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AUTH.NAME AUTHOR AFFILIATION
MERSCHOFF,E.W. Region 2 (Post 820201)
RECIP.NAME RECIPIENT AFFILIATION
HAMPTON,J.W. Duke Power Co.

SUBJECT: Forwards insp repts 50-269/96-02,50-270/96-02 & 50-287/96-02 on 960108-25.No violations noted.

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February 2, 1996

EA 96-019

Duke Power Company
ATTN: Mr. J. W. Hampton
Vice President
Oconee Site
P. O. Box 1439
Seneca, SC 29679

SUBJECT: NRC INSPECTION REPORT NOS. 50-269/96-02, 50-270/96-02, AND 50-287/96-02

Dear Mr. Hampton:

This refers to the special inspection conducted on January 8-25, 1996, at the Oconee facility. The purpose of the inspection was to review the circumstances surrounding a spent fuel assembly being inadvertently left withdrawn from the Unit 1/2 spent fuel pool rack from December 14, 1995, until January 8, 1996. At the conclusion of the inspection, the findings were discussed with those members of your staff identified in the enclosed report.

Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observation of activities in progress.

Based on the results of this inspection, an apparent violation was identified and is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The apparent violation involves the inadequate control over fuel assembly movement on December 14, 1995, which resulted in a fuel assembly being left suspended in the fuel bridge mast for over three weeks. Combined with an accident scenario involving the Standby Shutdown Facility where water would be supplied from the spent fuel pool, the fuel assembly could have been uncovered. Accordingly, no Notice of Violation is presently being issued for this finding. In addition, please be advised that the number and characterization of apparent violation(s) described in the enclosed inspection report may change as a result of further NRC review.

An open predecisional enforcement conference to discuss this apparent violation has been scheduled for February 21, 1996. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violation sooner, corrective actions, significance of the issues and the need for lasting and effective corrective action. In particular, we expect you to address why corrective actions associated with Enforcement Action 94-104 (dated August 2, 1994) did not preclude this most recent fuel handling event. Additionally,

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PDR ADOCK 05000269
Q PDR

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this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on 1) the severity of the violation, 2) the application of the factors that the NRC considers when it determines the amount of the civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. This conference will be open to public observation in accordance with the Commission's continuing trial program as discussed in the enclosed excerpt from the Enforcement Policy (Enclosure 2). Although not required, we encourage you to provide your comments on how you believe holding this conference open to public observation affected your presentation and your communications with the NRC.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the apparent violation is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be placed in the NRC Public Document Room.

Sincerely,

Original signed by:

Ellis W. Merschoff, Director
Division of Reactor Projects

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

Enclosures: 1. Inspection Report
2. Enforcement Policy: Section V, "Predecisional Enforcement Conferences"

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