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AUTH. NAME AUTHOR AFFILIATION
 EBNETER, S.D. Region 2, Ofc of the Director
 RECIPIENT NAME RECIPIENT AFFILIATION
 TUCKER, H.B. Duke Power Co.

88-35

SUBJECT: Discusses insp on 881217-890116 & forwards notice of violation & proposed imposition of civil penalty.

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APR 11 1989

Docket Nos. 50-269, 50-270, and 50-287
License Nos. DPR-38, DPR-47, and DPR-55
EA 89-32

Duke Power Company
ATTN: Mr. H. B. Tucker, Vice President
Nuclear Production Department
422 South Church Street
Charlotte, North Carolina 28242

Gentlemen:

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY
(INSPECTION REPORT NOS. 50-269/88-35, 50-270/88-35 AND 50-287/88-35)

This refers to the Nuclear Regulatory Commission (NRC) inspection conducted at the Oconee Nuclear Plant on December 17, 1988 - January 16, 1989. The inspection included a review of the circumstances surrounding the inoperability of the Reactor Building Cooling Unit (RBCU) dropout plates. The report documenting this inspection was sent to you by letter dated February 3, 1989. As a result of this inspection, a significant failure to comply with NRC regulatory requirements was identified, and accordingly, NRC concerns relative to the inspection findings were discussed in an Enforcement Conference held on February 10, 1989. The letter summarizing this Conference was sent to you on February 22, 1989.

The violation described in the enclosed Notice of Violation and Proposed Imposition of Civil Penalty involved failure to maintain two independent reactor building cooling unit trains operable under required conditions. RBCU fusible linked dropout plates on Unit 1 failed testing on January 6-7, 1989, while Unit 1 was in a refueling outage. On January 7, 1989, the RBCUs for all three units were declared inoperable due to failure of the fusible link dropout plates to perform as described in the facility's Safety Analysis Report. Subsequently, you determined that a dropout plate on Unit 1 had metal links installed instead of the required fusible links, which would negate the ability of the plate to drop out if called upon. Apparently, problems with dropout plates had existed since initial operation of each of the three Oconee units. As your staff noted during the Enforcement Conference, the underlying cause of this violation of Technical Specifications was failure to perform functional verification tests and failure to conduct periodic inspection or maintenance to ensure operability of the dropout plates.

To emphasize the need for testing and maintenance to assure the availability of safety systems if called upon, I have been authorized, after consultation with the Director, Office of Enforcement, and the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the amount of Twenty-Five Thousand Dollars (\$25,000) for the violation described in the enclosed Notice. In accordance with the "General Statement

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of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, 53 Fed. Reg. 40019 (October 13, 1988) (Enforcement Policy), the violation described in the enclosed Notice has been categorized as a Severity Level III violation. The base value of a civil penalty for a Severity Level III violation is \$50,000. The escalation and mitigation factors in the Enforcement Policy were considered. Mitigation for identification was deemed inappropriate because the NRC staff concluded that this problem should have been identified earlier. Once you identified the violation, your corrective actions to prevent recurrence were prompt and comprehensive justifying 50 percent mitigation of the base penalty. In that regard we are encouraged by your recognition of the need to have further attention focused on the more subtle design features of Oconee and your continued effort to more clearly understand the design basis and address associated problems. Your good past overall performance justifies a reduction of 100 percent of the base civil penalty. However, the full mitigation which would have been applied for these factors is offset by escalation for the added significance resulting from the duration of the violation. The violation has existed since initial operation and given the system's unique design; the need to periodically test and maintain the system is apparent. Therefore, 100 percent escalation of the base penalty is warranted for its duration. On balance, the base penalty has been mitigated 50 percent to \$25,000.

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

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and 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, Public Law No. 96-511.

Sincerely,

Original Signed By:
Stewart D. Ebnetter

Stewart D. Ebnetter
Regional Administrator

Enclosure:
Notice of Violation and Proposed
Imposition of Civil Penalty

cc w/encl:
M. S. Tuckman, Station Manager
State of South Carolina

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