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	Office of Enforcement (Post 870413)		

SUBJECT: Responds to NRC 870717 ltr re violations noted in Insp Rept 50-269/87-16, 50-270/87-16 & 50-287/87-16. Civil penalty should not have been imposed or should have been fully mitigated. Fee paid.

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HAL B. TUCKER
VICE PRESIDENT
NUCLEAR PRODUCTION

August 14, 1987

Director
Office of Enforcement
U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D. C. 20555.

Subject: Oconee Nuclear Station
Docket Nos. 50-269, -270, -287

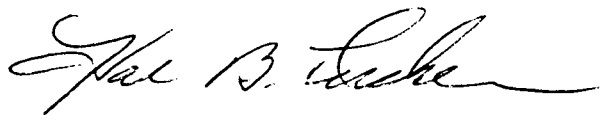
Dear Sir:

By letter dated July 17, 1987, the NRC transmitted a Notice of Violations and proposed an imposition of Civil Penalty for Violations reported in NRC Inspection Reports 50-269/87-16, 50-270/87-16 and 50-287/87-16. This letter provides Duke Power's (Duke) response to the Notice of Violations and to the proposed imposition of Civil Penalty for the alleged violations.

Pursuant to 10 CFR 2.201, Duke hereby files its response to the Notice of Violations (See Attachment 1). Duke is remitting herewith its check in the amount of \$25,000., in payment of the Civil Penalty, but by so doing, does not agree that the enforcement action taken by the NRC on July 17, 1987 is correct. Duke maintains that a Civil Penalty should not have been imposed or it should have been fully mitigated. The basis for this position is set forth in Attachment 2. However, Duke has concluded, after reviewing the situation in its entirety, that payment of the Civil Penalty is the most cost-effective way to conclude this matter.

I declare under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge.

Very truly yours,



Hal B. Tucker

PFG/61/sbn

Attachments

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PDR ADOCK 05000269
Q PDR

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Director
August 14, 1987
Page Two

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Mr. J. C. Bryant
NRC Resident Inspector
Oconee Nuclear Station

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Director
August 14, 1987
Page Three

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File: OS-801.02

ATTACHMENT 1

DUKE POWER COMPANY
OCONEE NUCLEAR STATION

REPLY TO A NOTICE OF VIOLATIONS
NRC INSPECTION REPORT 50-269/87-16, 50-270/87-16, 50-287/87-16

Violations

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 degrees F with 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 degrees 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 violation have been evaluated in the aggregate as a Severity Level III problem (Supplement I).

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

Response

(1) Admission or Denial of the Alleged Violations:

These violations are correct as stated. Violation A was previously reported as LER 287/87-06; Violation B was previously reported as LER 287/87-07.

(2) Reasons for the Violations:

- (A) The temporary inoperability of the HPI system resulted from failure of the Unit Supervisor to adequately review the Red Tag Logbook in accordance with the startup procedure. Contributing factors were inadequate communications between the Operations staff and the Operations shift personnel during the unit shutdown concerning the unit status to be reached and the resulting equipment to be removed from service.
- (B) The temporary inoperability of the RBC units resulted from inadequate communications between the Operations staff and the Operations shift personnel concerning the method and unit status for testing the RBC units. A contributing factor was the failure of Nuclear Control Operators to document on the Shift Turnover Sheet the requirement that the RBC units be operable prior to unit heatup above 250 degrees F.

(3) Corrective Steps Which Have Been Taken and the Results Achieved:

- (A) The red tags for 3HP-24 and 3HP-25 were cleared and the breakers were closed to make the valves operable. The Red Tag Log and the Computer Alarm Check Summary were again reviewed to assure that there were no other outstanding items or alarms that should prevent unit startup. A review of the previous shutdown procedure was performed to identify when and how the situation had developed.
- (B) The non-ES inlet valves for the RBC units were opened, returning the units to operable status.
- (C) The Computer Alarm Check Summary review was formalized as part of shift turnover.
- (D) The unit shutdown procedures were revised to require completion of the step referring to the Shutdown Equipment Tagging List at the direction of the unit Operating Engineer.
- (E) Individuals involved in the personnel errors were counseled.

(4) Corrective Steps Which Will be Taken to Avoid Further Violations:

- (A) These events will be reviewed in training sessions with all licensed operators, stressing proper communications.
- (B) The unit startup procedures will be revised to include electrical breaker verification of ES components prior to exceeding 250 degrees F.
- (C) A standardized training session will be administered to each licensed operator on proper performance of Control Board walkdowns.
- (D) Outstanding safety tags will be independently reviewed by two licensed operators prior to startup.

(5) Date When Full Compliance Will be Achieved:

All corrective actions noted in (4) above will be completed by October 31, 1987.

ATTACHMENT 2

DUKE POWER COMPANY
OCONEE NUCLEAR STATION

Although these violations occurred as described, imposition of a civil penalty is inconsistent with the Enforcement Policy as promulgated in 10 CFR 2 Appendix C. The NRC's Enforcement Policy is designed to promote and protect the radiological health and safety of the public by:

- (1) Ensuring compliance with NRC Regulations and license conditions;
- (2) Obtaining prompt correction of violations;
- (3) Deterring future violations; and
- (4) Encouraging improvement of licensee performance including prompt identification and reporting of potential safety concerns.

In regard to encouraging licensees to identify, correct and report problems expeditiously and effectively, the policy "...[gives] credit for effective licensee audit programs when licensees find, correct, and report problems expeditiously and effectively. To encourage licensee self-identification and correction of violations and to encourage potential concealment of problems of safety significance, application of the adjustment factors set forth below may result in no civil penalty being assessed for violation which are identified, reported (if required), and effectively corrected by the licensee". The adjustment factors identified in 10 CFR 2 Appendix C that may result in adjusting the base civil penalty upward or downward are:

- (1) Prompt identification on reporting
- (2) Corrective Action to prevent recurrence
- (3) Past performance
- (4) Prior Notice of similar events
- (5) Multiple occurrences.

As acknowledged in the July 17, 1986 NRC letter, the NRC recognized Duke's "previous good performance in the areas of reactor startup, shutdown, and technical specification compliance as reflected in the SALP Category 1 rating in the operating area"... for the last two SALP reporting periods. The NRC also recognized Duke's "unusually prompt and extensive" corrective actions taken as a result of the incident. However, the Staff concluded that "full mitigation of the civil penalty was not deemed appropriate" due to the "duration of one of the violations including several opportunities to identify and correct the situation", and that multiple violations were involved. Duke disagrees with the Staff's conclusion and the bases for it, in that for both events, Duke had identified the problem and had promptly reported the events to the NRC. In both events, immediate action was taken to correct the problem when the problem was discovered. There have been no prior notices of any events that would have provided sufficient knowledge to have prevented the violations, and there have not been additional occurrences relating to this violation.