

*Official*

NOV 16 1992

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

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

Gentlemen:

SUBJECT: CONFIRMATION OF MEETING ARRANGEMENTS - OCONEE UNITS 1, 2,  
AND 3

This confirms the arrangements made between you and Mr. A. R. Herdt of my staff concerning an Enforcement Conference to be conducted at the Nuclear Regulatory Commission, Region II Office on November 24, 1992, at 10:00 a.m. This Enforcement Conference will be open for public observation in accordance with the Commission's trial program as discussed in the enclosed Federal Register Notice. The purpose of the Enforcement Conference will be for you to discuss the circumstances associated with the mispositioned valve in the Unit 3 Low Pressure Service Water System which was identified by your staff on September 12, 1992. This mispositioned valve resulted in the Unit 3 Low Pressure Service Water System being operated in a degraded mode. Specific areas we would like to address are identified in the enclosure.

Should you have any questions regarding these arrangements, we will be pleased to discuss them.

Sincerely,

*Very signed by J. Johnson*

Ellis W. Merschoff, Director  
Division of Reactor Projects

- Enclosures:  
1. Meeting Agenda  
2. Federal Register Notice

cc w/encls:  
M. E. Patrick  
Compliance  
Duke Power Company  
P. O. Box 1439  
Seneca, SC 29679

cc w/encls: See page 2

9211250054 921116  
PDR ADOCK 05000269  
Q PDR

*EA*  
*[Signature]*  
IE01

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Duke Power Company

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cc w/encls: Continued  
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County Supervisor of  
Oconee County  
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Manager, LIS  
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Assistant Attorney General  
N. C. Department of Justice  
P. O. Box 629  
Raleigh, NC 27602

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Duke Power Company

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bcc w/encls:

D. Matthews, NRR

L. Wiens, NRR

E. Merschoff, RII

J. Johnson, RII

A. Gibson, RII

W. Miller, RII

G. A. Belisle, RII

A. R. Herdt, RII

Document Control Desk

L. Plisco ; 200

NRC Resident Inspector

U.S. Nuclear Regulatory Commission

Route 2, Box 610

Seneca, SC 29678

RII

*W Miller*  
B Miller  
11/10/92

RII

*alb*  
ABelisle  
11/10/92

RII

*AHerdt*  
AHerdt  
11/13/92

RII

*J Johnson*  
J Johnson  
11/13/92

ENCLOSURE

ENFORCEMENT CONFERENCE AGENDA  
U.S. NUCLEAR REGULATORY COMMISSION  
and  
DUKE POWER COMPANY  
NOVEMBER 24, 1992

- I. INTRODUCTION AND OPENING REMARKS  
S. Ebnetter, Regional Administrator
- II. DISCUSSION OF THE ENFORCEMENT POLICY  
G. Jenkins, Director  
Enforcement and Investigation Coordination Staff
- III. OVERVIEW - Mr. Ebnetter
- IV. APPARENT VIOLATIONS AND NRC CONCERNS  
J. Johnson, Deputy Director  
Division of Reactor Projects
- V. LICENSEE PRESENTATION  
J. Hampton, Vice President  
Oconee Nuclear Site  
Duke Power Company

ISSUES ASSOCIATED WITH DEGRADED LOW PRESSURE  
SERVICE WATER SYSTEM FLOW PATH

1. Description of Surveillance Test which was performed on June 9, 1992, but failed to identify the mispositioned valve in the Unit 3 Low Pressure Service Water (LPSW) system.
2. Safety consequences and significance of operating Unit 3 from June 9 to September 12, 1992, with the LPSW system in a degraded mode due to the mispositioned valve.
3. Root cause of the event.
4. Corrective actions to prevent recurrence.

\* \* \* BREAK \* \* \*

- VI. NRC FOLLOWUP QUESTIONS
- VII. CLOSING - Mr. Ebnetter

ADDRESSES: Send comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch.

Hand deliver comments to: One White Flint North, 11355 Rockville Pike, Rockville, MD between 7:45 a.m. to 4:15 p.m., Federal workdays.

Copies of comments may be examined at the NRC Public Document Room, 7120 L Street, NW, (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301-504-2741).

#### SUPPLEMENTARY INFORMATION:

##### Background

The NRC's current policy on enforcement conferences is addressed in Section V of the latest revision to the "General Statement of Policy and Procedure for Enforcement Actions," (Enforcement Policy) 30 CFR part 2, appendix C that was published on February 18, 1982 (37 FR 5791). The Enforcement Policy states that "enforcement conferences will not normally be open to the public." However, the Commission has decided to implement a trial program to determine whether to maintain the current policy with regard to enforcement conferences or to adopt a new policy that would allow most enforcement conferences to be open to attendance by all members of the public.

##### Policy Statement

##### Position

The NRC is implementing a two-year trial program to allow public observation of selected enforcement conferences. The NRC will monitor the program and determine whether to establish a permanent policy for conducting open enforcement conferences based on an assessment of the following criteria:

- (1) Whether the fact that the conference was open impacted the NRC's ability to conduct a meaningful conference and/or implement the NRC's enforcement program;
- (2) Whether the open conference impacted the licensee's participation in the conference;
- (3) Whether the NRC expended a significant amount of resources in making the conference public; and
- (4) The extent of public interest in opening the enforcement conference.

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#### Two-Year Trial Program for Conducting Open Enforcement Conferences; Policy Statement

AGENCY: Nuclear Regulatory Commission.

##### ACTION: Policy statement.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is issuing this policy statement on the implementation of a two-year trial program to allow selected enforcement conferences to be open to attendance by all members of the general public. This policy statement describes the two-year trial program and informs the public of how to get information on upcoming open enforcement conferences.

**DATE:** This trial program is effective on July 10, 1982, while comments on the program are being received. Submit comments on or before the completion of the trial program scheduled for July 11, 1982. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

### I. Criteria For Selecting Open Enforcement Conferences

Enforcement conferences will not be open to the public if the enforcement action being contemplated—

- (1) Would be taken against an individual or if the action, though not taken against an individual turns on whether an individual has committed wrongdoing;
- (2) Involves significant personnel failures where the NRC has requested that the individual(s) involved be present at the conference;
- (3) Is based on the findings of an NRC Office of Investigations (OI) report or
- (4) Involves safeguards information, Privacy Act information, or other information which could be considered proprietary.

Enforcement conferences involving medical misadministrations or overexposures will be open assuming the conference can be conducted without disclosing the exposed individual's name. In addition, enforcement conferences will not be open to the public if the conference will be conducted by telephone or the conference will be conducted at a relatively small licensee's facility. Finally, with the approval of the Executive Director for Operations, enforcement conferences will not be open to the public in special cases where good cause has been shown after balancing the benefit of public observation against the potential impact on the agency's enforcement action in a particular case.

The NRC will strive to conduct open enforcement conferences during the two-year trial program in accordance with the following three goals:

- (1) Approximately 25 percent of all eligible enforcement conferences conducted by the NRC will be open for public observation;
- (2) At least one open enforcement conference will be conducted in each of the regional offices; and
- (3) Open enforcement conferences will be conducted with a variety of the types of licensees.

To avoid potential bias in the selection process and to attempt to meet the three goals stated above, every fourth eligible enforcement conference involving one of three categories of licensees will normally be open to the public during the trial program. However, in cases where there is an ongoing adjudicatory proceeding with one or more intervenors, enforcement conferences involving issues related to the subject matter of the ongoing adjudication may also be opened. For the purposes of this trial program, the

three categories of licensees will be considered operating reactors, hospitals, and other licensees, which will consist of the remaining types of licensees.

### II. Announcing Open Enforcement Conferences

As soon as it is determined that an enforcement conference will be open to public observation, the NRC will orally notify the licensee that the enforcement conference will be open to public observation as part of the agency's trial program and send the licensee a copy of this Federal Register notice that outlines the program. Licensees will be asked to estimate the number of participants it will bring to the enforcement conference so that the NRC can schedule an appropriately sized conference room. The NRC will also notify appropriate State liaison officers that an enforcement conference has been scheduled and that it is open to public observation.

The NRC intends to announce open enforcement conferences to the public normally at least 10 working days in advance of the enforcement conference through the following mechanisms:

- (1) Notices posted in the Public Document Room;
- (2) Toll-free telephone messages; and
- (3) Toll-free electronic bulletin board messages.

Pending establishment of the toll-free message systems, the public may call (301) 696-6722 to obtain a recording of upcoming open enforcement conferences. The NRC will issue another Federal Register notice after the toll-free message systems are established.

To assist the NRC in making appropriate arrangements to support public observation of enforcement conferences, individuals interested in attending a particular enforcement conference should notify the individual identified in the meeting notice announcing the open enforcement conference no later than five business days prior to the enforcement conference.

### III. Conduct of Open Enforcement Conferences

In accordance with current practice, enforcement conferences will continue to normally be held at the NRC regional offices. Members of the public will be allowed access to the NRC regional offices to attend open enforcement conferences in accordance with the "Standard Operating Procedures For Providing Security Support For NRC Hearings And Meetings" published November 2, 1981 (58 FR 56231). These procedures provide that visitors may be

subject to personal screening, that signs, banners, posters, etc., not larger than 18" be permitted, and that disruptive persons may be removed.

Each regional office will continue to conduct the enforcement conference proceedings in accordance with regional practice. The enforcement conference will continue to be a meeting between the NRC and the licensee. While the enforcement conference is open for public observation, it is not open for public participation.

Persons attending open enforcement conferences are reminded that (1) the apparent violations discussed at open enforcement conferences are subject to further review and may be subject to change prior to any resulting enforcement action and (2) the statements of views or expressions of opinion made by NRC employees at open enforcement conferences or the lack thereof, are not intended to represent final determinations or beliefs.

In addition to providing comments on the agency's trial program in accordance with the guidance in this notice, persons attending open enforcement conferences will be provided an opportunity to submit written comments anonymously to the regional office. These comments will subsequently be forwarded to the Director of the Office of Enforcement for review and consideration.

Dated at Rockville, MD, this 7th day of July 1982.

For the Nuclear Regulatory Commission:  
Samuel J. Chalk,  
Secretary of the Commission.  
(FR Doc. 82-16233 Filed 7-9-82; 8:45 a.m.)  
GILLUM CODE 782-01-0

31754

## Corrections

Federal Register  
Vol. 87, No. 138  
Friday, July 17, 1982

### NUCLEAR REGULATORY COMMISSION

Two-Year Trial Program for Conducting Open Enforcement Conferences; Policy Statement

#### Corrections

In notice document 82-16233 beginning on page 30782 in the issue of Friday, July 10, 1982, on page 30782, in the second column, under DATES, beginning in the 8th line, "July 11, 1982" should read "July 11, 1984".

GILLUM CODE 782-01-0