

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Duke Energy Corporation (EA-98-543)  
Oconee 1, 2, 3  
Docket Nos. 50-269, -270, -287

Subject: EXERCISE OF ENFORCEMENT DISCRETION

This is to inform the Commission that an Exercise of Enforcement Discretion will be issued today to Duke Energy Corporation. Enforcement Discretion in accordance with Section VII.B.6 of the Enforcement Policy, Violations Involving Special Circumstances, will be exercised for a Severity Level II and a Severity Level III violation principally involving design basis implementation of the Emergency Feedwater (EFW) System at all three Oconee units. The Severity Level II violation involved a condition in which the EFW system could not perform its safety-related function in the event of a single failure coincident with a secondary pipe break and the loss of normal station auxiliary AC power. This condition had existed beginning in 1979 after implementation of a post-TMI modification, but was eliminated in 1993 and 1994. Risk considerations support the Severity Level II characterization. The Severity Level III violation also involved design basis aspects of EFW in that a 1989 modification failed to implement the seismic design basis requirement that during a seismic event the upper surge tank (EFW primary water source) would be protected against a break in a non-seismic secondary pipe to assure that the safety function of the EFW system would not be lost. This condition was corrected in 1993. Other issues were revealed during inspections involving additional aspects of the design basis of EFW, which resulted in the identification of three Non-Cited Violations.

For the Severity Level II and III violations, the staff determined that Exercise of Enforcement Discretion in accordance with Section VII.B.6 of the Enforcement Policy is warranted based on the age of the violations and that the conditions were all corrected by 1994.

It should be noted that Duke Energy Corporation has not been specifically informed of this action. The schedule of issuance and notification is:

Mailing of Notice	May 9, 2000
Telephone Notification of Licensee	May 9, 2000

The State of South Carolina will be notified.

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

OE	OE:D
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