

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Duke Power Company  
Oconee Nuclear Plant  
Units 1, 2, 3

Docket Nos. 50-269, 50-270, 50-287  
License Nos. DPR-38, DPR-47, DPR-55  
EA 89-32

During the Nuclear Regulatory Commission (NRC) inspection conducted on December 17, 1988 - January 16, 1989, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, 53 Fed. Reg. 40019 (October 13, 1988), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violation and associated civil penalty are set forth below:

Technical Specification (TS) 3.3.5b(1) requires when the Reactor Coolant System (RCS) with fuel in the core is in a condition with pressure equal to or greater than 350 psig or temperature equal to or greater than 250 degrees F and subcritical that two independent reactor building cooling (RBC) trains, each comprised of an RBC fan, cooling unit and associated Engineered Safety Features (ESF) valves shall be operable.

TS 3.3.5c(1) requires that when the reactor is critical, in addition to the above requirements, the remaining RBC fan, associated cooling unit and ESF valves shall be operable.

Contrary to the above, it was discovered on January 7, 1989, that all of the fusible linked dropout plates on the Reactor Building Cooling Unit (RBCU) ductwork would not perform their intended function if required. The units had each operated, since licensing, in all operational conditions with the plates inoperable. Under certain analyzed accident conditions, the failure of these plates to drop free of the ductwork would render the RBC system inoperable.

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

Civil Penalty - \$25,000

Pursuant to the provisions of 10 CFR 2.201, Duke Power Company is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) admission or denial of the violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the amount of the civil penalty proposed above or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violation listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C, should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201 but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay the penalty due, which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C 2282.

The responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region II and a copy to the NRC Resident Inspector, Oconee Nuclear Plant.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By:  
Stewart D. Ebnetter

Stewart D. Ebnetter  
Regional Administrator

Dated at Atlanta, Georgia  
this 14th day of April 1989