILITY - (RM-A6 GASEOUS CHANNEL CANNOT DETECT A 1 GPM RCS LEAK WITHIN 1 HOUR)
97-043 12/08/97 01/06/98	A DEFICIENCY IN THE ELECTRICAL DESIGN CRITERIA RESULTED IN THE CONTROL COMPLEX CHILLER MOTOR TRIP SETPOINT BELOW THE FULL LOAD AMPERE SETTING
97-044 12/09/97 01/05/98	BREAKER TRIP SETPOINT COULD RESULT IN DEENERGIZING SAFETY-RELATED EQUIPMENT DUE TO INADEQUATE DESIGN CRITERIA (LONG-TIME SETTING OF BREAKER 3351 SET TOO LOW - FEEDER BREAKER TO 480V ES MOTOR CONTROL CENTER)
97-045 12/05/97 12/31/97	CONTAINMENT ISOLATION VALVES NOT SEISMICALLY QUALIFIED DUE TO INSTALLATION ERROR
97-046 12/20/97 01/16/98	A DESIGN ERROR RESULTED IN A POTENTIAL FOR THE EMERGENCY DIESEL GENERATOR TO BE UNAVAILABLE FOLLOWING A POSTULATED APPENDIX R EVENT. (EXCITER CIRCUIT NOT PROTECTED FOR CONTROL ROOM FIRE)
Letter dated January 23, 1998, (issue to be submitted as LER 98-001)	SYSTEMS, STRUCTURES, AND COMPONENTS WERE NOT PROTECTED FROM THE DYNAMIC EFFECTS OF A LOSS OF COOLANT ACCIDENT (EFW LEVEL TRANSMITTER LINE FROM STEAM GENERATOR HAD TO BE REROUTED)