



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30303

MAR 09 1984

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

Gentlemen:

SUBJECT: REPORT NOS. 50-269/83-34, 50-270/83-34 AND 50-287/83-34

Thank you for your response of January 6, 1984, to our Notice of Violation issued on December 8, 1983, concerning activities conducted under NRC License Nos. DPR-38, DPR-47 and DPR-55 for the Oconee facility.

In paragraph 1 of your response, you admitted that sediment samples from Chemical Treatment Pond No. 3 (CTP-3) did indicate the presence of certain radionuclides. However you denied the violation on the basis that the posting requirements of 10 CFR 20.203(e) apply only to restricted areas and that CTP-3 is in an unrestricted area. You further noted that the radioactivity in CTP-3 had been properly accounted for as an effluent and that a previous NRC Inspection Report, No. 50-287/79-33, had considered the Oconee Sewage Treatment System and CTP-3 to be outside the restricted area.

In reviewing the regulations and the circumstances surrounding this event, we continue to believe the violation and severity level to be appropriate. While we acknowledge that areas required to be posted per 10 CFR 20.203(e) are most commonly encountered in restricted areas, we do not agree that areas found above 10 CFR 20 limits in unrestricted areas may be ignored. There is nothing in the regulations which limits such posting to restricted areas. If those concentrations are enough of concern to be posted in a restricted area, they are of even more concern in an unrestricted area.

In regard to your taking credit for releases to the Chemical Treatment Pond as an effluent, we concur that it is proper for you to consider this a release pathway and to then provide the appropriate monitoring and accounting controls for the releases. However we do not believe that considering the radioactivity as a released effluent relieves you of other requirements as discussed above. We have also noted that you account for the radioactivity as an effluent when it is discharged into Chemical Treatment Pond No. 1. However, it was noted that CTP-1 and 2 were posted per 10 CFR 20.203(e) at the time of the inspection indicating to us that failure to post CTP-3 was attributable to a weakness in your surveillance program. Also the NRC Inspection Report you cited, 50-287/79-33, in paragraph 6c did discuss the Oconee Sewage Treatment System Sump as being in an unrestricted area; however, the concern expressed was that radioactivity concentrations above 10 CFR 20, Appendix B limits were present and there were no warning postings, labels or other radiological controls. This is the same basic concern of our current notice of violation.


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In regard to your statement in paragraph 3 of your response, that all areas downstream from the outlet of CTP-3 are still not considered to be storage areas per 10 CFR 20.203(e) and are thus not required to be posted, we have a continued concern as to the adequacy of your surveillance program and your plans to control the buildup of radioactivity in the areas between CTP-3 and the lake. Since your response does not adequately address further corrective actions as required by 10 CFR 2.201, you should provide a supplemental response dealing with this item within 30 days of the date of this letter. //

We appreciate your cooperation in this matter.

Sincerely,


James P. O'Reilly
Regional Administrator

cc: J. Ed Smith, Station Manager

DUKE POWER COMPANY

P.O. BOX 33189
CHARLOTTE, N.C. 28242

HAL B. TUCKER
VICE PRESIDENT
NUCLEAR PRODUCTION

TELEPHONE
(704) 373-4531

April 9, 1984

Mr. James P. O'Reilly, Regional Administrator
U. S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30303

Subject: Oconee Nuclear Station
IE Inspection Report 50-269/83-34,
50-270/83-34, and 50-287/83-34

Dear Sir:

By letter dated March 9, 1984, NRC/Region II requested a supplemental response relative to the Duke response of January 6, 1984 to the violation identified in the subject inspection report.

The corrective actions needed to eliminate the cited item of non-compliance with 10 CFR 20.203(e) have been taken; however, after reviewing the bases of your conclusion that unrestricted areas with activities in excess of 10 CFR 20 limits should be posted, we continue to disagree with the interpretation of that regulation and believe that such an interpretation has broad generic implications to the nuclear industry.

Accordingly, Duke is, under separate cover letter, requesting that NRC/ONRR provide an interpretation, pursuant to 10 CFR 20, §20.6, of the requirements relative to this issue. Pending receipt of a response from ONRR, Duke will hold in abeyance any further corrective actions relative to this violation.

Very truly yours,

Hal B. Tucker / g' / sc
Hal B. Tucker

RLG/php

bcc: P. H. Barton P. F. Guill N. A. Rutherford
R. T. Bond ONS W. A. Haller A. V. Carr
R. J. Brackett G. W. Hallman A. C. Thies
J. C. Bryant ONS (NRC) M. L. Birch E. L. Thomas
K. S. Canady W. O. Henry M. S. Tuckman ONS
R. C. Futrell S. A. Holland G. E. Vaughn
J. C. Petty T. C. McMeekin Group File: OS-801.02
Group File: OS-815.01

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MAR 09 1984

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

Gentlemen:

SUBJECT: REPORT NOS. 50-269/83-34, 50-270/83-34 AND 50-287/83-34

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Duke Power Company

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We appreciate your cooperation in this matter.

Sincerely,

(Original signed by RDMartin)

James P. O'Reilly
Regional Administrator

cc: J. Ed Smith, Station Manager

bcc: Document Control Desk
State of North Carolina
NRC Resident Inspector

RII
REWeddington:es
2/9/84

RII
KPBarr
2/9/84

RII
AFGibson
2/10/84

RII
JADishinski
2/16/84

intecom
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RII
VCBrownlee
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HCDance
2/10/84

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RCLewis
2/16/84

RII
J. M. P...
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RDMartin
2/23/84

DUKE POWER COMPANY

P.O. BOX 33189
CHARLOTTE, N.C. 28242

HAL B. TUCKER
VICE PRESIDENT
NUCLEAR PRODUCTION

January 6, 1984

TELEPHONE
(704) 373-4531

Mr. James F. O'Reilly, Regional Administrator
U. S. Nuclear Regulatory Commission
Region II
101 Marietta Street, NW, Suite 2900
Atlanta, Georgia 30303

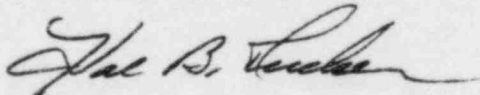
Subject: Cconee Nuclear Station
IE Inspection Report
50-269/83-34
50-270/83-34
50-287/83-34

Dear Sir:

In response to your letter dated December 8, 1983 which transmitted the subject Inspection Report, the attached response to the cited item of non-compliance is provided.

I declare under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge on January 6, 1984.

Very truly yours,



Hal B. Tucker

PFG:dyh

Attachment

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Violation

10 CFR 20.203(e) requires that each area or room in which licensed material is used or stored and which contains any radioactive material (other than natural uranium or thorium) in an amount exceeding 10 times the quantity of such material specified in Appendix C of this part be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: "Caution, Radioactive Material" or "Danger, Radioactive Material".

Contrary to the above, on November 16, 1983, a pond located in an unrestricted area at the plant site, which contained greater than 10 times Appendix C quantities of licensed material, was not posted.

This is a Severity Level V Violation (Supplement IV).

Response

1) Admission or denial of the alleged violation:

Duke denies the alleged violation. The regulations in 10 CFR 20 control the possession, use and transfer of licensed material by the license to limit the exposures of individuals to the radiation protective standards of this part.

The regulations governs control of radioactive materials in restricted areas and release of radioactive materials to unrestricted areas. Duke interprets the regulation as only requiring posting (§20.203(e)) in restricted areas. Posting of unrestricted areas is not required as the radioactivity contained therein has been released in a controlled manner from a restricted area in accordance with §20.106.

In this instance, sediment samples from Chemical Treatment Pond No. 3 (CTP-3) did indicate the presence of certain radionuclides. However, based on previous NRC findings, this area was considered to be an unrestricted area. Furthermore, it is to be expected that sediment samples collected from any effluent release unrestricted area of a receiving water body will contain a significant fraction of the total amount of radioactive material released. (This process is described in IAEA Safety Series #36, Disposal of Radioactive Wastes into Rivers, Lakes, and Estuaries, Vienna 1971.)

Previously, in NRC Inspection Report 50-287/79-33, the Oconee Sewage Treatment System as well as CTP-3 were considered to be outside the restricted area. The sources of activity in CTP-3 are from releases from CTP's 1 and 2 and the turbine building sumps. All activity has been accounted for to meet effluent release reporting requirements and has been assumed released to the environment.

The newly revised Oconee radiological effluent Technical Specifications (RETS), NRC approval pending, considers CTP-3 inside the restricted area for effluent releases. At the time of the violation the RETS was not in place and based on the previous NRC position noted above Duke's subsequent

treatment of CTP-3 and downstream areas as unrestricted areas, the provisions of 10 CFR 20 §20.203(e) as cited are not considered to be applicable.

- 2) Reasons for the violation if admitted:

Not applicable; see (1) above.

- 3) Corrective steps which have been taken and the results achieved:

Notwithstanding the statements provided above, CTP-3 was posted per 10 CFR 10.203(3) during the inspector's visit. Since CTP-3 now is inside the restricted area boundary for liquid effluents per the new RETS, and since this pond can under special circumstances be used to collect liquid effluents and delay their release, that area will remain posted as a conservative interpretation of 10 CFR 20.203(e). However, all areas downstream from the outlet of CTP-3 are still not considered to be storage areas per 10 CFR 20.203(e) and are thus not required to be posted.

- 4) Corrective steps which will be taken to avoid further violations:

As stated in (3) above, under the new RETS requirements and conservative interpretation of 10 CFR 20.203(e), CTP-3 will remain posted and will be periodically surveyed.

- 5) Date when full compliance will be achieved:

All corrective action is complete.