



## Florida Power

CORPORATION  
Crystal River Unit 3  
Docket No. 50-302

September 4, 1997  
3F0997-17

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D.C. 20555-0001

Subject: Reply to Notice of Violation (NRC Inspection Report No. 50-302/97-08)  
NRC to FPC letter, 3N0897-10, dated August 11, 1997

Dear Sir:

In the subject letter, Florida Power Corporation (FPC) received a Notice of Violation concerning inadequate corrective actions for Enforcement Action (EA) 97-094. In addition, concerns about inconsistencies in scenario classifications by Emergency Coordinators were identified in NRC Inspection Report No. 50-302/97-08. This correspondence provides our response to the above items.

Sincerely,

John Paul Cowan  
Vice President  
Nuclear Production

JPC/bwo

cc: Regional Administrator, Region II  
Senior Resident Inspector  
NRR Project Manager

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## ATTACHMENT 1

### **FLORIDA POWER CORPORATION NRC INSPECTION REPORT NO. 50-302/97-08 REPLY TO A NOTICE OF VIOLATION**

#### **VIOLATION 50-302/97-08-01**

During NRC inspections conducted on June 8 through July 12, 1997, a violation of NRC requirements was identified.

10 CFR 50, Appendix B, Criterion XVI, requires that measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected.

10 CFR 50, Appendix B, Criterion V, requires that activities affecting quality shall be prescribed by documented instructions, procedures or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures or drawings.

NRC Notice of Violation EA 97-094, dated June 6, 1997, identified two examples of failing to report conditions within the timeliness requirements of 10 CFR 50.72 and 10 CFR 50.73. The licensee's corrective actions included revision of Florida Power Corporation Compliance Procedure CP-151, External Reporting Requirements, to incorporate the correct timeliness requirements of 10 CFR 50.72 and 50.73 in the procedure.

Contrary to the above, the licensee's corrective actions for NRC Notice of Violation EA 97-094 were inadequate in that the revised Procedure CP-151, External Reporting Requirements, Revision 1, dated June 25, 1997, was inadequate to prevent repetition of the violation. Revision 1 of Procedure CP-151 was inadequate in that it incorrectly defined the start of the reportability time clock to be the time when the Nuclear Shift Manager or Shift Supervisor on Duty determines that a condition is reportable. 10 CFR 50.72 requires that the reportability time clock for one-hour and four-hour reports start with the occurrence of the event or condition. 10 CFR 50.73, requires that the reportability time clock for 30-day reports start with the discovery of the event or condition.

This is a Severity Level IV Violation (Supplement 1).

#### **ADMISSION OR DENIAL OF THE ALLEGED VIOLATION**

Florida Power Corporation (FPC) accepts the violation.

## **BACKGROUND**

NRC Inspection Report 97-04, dated April 11, 1997, identified three violations regarding the timeliness of FPC's reporting of events and conditions to the NRC as required by 10 CFR 50.72 and 50.73. Corrective actions included the initiation in February 1997 of Restart Action Plan Issue OP-4 to separate and better define the Operability Determination and Reportability Programs (CP-150 and CP-151). A multidisciplinary team (OP-4 Restart Issue) was established whose objective was to improve the reportability process to ensure the prompt disposition of unclear reportability issues and those requiring further evaluation. As a result, CP-151, Revision 1 was issued on June 25, 1997, which created the term "discovery time". Discovery time was defined as the time when the Nuclear Shift Manager (NSM) or Shift Supervisor on Duty (SSOD) determines that a condition is reportable, thus marking the start of the reportability time clock.

During NRC inspection 97-08 conducted the week of July 7, 1997, a review of the reportability process at CR-3, including the new Revision 1 to CP-151, was performed. Inspectors identified that the definition of "discovery time" was contrary to the requirements of 10 CFR 50.72(b), which requires notification within one (1) hour or four (4) hours of "occurrence". No examples of noncompliance to 10 CFR 50.72(b) were identified.

## **REASON FOR THE VIOLATION**

The OP-4 review team concluded that the terms "discovery time", as stated in 10 CFR 50.73(a), and "occurrence", as stated in 10 CFR 50.72(b), were equivalent in meaning. The definition of "discovery time" in Revision 1 to CP-151 attempted to provide uniform criteria for starting the time clock for reportability. The definition of "discovery time" was not in accordance with 10 CFR 50.72(b), and did not affect the CR-3 actual practice of making notifications to the NRC.

A contributing cause was the lack of validating the definition of "discovery time" with the actual requirement stated in 10 CFR 50.72(b).

## **CORRECTIVE STEPS THAT HAVE BEEN TAKEN AND THE RESULTS ACHIEVED**

Upon identification of the error, CP-151 was promptly corrected. On July 10, revisions to procedure CP-151 were made to clarify instructions regarding 10 CFR 50.72(b) reporting criteria and time limits for notification. In Section 3.1.3 of CP-151, the definition of "Discovery Time" was deleted and replaced with "Time Limits for Reporting". This new definition keys the time limit for 10 CFR 50.72(b) reports to "occurrence", 10 CFR 50.73 reports to discovery date, and reads as follows:

- For those reports made in accordance with 10 CFR 50.72(a)(3) (Emergency Declarations), the start of the reportability clock occurs when the Emergency Coordinator declares entry into the Emergency Classification.

- For those reports made in accordance with 10 CFR 50.72(b) (Non-Emergency Events), the start of the reportability clock is the time of event occurrence.
- For those 30 day reports made in accordance with 10 CFR 50.73 (Licensee Event Reports), the start of the reportability clock is the discovery date. The date of discovery is when someone in the plant identifies a condition exists.

On July 10 and 11, 1997, revisions to CP-151 were communicated to CR-3 personnel through the Shift Supervisor on Duty (SSOD) and Nuclear Shift Manager (NSM) Night Orders for inclusion in shift turnover discussions.

The CP-151 training instructor was made aware on July 10, 1997 of the pending changes made to CP-151 for future classes and to ensure personnel who previously received this training would be notified if training was affected.

On July 24, 1997, procedures OI-08, "Notifications" and NOD-03, "Reporting Requirement Program" instructions for notification time limits were reviewed and no conflicts with the requirements of 10 CFR 50.72 or 50.73 were identified.

FPC completed an extent of condition review on July 24, 1997 of precursor cards which documented potential reportability issues after the issuance of CP-151, Revision 1 but prior to the issuance of CP-151, Revision 2. This reaffirmed that the timeliness of reportability issues was not effected since actual reporting practice was consistent with 10 CFR 50.72.

#### **CORRECTIVE STEPS THAT HAVE BEEN TAKEN TO AVOID FURTHER VIOLATIONS**

On July 8, 1997, lessons learned describing this incident were provided to all Restart Issue Managers. This emphasized the importance of an unbiased and independent review of procedure changes by those not responsible for revising the procedure.

The Training Department reviewed appropriate training lesson(s) and incorporated the lessons learned from this incident into NUCST-0009, "Qualified Reviewer Training" on August 23, 1997.

#### **DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED**

FPC is in full compliance.

## **ATTACHMENT 2**

### **Response to Inspector Follow-up Item 50-302/97-08-03: Unacceptable Variance in Classifying Scenarios Among a Representative Sample of Emergency Coordinators**

#### **INSPECTOR FOLLOW-UP ITEM 50-302/97-08-03**

The NRC conducted interviews with five qualified Emergency Coordinators (EC) to (1) assess the effectiveness of the Emergency Preparedness training, (2) ascertain if the Emergency Action Levels (EALs) were clearly and unambiguously written, and (3) ensure ECs could use the EALs to correctly classify events. During the interviews, the inspectors noted numerous variations in the classification and interpretation of the EALs by the ECs. The inspector concluded that the variance was due to a weakness in basic EAL training and apparent ambiguities in the licensee's EALs.

Florida Power Corporation (FPC) agrees that corrective actions are appropriate concerning the above items. FPC currently uses Emergency Action Level Initiating Conditions provided by NUREG-0654, FEMA-REP-1. FPC recognizes that the current EALs contain ambiguity that may lead to inconsistent interpretation and subsequent classification. The following describes the corrective actions that have been taken and those planned.

#### **Emergency Action Levels**

FPC has developed an Interpretation Guide that has been included in Emergency Plan Implementing Procedure (EPIP) EM-202, "Duties of the Emergency Coordinator" to provide clarification regarding the use of subjective phrases in the EALs. This guidance was completed in response to a previous weakness identified in NRC Inspection Report 50-302/97-04. Revised procedure EM-202 was issued on August 22, 1997.

FPC has also resumed development of NUMARC/NESP-007 EALs. Development had been previously delayed while reviewing the NRC's Emergency Preparedness Position (EPPOS) No. 1, dated June 1, 1995, "Acceptable Deviations from Appendix 1 to NUREG-0654 Based Upon the Staff's Regulatory Analysis of NUMARC/NESP-007...EALs." FPC recognizes that the NUMARC based EALs, coupled with the incorporation of NRC guidance will provide more consistent emergency classification. FPC's target for completion of the NUMARC EALs for submittal to the NRC is April 1998.

#### **Emergency Coordinator Training**

All Emergency Coordinators will receive a focused classroom review of EALs. This training will be completed by October 31, 1997. FPC's Radiological Emergency Planning (REP) staff will continue to monitor emergency classifications through observation of simulator sessions and the conduct of semi-annual EAL/Protective Action Recommendation exercises for each Emergency Coordinator to ensure consistent application.



**ATTACHMENT 3**

The following table contains a listing of commitments contained in this response:

Issue	Response Section	Commitment	Due Date
IFI 97-08-03	Page 4	All Emergency Coordinators will receive a focused classroom review of the EALs.	October 31, 1997
IFI 97-08-03	Page 4	FPC to complete the NUMARC EALs for submittal to NRC.	April 1998