



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET SW SUITE 23T85  
ATLANTA, GEORGIA 30303-8931**

**June 13, 2001**

EA-01-056  
SDP/EA-00-137

Duke Energy Corporation  
ATTN: Mr. W. R. McCollum  
Vice President  
Oconee Site  
7800 Rochester Highway  
Seneca, SC 29672

**SUBJECT: REVIEW OF DUKE ENERGY CORPORATION'S CLAIM OF BACKFIT**

Dear Mr. McCollum:

This letter is in response to your letter of May 18, 2001, in which Duke Energy Corporation denied NRC Violation No. 50-269, 270, and 287/01-06-01. In your letter, you state that our conclusion that scenarios existed within the design basis of the Oconee facility which would require the use of the spent fuel pool as a suction source for the high pressure injection pump is an unsupported licensing position. You further state that our position in this regard changed the design basis for the Oconee facility and represented a backfit.

We are reviewing your claim of backfit in accordance with our internal processes. We anticipate advising you of the results of this review as well as our position on the aforementioned violation prior to July 18, 2001.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Should you have any questions concerning this letter, please contact us.

Sincerely,

**/RA/**

Luis A. Reyes  
Regional Administrator

Docket Nos. 50-269, 50-270, 50-287  
License Nos. DPR-38, DPR-47, DPR-55

cc: Compliance Manager (ONS)  
Duke Energy Corporation  
Electronic Mail Distribution

(cc cont'd - See page 2)

(cc cont'd)  
Lisa Vaughn  
Legal Department (PB05E)  
Duke Energy Corporation  
422 South Church Street  
Charlotte, NC 28242

Anne Cottingham  
Winston and Strawn  
Electronic Mail Distribution

Mel Fry, Director  
Division of Radiation Protection  
N. C. Department of Environmental  
Health & Natural Resources  
Electronic Mail Distribution

Henry J. Porter, Assistant Director  
Div. of Waste Mgmt.  
S. C. Department of Health and  
Environmental Control  
Electronic Mail Distribution

R. Mike Gandy  
Division of Radioactive Waste Mgmt.  
S. C. Department of Health and  
Environmental Control  
Electronic Mail Distribution

County Supervisor of  
Oconee County  
415 S. Pine Street  
Walhalla, SC 29691-2145

Lyle Graber, LIS  
NUS Corporation  
Electronic Mail Distribution

L. A. Keller, Manager  
Nuclear Regulatory Licensing  
Duke Energy Corporation  
526 S. Church Street  
Charlotte, NC 28201-0006

(cc cont'd - See page 3)

DEC

3

(cc cont'd)  
Peggy Force  
Assistant Attorney General  
N. C. Department of Justice  
Electronic Mail Distribution

Distribution:  
D. LaBarge, NRR  
H. Berkow, NRR  
S. Rosenberg, EDO  
A. Boland, RII  
RIDSNNRRDIPMLIPB  
PUBLIC

PUBLIC DOCUMENT (circle one):    YES       NO

**(\*) PLEASE SEE PREVIOUS PAGE FOR CONCURRENCES**

OFFICE	RII:DRS	RII:DRS	RII:DRP	RII:DRP	RII:EICS	RII:RC	
SIGNATURE	<b>OGLE</b>	<b>CHRISTENSEN</b>	<b>WIDMANN</b>	<b>PLISCO</b>	<b>BOLAND</b>	<b>EVANS</b>	
NAME	COGLE	CCHRISTENSEN	MWIDMANN	LPLISCO	ABOLAND	CEVANS	
DATE	6/ /2001	6/ /2001	6/ /2001	6/ /2001	6/ /2001	6/ /2001	6/ /2001
E-MAIL COPY?	YES   NO	YES   NO	YES   NO	YES   NO	YES   NO	YES   NO	YES   NO

OFFICIAL RECORD COPY

DOCUMENT NAME: C:\Program Files\Adobe\Acrobat 4.0\PDF Output\oconee\_b.wpd