

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Duke Power Company
Oconee Units 1 and 3

Docket Nos. 50-269 & 50-287
License Nos. DPR-38 & DPR-55
EA 83-41

On March 17, 1983, the licensee initiated a periodic test procedure to perform the quarterly surveillance of the Unit 3 reactor building emergency air lock. During a pre-surveillance radiation survey, an alert Radiation Protection Technician detected an odor he recognized as typical of the inside of the reactor building. Subsequently, it was discovered that the source of the odor was a 3/4-inch test line on which the isolation valve was found to be open. This valve, in conjunction with a leaking inner hatch equalizing valve, provided a flowpath from the containment to the outside atmosphere. The valve had apparently been open since the leak rate surveillance had last been performed on December 17, 1982. The shift supervisor promptly closed the valve when informed of the improper condition.

On March 21, 1983, oncoming shift control room personnel noticed an "open" indicator light was on for the inner hatch of the Unit 1 emergency air lock. This condition was visually checked at the hatch and the inner door was found to be partly open, and was promptly closed. Subsequent investigation indicated that it had been left cracked open after the performance of a surveillance procedure on March 17, 1983. No pathway existed to the environment in this second event.

Both of these violations of NRC requirements can be attributed to inadequate procedures to ensure that systems were restored to operability after maintenance or other activities affecting the system were performed.

In the first case, on Unit 3, the procedure ended without the instructions for aligning system valves to the proper position. In the event involving the Unit 1 emergency air lock, inadequate instructions were provided to personnel performing the work. The operation of the door mechanism was not clearly understood by those manipulating it and the significance of the indicating light, both at the door itself and at the remote indicator in the control room, was not understood.

The need for independent verification has been brought to the attention of Duke Power Company (DPC) by the NRC in NUREG-0585 and NUREG-0737, issued in November 1979 and November 1980, respectively, as a result of lessons learned from the Three Mile Island accident. Both recommended that licensee's procedures "be reviewed and revised, as necessary, to assure an effective system of verifying the correct performance of operating activities is provided as a means of reducing human errors." Both documents specifically referred to "human verification of operations and maintenance independent of the people performing the activity" (emphasis added).

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These provisions have been the subject of extensive NRC/licensee correspondence over the past two and one-half years and of a Confirmatory Order issued on July 10, 1981.

On October 12, 1982, the NRC issued an order imposing a civil penalty of Forty-Four Thousand Dollars for a similar event involving a breach of containment integrity. The attention of DPC was directed at that time to a review of procedures to ensure safe operation and restoration of operability after the performance of maintenance.

The NRC inspection, conducted by the Resident Inspectors on March 17-28, 1983, confirmed the violations in items A and B below. These violations show that the licensee, despite prior notice and previous similar violations, has failed to provide an effective means of verification of operability of important safety systems as required.

To emphasize the need for significant improvements with respect to the adequacy of procedures and verification of safety system operability, the Nuclear Regulatory Commission proposes to impose civil penalties in the cumulative amount of One Hundred and Eighty Thousand Dollars for this matter. In accordance with the NRC Enforcement Policy, 47 FR 9987 (10 CFR Part 2, Appendix C) (March 9, 1982), and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205, the particular violations and associated civil penalties are set forth below:

- A. Technical Specification 3.6.1 requires that containment integrity be maintained whenever reactor coolant system (RCS) pressure is greater than 300 psig and temperature is greater than 200°F.

Technical Specification 1.7.a defines containment integrity, as related to the emergency hatch, to exist only when both doors are closed and sealed except during refueling or personnel passage through the hatch.

1. Contrary to the above, on March 17, 1983, a test valve was open on Unit 3 emergency hatch, effectively defeating the closing and seal of the outer hatch door. The unit was operating with reactor coolant pressure at greater than 500 psig and temperature greater than 200°F.

This is a Severity Level III violation (Supplement I)
(Civil Penalty - \$60,000)

2. Contrary to the above, on March 21, 1983, the inner door on Unit 1 emergency hatch was open. The unit was operating with reactor coolant system pressure greater than 300 psig and temperature greater than 200°F.

This is a Severity Level III violation (Supplement I)
(Civil Penalty - \$60,000).

- B. The licensee was issued an immediately effective order confirming licensee commitments on post-TMI related issues dated July 10, 1981. This Order stated,

"It is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the attachment to this order (as appropriate to the licensee's facilities) as early as practicable but no later than 30 days after the effective date of the Order."

The Order referred to and incorporated the licensee's submittal dated December 15, 1980, which committed to complete each of the actions specified in the Attachment to the Order. Attachment Item I.C.6, Correct Performance of Operating Activities, states that procedures would be reviewed and revised to verify correct performance of operating activities by January 1, 1981.

Contrary to the above, after January 1, 1981, procedures had not been reviewed and revised to assure the correct performance of operating activities as evidenced by the violations of required containment integrity on Oconee Units 1 and 3 as described in Item A of this notice.

This is a Severity Level III Violation (Supplement I)
(Civil Penalty - \$60,000).

Pursuant to the provisions of 10 CFR 2.201, Duke Power Company is hereby required to submit to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II, within 30 days of the date of this Notice, a written statement or explanation including for each alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation, if admitted; (3) the corrective steps which have been taken and the results achieved; (4) the corrective steps which will be taken to avoid further violations; and (5) the date when full compliance will be achieved. 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, Duke Power Company may pay the civil penalties in the cumulative amount of \$180,000 or may protest imposition of the civil penalties in whole or in part by a written answer. Should Duke Power Company fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an Order imposing the civil penalties proposed above. Should Duke Power Company elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalties, such answer may: (1) deny the violations listed in the Notice, in

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whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalties

should not be imposed. In addition to protesting the civil penalties, in whole or in part, such answer may request remission or mitigation of the penalties. In requesting mitigation of the proposed penalties, the five factors contained in Section IV(B) of 10 CFR Part 2, Appendix C 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 statements or explanations by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. Duke Power Company's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedures for imposing a civil penalty.

Upon failure to pay any civil penalty due, which has been subsequently 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. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION

James P. O'Reilly
Regional Administrator

Dated in Atlanta, Georgia
this 2 day of June 1983