

August 9, 2010
EN 10-033

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Duke Energy Carolinas, LLC EA-10-094
Oconee Nuclear Station Units 1, 2 and 3
Docket No. 50-269, 270, 287

Subject: ISSUANCE OF FINAL SIGNIFICANCE DETERMINATION AND NOTICE OF VIOLATION

This is to inform the Commission of escalated enforcement actions that will be issued on or about August 12, 2010, to Duke Energy Carolinas, LLC (licensee) as a result of inspections at Oconee Nuclear Station Units 1, 2 and 3. The escalated enforcement actions consist of Yellow and White findings, both of which are associated with a violation, and a Severity Level III Notice of Violation.

The Yellow finding, an issue of substantial safety significance, involved the licensee's failure to meet Technical Specification requirements for operability of the Standby Shutdown Facility (SSF) Reactor Coolant Makeup (RCM) system. Contrary to Technical Specification 3.10.1, "Standby Shutdown Facility," the SSF RCM system was inoperable due to a degraded filter on the SSF RCM letdown line for greater than its allowed outage time without additional actions being taken. Specifically, the SSF RCM subsystem was inoperable from May 30, 2008, until October 9, 2009, for Unit 1; from December 10, 2008, until February 20, 2010, for Unit 2; and from May 19, 2009, until February 23, 2010, for Unit 3.

The White finding, an issue with low to moderate safety significance, involved the licensee's failure to identify and correct a condition adverse to quality which affected the ability to control reactor coolant inventory during a postulated event. Contrary to 10 CFR 50, Appendix B, Criterion XVI, "Corrective Action," the licensee failed to promptly identify and correct a condition adverse to quality. Specifically, on October 11, 2009, an SSF RCM letdown line test was performed on Unit 1. The test identified that flow in the system was significantly below the minimum required flow rate, causing the system to be declared inoperable. On October 19, 2009, the licensee identified that the cause of the reduced flow was a partially blocked filter, but failed to identify and correct a similar condition on Unit 2 until February 20, 2010, and Unit 3 until February 23, 2010.

A Notice of Violation is being issued to the licensee for its failure to provide the NRC with complete and accurate information as required by 10 CFR 50.9, "Completeness and Accuracy of Information." Specifically, on December 18, 2009, the licensee provided information which described an alternate flow path that could be used on Units 2 and 3 to control pressurizer level during an SSF event with the SSF RCM letdown line filter degraded. However, it was discovered that this flow path was not available due to a closed manual valve inside containment. This information, combined with an evaluation that showed flow rates on Unit 2 and Unit 3 were greater than the required value for level control in the last as-tested condition, was material to the NRC because it was used, in part, as the basis for determining whether the licensee's response to the degraded condition was adequate and whether additional compensatory actions or NRC review would be necessary.

A Regulatory and Predecisional Enforcement Conference was held with the licensee on July 13, 2010. The licensee agreed with the violations, but felt that the findings should be

characterized as one performance deficiency and not two, and highlighted key fire model inputs for the significance determination process. The staff considered the information provided by the licensee, but determined that the findings and violations are appropriately characterized as discussed above.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of final significance determination	August 12, 2010
Telephone notification of licensee	August 12, 2010

The State of South Carolina will be notified.

Contacts: Gerry Gulla, OE, (301) 415-2872 Nick Hilton, OE, (301) 415-3055

Distribution: EN-10-033, August 9, 2010

<u>OWFN</u> Chairman Jaczko Comm. Svinicki Comm. Apostolakis Comm. Magwood Comm. Ostendorff SECY OCA PA IP	<u>OWFN</u> EDO DEDR DEDMRS OE OGC NRR NSIR OI	<u>TWFN</u> OCFO OP CENTER FSME OIG OCIO RES ACRS	<u>EBB</u> NMSS	<u>Regional Offices</u> RI RII RIII RIV <u>MAIL</u> ADAMS OE staff
---	--	--	--------------------	---

Electronic DISTRIBUTION:

R. Zimmerman, OE
A. Campbell, OE
N. Hilton, OE
G. Gulla, OE
OE r/f
EN binder

X PUBLIC X NON-SENSITIVE
ADAMS ML102210229

OFFICE	OE:ES	OE:BC
NAME	G. Gulla	G Bowman for N. Hilton
DATE	07/29/10	08/04/10

OFFICIAL RECORD COPY