

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Duke Power Company  
Oconee Nuclear Station  
Unit 3

Docket No. 50-287  
License No. DPR-55  
EA 87-101

During an NRC inspection conducted on April 16-28, 1987, 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 (1987), 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:

Oconee Nuclear Station (ONS) Technical Specification 6.4.1 requires that the station be operated and maintained in accordance with approved procedures. ONS Procedure OP/3/A/1102/01, "Controlling Procedure for Unit Startup," Enclosure 4.4, "Pre-Heatup Checklist," requires that, prior to heatup, (1) two High Pressure Injection (HPI) pumps and their associated trains be operable and that the "Red Tag Log" be reviewed to clear any items which affect unit heatup; and (2) three Reactor Building Cooling (RBC) Units be operable and that the "Removal and Restoration Book" be reviewed to clear any items which affect unit heatup.

- A. Contrary to the above, from 10:30 a.m. on April 10, 1987 until 7:20 a.m. on April 11, 1987 (approximately 21 hours), the ONS Unit 3 RCS was heated above 350°F with the electrical power supply breakers to HPI suction valves 3HP-24 and 3HP-25 open and the valves closed. This caused the HPI system to be unable to perform its intended safety function in that it would not have been able to take suction from the borated water storage tank automatically upon an engineered safeguards protective system actuation signal. The condition of the electrical power supply breaker had been entered in the "Red Tag Log" but the "Red Tag Log" had not been adequately reviewed by control room personnel prior to plant heatup.
- B. Contrary to the above, from 5:55 a.m. to 8:20 a.m. on April 10, 1987, the ONS Unit 3 RCS was heated above 250°F with the low pressure service water inlet valves to all three RBC units closed, rather than open, thereby rendering all three RBC units unable to perform their intended safety function. This condition had been entered in the "Removal and Restoration Book," but the review of that book by control room personnel was not adequate in that the closed position of the low pressure service water inlet valves to the RBC units was not identified to appropriate personnel prior to plant heatup.

These violations have been evaluated in the aggregate as a Severity Level III problem (Supplement I).

Cumulative Civil Penalty - \$25,000 (assessed equally between the violations)

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PDR ADDOCK 05000269  
Q PDR

Pursuant to the provisions of 10 CFR 2.201, Duke Power Company (licensee) 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 for each alleged violation:

(1) admission or denial of the alleged 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 that 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 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 five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1987), 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 any civil penalty due which subsequently has been 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. 2282c.

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,

Notice of Violation

- 3 -

U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II. and a copy to the NRC Resident Inspector, Oconee. which is the subject of this Notice.

FOR THE NUCLEAR REGULATORY COMMISSION



J. Nelson Grace  
Regional Administrator

Dated at Atlanta, Georgia  
this 17 day of July 1987