



Duke Energy

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Vice President

August 14, 2001

U.S. Nuclear Regulatory Commission
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Subject: Oconee Nuclear Station – Units 1, 2, and 3
Docket Nos. 50-269, 50-270, 50-287
Reply to a Notice of Violation
NRC Inspection Report 50-269/01-06, 270/01-06, and 287/01-06

Duke Energy Corporation (Duke) is in receipt of the referenced NRC Inspection Report. The subject Inspection Report describes a violation of 10 CFR 50.59 requirements associated with the licensing basis for Oconee Nuclear Station (ONS). Pursuant to provisions of 10 CFR 2.201 Duke's responses to the violation are being provided.

If you have any questions or require additional information, please contact Stephen C. Newman, Oconee Regulatory Compliance Group, at (864) 885-4388.

Very truly yours,



W. R. McCollum, Jr.
Site Vice President
Oconee Nuclear Site

Attachment

cc: L. A. Reyes, Regional Administrator
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IE01

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Attachment 1

**Oconee Nuclear Station – Units 1, 2, and 3
Docket Nos. 50-269, 50-270, 50-287
Response to Notice of Violation
NRC Inspection Report 50-269/01-06, 270/01-06, and 287/01-06**

Restatement of Violation

During an NRC inspection conducted on January 22-26, 2001, and March 12-22, 2001, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions – May 1, 2000," NUREG-1600, the violation is listed below:

10 CFR 50.59 (a)(1) (as revised January 1, 1999) states in part, that the licensee may make changes in the facility as described in the safety analysis report without prior Commission approval, provided the proposed change does not involve an unreviewed safety question (USQ). 10 CFR 50.59 (a)(2) states, in part, that a proposed change involves an USQ if the probability of occurrence or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased.

The Updated Final Safety Analysis Report (UFSAR) Section 3.2.2, System Quality Group Classification, states, in part that a sufficient supply of primary side make-up water is assured during a tornado initiated loss of offsite power by several sources. Included in these sources is a high-pressure injection (HPI) pump suction from the spent fuel pool (SFP).

UFSAR Section 3.2.2 further states that protection against a tornado is an Oconee design criterion, and that capability is provided to safely shut down all three units, in that, after a tornado, normal shutdown systems will remain available or alternate systems will be available to allow shutdown of the plant.

Contrary to the above, on August 28, 2000, the licensee completed a 10 CFR 50.59 safety evaluation to revise UFSAR Section 3.2.2 and delete the SFP as a suction source for the HPI pump after certain tornadoes, thereby increasing the probability of the malfunction of equipment important to safety. This resulted in an USQ for which the licensee did not have prior Commission approval.

This is a Severity Level IV violation (Supplement I).

Admission or Denial

Duke initially denied the violation¹, however, pursuant to the Staff's disagreement to that response², Duke chooses not to pursue the issue further.

¹ Duke Energy Corporation letter to the NRC, "Oconee Nuclear Station – Units 1, 2 and 3, Docket Nos. 50-269, 50-270, and 50-287, Reply to a Notice of Violation, NRC Inspection Report 50-269/01-06, 270/01-06, and 287/01-06," dated May 18, 2001.

Corrective Steps Taken and Results Achieved

A change to UFSAR Section 3.2.2, "System Quality Group Classification" was implemented which removed the footnote³ and restored the reference to the HPI/SFP flow path verbiage to its pre-violation status.

The 10 CFR 50.59 in question was used for the UFSAR change only and did not support either modifications to the plant systems or revisions to any plant procedures.

Corrective Steps Taken To Avoid Further Violation

Going forward, it was determined that an increased awareness and sensitivity to key elements that form the framework of the new 10CFR50.59 process was the best approach to take in order to avoid recurrence of this condition.

Prior to the July 2001 implementation of the new 10CFR50.59 process and in an effort to generate a clear understanding of differences between the old and new processes, "10CFR50.59 Applicability, Screening and Evaluation" training was completed. The purpose of this training was to ensure that the eight criteria used to evaluate the effects of proposed activities on accidents and malfunctions, changes in methods of evaluations, or fission product barriers, are appropriately considered and addressed. If any of the eight criteria apply, preparers recognize that the change will require a license amendment request.

Date of Full Compliance

Duke is presently in full compliance.

² NRC letter to Duke Energy Corporation (Attn: W. R. McCollum), "Oconee Nuclear Station – Reply to Notice of Violation – NRC Inspection Report No. 50-269/01-06, 270/01-06, and 287/01-06, and Reply to Claim of Backfit," dated July 20, 2001.

³ The HPI/SFP flow path was tentatively removed from the main body text but footnoted to read, "The removal of the Spent Fuel Pool as a suction source for the HPI pump is under evaluation by the NRC (Duke Energy letter to NRC, dated May 18, 2001)."