

September 1, 1995

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

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR DUKE POWER COMPANY
REGARDING ALL OCONEE UNITS [TAC NO. 95-2-007]

Dear Mr. Hampton:

By letter dated August 31, 1995, you requested that the NRC exercise discretion not to enforce compliance with the actions required in Technical Specification (TS) 3.7.3. The letter documented information previously discussed in a telephone conversation on August 31, 1995, at 2:00 p.m. between you and Mr. R. Crlenjak of the NRC. The letter also addressed information discussed in a subsequent telephone conversation on August 31, 1995, at 9:30 p.m. between you and Mr. J. Johnson of the NRC. You stated that on August 31, 1995, it became apparent that modifications being performed on Keowee Unit 2 overhead emergency electrical power path would not be completed within the required TS 3.7.2(a) 72 hour LCO allowable time limit for having this power path disabled. At 10:01 p.m., when the 72 hour LCO expired, T.S. 3.7.3 would become effective requiring shutdown of all three operating units to Hot Shutdown within 12 hours. You requested that an NOED for the three operating units be issued and be effective for the period from 10:01 a.m. on September 1, 1995, until 10:01 p.m. on September 1, 1995.

During the installation of the recently approved Keowee modifications for dual hydro unit operation to the grid, potential concerns regarding work practices were identified. The work was stopped on August 30, 1995. The Oconee plant operations review committee (PORC) completed a review of the work practice concerns and corrective actions necessary to resume work. Work was restarted on August 30, 1995. The work stoppage reduced the probability that the modifications could be completed within the 72 hour LCO. Therefore, you initiated actions to restore the overhead power path to an operable status within the 72 hour LCO. However, problems were identified by the post-maintenance test which resulted in entering TS 3.7.3 which requires shutdown of the operating units to Hot Shutdown within 12 hours.

You indicated that you would proceed to shutdown Unit 3 in compliance with the referenced TS action. You requested an extension of the time period allowed for all three units to be in hot shutdown for TS 3.7.3 from 12 hours to 24 hours. Although you believe that the operating staff can safely shutdown the units within the 12 hour time period, the safety rationale that you provided

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as a basis for the NOED request involved a desire to relieve additional time pressures on the staff that would be encountered while shutting down three units simultaneously. Additionally, the simultaneous shutdown was not considered warranted based on the negligible impact on plant safety of extending the LCO by 12 hours to allow for a sequential shutdown of the units. You also identified a number of compensatory measures which ensured that electrical supplies would remain reliable during the time period requested for completing shutdown of the three units. These measures included: 1) a Lee Combustion Turbine will be started and available to energize the standby buses to ensure an additional source of emergency power, 2) no planned testing or maintenance will be conducted on the safe shutdown facility (SSF) or the switchyard until the LCO is exited, 3) all unnecessary safety-related work to be suspended, 4) all overhead electrical path restoration activities are being worked on a 24 hour schedule, and 5) continuous management oversight of the modification will continue until the LCO is exited.

The NRC staff has evaluated your safety rationale, and finds that it adequately addressed the criteria for operating plants as delineated in the "General Statement of Policy and Procedures for NRC Enforcement Actions," (Enforcement Policy) (60FR34381; June 30, 1995/NUREG-1600), Section VII.C, Exercise of Discretion for an Operating Facility, since it minimizes the potential consequences of unnecessary plant transients associated with shutting three units down simultaneously.

By allowing for a total of 24 hours to sequentially shutdown the three units, undesirable time constraints and coordination activities between the plant operators that would result from forced compliance with the TS action statement are avoided, thereby minimizing potential safety consequences and operational risks.

On the basis of the NRC staff's evaluation of your request and the compensatory measures described above, the staff has concluded that exercising enforcement discretion was warranted because we are clearly satisfied that this action involves minimal or no safety impact and has no adverse impact on public health and safety. Therefore, it is our intention to exercise discretion not to enforce compliance with TS 3.7.3 for the period from 10:01 a.m. on September 1, 1995, until 10:01 p.m. on September 1, 1995. This letter documents our final telephone conversation on August 31, 1995, at 11:30 p.m. when we orally issued this notice of enforcement discretion. We understand that the condition causing this NOED was corrected by you, and the units exited from TS 3.7.3 at 2:30 a.m. on September 1, 1995. Because you exited from TS 3.7.3 prior to 10:01 a.m. on September 1, 1995, the enforcement discretion authorized by this notice was not utilized.

However, as stated in the NRC's "General Statement of Policy and Procedure for Enforcement Actions, enforcement action will normally be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this discretion was used.

The need for Duke Power Company's request for this discretion could have been eliminated if your facility Technical Specifications had been structured to cope with the circumstances of a three unit shutdown requirement.

Sincerely,

Original signed by
Stewart D. Ebnetter

Stewart D. Ebnetter
Regional Administrator

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

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NAME	RCrlenjak:sam	HBerkow	JJohnson	B [Signature]	AGibson				
DATE	09 / 1 / 95	09 / 1 / 95	09 / 1 / 95	09 / 1 / 95	09 / 1 / 95				
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