

NOTICE OF VIOLATION

Duke Power Company

Docket Nos. 50-269, 50-270,
and 50-287

Oconee Nuclear Station
Units 1, 2, and 3

License Nos. DPR-38, DPR-47,
and DPR-55

During an NRC inspection conducted during the period August 22 - September 16, 1994, four violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violations are listed below:

- A. 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings," states, in part, "Activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings."

Procedure OTG-004, Paragraph 5.3.D.3.c, discussed the content and requirements of the Shift Review Schedule. Step 5.3.D.3.c.3 required in part, that, "Each student place his/her initials and the date after reviewing the material" on a roster contained in the Shift Review Book.

Procedure ETQS 703, Step 5.3.4, required that when evaluating different groups of trainees on the same training content at different times, construct alternate tests which (a) duplicate no more than two thirds of the test questions from the previous test and (b) reorder questions duplicated from a previous test so that no two consecutive tests have the same structure."

Contrary to the above, on September 16, 1994, the NRC identified two instances where the licensee failed to follow approved procedures:

1. Procedure OTG-004, Step 5.3.D.3.c.3, was not followed in that a licensed operator took his annual examination culminating his annual requalification curriculum on August 24, 1994, without initialing and dating the roster in the Shift Review Book.
2. Procedure ETQS 703, Step 5.3.4, was not followed in that the licensee administered identical tests on both Thursday and Friday of each classroom segment.

This is a Severity Level IV violation (Supplement I)

- B. 10 CFR 50.54(i-1) states, in part, "The licensee shall have in effect an operator requalification program which must, as a minimum, meet the requirements of 10 CFR 55.59(c) of this chapter."

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Enclosure 1

10 CFR 55.59(c)(3) states, in part, "The requalification program must include on-the-job training so that (i) Each licensed operator of a utilization facility manipulates the plant controls and each licensed senior operator either manipulates the controls or directs the activities of individuals during plant control manipulations during the term of the licensed operator's or senior operator's license."

10 CFR 55.59(c)(5)(i) states, in part, "The facility shall maintain records documenting the participation of each licensed operator and senior operator in the requalification program", and that the records must contain "The results of evaluations and documentation of operating tests ..."

Procedure ETQS 2306 states, in part, "Each individual shall demonstrate competency by participating in reactivity manipulations and plant evolutions during simulator exercises. Each licensed operator shall participate in a variety of reactivity control manipulations as determined by a systematic evaluation of needs. These include normal, abnormal and emergency evolutions identified as needed to improve performance."

Contrary to the above, on September 16, 1994, records maintained to document licensed operator completion of operating tests and performance of on-the-job training in the requalification program were not maintained. Specifically, they did not contain sufficient information to furnish evidence that the control manipulations required by Procedure ETQS 2306 were conducted in accordance with regulations.

This is a Severity Level IV violation (Supplement I)

- C. 10 CFR 55.25 states "If during the term of the (an operator's) license, the licensee develops a physical or mental condition that causes the licensee to fail to meet the requirements of § 55.21 of this part, the facility licensee shall notify the Commission within 30 days of learning of the diagnosis. For conditions for which a conditional license (as described in § 55.33(b) of this part) is requested, the facility licensee shall provide medical certification on Form NRC 396 to the Commission (as described in § 55.23 of this part)." Also, 10 CFR 50.74 states "Each (facility) licensee shall notify the Commission in accordance with § 50.4 within 30 days of the following in regard to a licensed operator or senior operator: ... (c) Disability or illness as described in § 55.25 of this chapter." 10 CFR 55.21 requires that a licensed operator (licensee) "shall have a medical examination by a physician every two years. The physician shall determine that the applicant or licensee meets the requirements of § 55.33(a)(1)."

Contrary to the above, during the period January 5, 1988 through August 22, 1994, the facility licensee's physician made the determination that 16 operator's eyesights no longer met the minimum standards required by § 55.33(a)(1) as measured by the standards of ANSI/ANS-3.4-1983. The facility licensee, in each case, failed to notify the Commission of the change in medical status of these operators within the 30 days required by 10 CFR 55.25 and 10 CFR 50.74.

Contrary to the above, on January 10, 1991, May 12, 1992, and November 30, 1993, three operators' eyesights did not meet the minimum standards required by § 55.33(a)(1) as measured by the standards of ANSI/ANS-3.4-1983 and documented in each operator's medical record. The facility physician, in each case, failed to determine that the operators did not meet the required standards.

This is a Severity Level IV violation (Supplement I)

- D. 10 CFR 50.54(i) states, in part, "...the licensee may not permit the manipulation of the controls of any facility by anyone who is not a licensed operator or senior operator as provided in part 55 of this chapter."

10 CFR 55.53(e) states, in part, "If a licensee has not been actively performing the functions of an operator or senior operator, the licensee may not resume activities authorized by a license issued under this part except as permitted by paragraph (f) of this section."

10 CFR 55.53(f)(2) states, in part, the requirements for activating an inactive license:

"The licensee has completed a minimum of 40 hours of shift functions under the direction of an operator or senior operator, as appropriate, and in the position to which the individual will be assigned. The 40 hours must have included a complete tour of the plant and all required shift turnover procedures."

Contrary to the above, three licensed operators resumed licensed activities on December 13, 1993, February 13, 1994, and February 16, 1994, without having made a complete tour of the plant (under the direction of an active operator or senior operator).

This is a Severity Level IV violation (Supplement I)

Pursuant to the provisions of 10 CFR 2.201, Duke Power Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC

Notice of Violation

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Resident Inspector at the facility that is the subject of this Notice, the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Dated at Atlanta, Georgia
this 7th day of *October* 1994

Enclosure 1