

JUN 16 1994

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

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

Gentlemen:

SUBJECT: NOTICE OF VIOLATION  
(NRC INSPECTION REPORT NOS. 50-269/94-16, 50-270/94-16 AND  
50-287/94-16)

This refers to the inspection conducted by P. E. Harmon of this office on May 1 - June 4, 1994. The inspection included a review of activities authorized for your Oconee facility. At the conclusion of the inspection, the findings were discussed with those members of your staff identified in the enclosed inspection 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, certain activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). Although the consequences of the subject activity were minimal, the very nature of an inadvertent dilution of the Reactor Coolant System makes this violation a concern.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with the NRC regulatory requirements.

Also based on results of the 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), 10 CFR Part 2, Appendix C. The apparent violation involved two instances of inadequate control over refueling activities. This issue is of considerable concern because corrective actions for similar instances in the past have been ineffective in precluding recurrence.

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Accordingly, no Notice of Violation is presently being issued for these inspection findings. Please be advised that the number and characterization of the apparent violations described in the enclosed inspection report may change as a result of further NRC review.

An enforcement conference to discuss this apparent violation has been scheduled for June 29, 1994, in the NRC Region II office. The decision to hold an enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. The purposes of this conference are to discuss the apparent violation, its cause and safety significance; to provide you the opportunity to point out any errors in our inspection report; to provide an opportunity for you to present your proposed corrective actions. In addition, this is an opportunity 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 a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. 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 2.970 of the NRC's "Rules of Practice", a copy of this letter and its enclosures will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Should you have any questions concerning this letter, please contact us.

Sincerely,

ORIGINAL SIGNED BY  
MARVIN V. SHINKULE (for)

Jon R. Johnson, Acting Director  
Division of Reactor Projects

Enclosures:

1. Notice of Violation
2. NRC Inspection Report

cc w/encls (See page 3)

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cc w/encls cont'd:  
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cc w/encls cont'd: (See page 4)

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M. Satorius, OE  
J. Gray, OE  
B. Uryc, RII  
L. Watson, RII  
R. Carroll, RII  
M. V. Sinkule, RII  
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NRC Resident Inspector  
U.S. Nuclear Regulatory Commission  
Route 2, Box 610  
Seneca, SC 29678

\*SEE CONCURRENCE PAGE FOR SIGNATURES.

RII:DRP

RII:DRP

RII:EICS

RCarroll  
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MSinkule  
06/ /94

BUryc  
06/ /94

Duke Power Company

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RII:DRP

*RLC*  
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06/16/94

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*[Signature]*  
BUryc

06/16/94