

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Duke Power Company
Oconee Nuclear Station
Units 1, 2, and 3

Docket Nos. 50-269, 270, and 287
License Nos. DPR-38, 47, and 55
EAs 97-297 and 97-298

During Nuclear Regulatory Commission (NRC) inspections conducted from April 22 to June 6, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, the NRC proposes to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954 (Act), as amended, 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalties are set forth below:

I. Violations Assessed a Civil Penalty

- A. Technical Specification (TS) 3.2.1, "High Pressure Injection and Chemical Addition Systems," requires that the reactor shall not be critical unless two high pressure injection (HPI) pumps per unit are operable except as specified in TS 3.3.

TS 3.3.1.a(1), "High Pressure Injection System," requires that when the reactor coolant system (RCS), with fuel in the core, is in a condition with temperature above 350 degrees Fahrenheit (°F) and reactor power less than 60 percent full power, two independent trains, each comprised of an HPI pump and a flow path capable of taking suction from the borated water storage tank and discharging into the RCS automatically upon Engineered Safeguards Protective System actuation, shall be operable. TS 3.3.1.c(1) further requires that when reactor power is greater than 60 percent full power that the remaining HPI pump shall be operable.

Contrary to the above, between at least May 1 and May 2, 1997, with fuel in the Oconee Unit 3 core and RCS temperature greater than 350°F, the licensee failed to maintain the HPI system operable, as required by TSs. Specifically, the licensee operated with the HPI system outside of the letdown storage tank (LDST) level versus pressure analyzed limitation curve which resulted in all of the HPI pumps being inoperable and unable to perform their safety-related function if called upon to operate, due to inadequate net positive suction head. (01012)

This is a Severity Level II violation. (Supplement I)
Civil Penalty - \$220,000

Enclosure 1

9709040352 970827
PDR ADOCK 05000269
G PDR

- B. 10 CFR 50, Appendix B, Criterion XVI, "Corrective Action," requires, in part, that measures be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances, are promptly identified and corrected.
- (1) Contrary to the above, as of April 21, 1997, the licensee failed to establish measures to assure that cracks in High Pressure Injection (HPI) safe end nozzles, adjacent HPI piping, and nozzle thermal sleeves, which are significant conditions adverse to quality, were promptly identified and corrected. Consequently, the licensee did not promptly identify and correct a crack in the safe end weld of HPI makeup nozzle 2A1 of Oconee Unit 2 that resulted in an unisolable, reactor coolant leak on April 21, 1997. (02013)
 - (2) Contrary to the above, as of April 21, 1997, the licensee failed to take corrective action for temperature differentials that the licensee measured in June 1997 in the safety-related HPI makeup piping. These temperature differentials were indicative of thermal stratification in the HPI makeup piping, which is a condition adverse to quality in that such stratification could contribute to HPI pipe cracking. (02023)

This is a Severity Level III problem. (Supplement I)
Civil Penalty - \$110,000

II. Violations not Assessed a Civil Penalty

- A. TS 6.1.1.1, requires, in part, lines of authority, responsibility, and communication shall be established and defined for the highest management levels through intermediate levels to and including all operating organization positions. These relationships shall be documented and updated.

TS 6.4, "Station Operating Procedures," requires, in part, that the station be operated and maintained in accordance with approved procedures. TS 6.4.1.a requires, in part, that procedures be provided for normal startup, operation, and shutdown of the complete facility and of all systems and components involving nuclear safety of the facility.

Operation Management Procedure (OMP) 2-1, "Duties and Responsibilities of On Shift Operations Personnel," Revision (Rev.) 40 implements, in part, TS 6.1.1.1 and TS 6.4.1.a. Enclosure 4.5 of this procedure, "Responsibilities of the Reactor Operators," describes the responsibilities of the Operator at the Controls and the Balance of Plant Operator. Step 2 of the section on shared responsibilities states: "The Reactor Operators

assigned to any Control Room are charged with the responsibility of operating their assigned unit. They are to operate the plant with a questioning attitude, keeping nuclear safety and 'Operations Conservatism' in mind." Step 9 of the shared responsibilities delineated in Enclosure 4.5 further states: "All Reactor Operators shall ensure that his/her normal or selected instruments monitoring their associated parameters are responding as expected for the existing condition."

Contrary to the above, the licensee failed to operate the station in accordance with approved procedures prescribing operator responsibilities and authorities in that between 7:45 a.m. and 9:12 a.m., on May 3, 1997, the Reactor Operators (RO) failed to ensure that LDST indication was responding as expected for the reactor cooldown. Specifically, level indication remained constant; however, during a reactor cooldown, with the pressurizer being maintained at a constant level, the LDST level is expected to be constantly decreasing, as was demonstrated during the previous shift, when the operations crew repeatedly added water to the LDST. (03014)

This is a Severity Level IV violation (Supplement I).

- B. TS 6.1.1.1, requires, in part, lines of authority, responsibility, and communication shall be established and defined for the highest management levels through intermediate levels to and including all operating organization positions. These relationships shall be documented and updated.

TS 6.4, "Station Operating Procedures," requires, in part, that the station be operated and maintained in accordance with approved procedures. TS 6.4.1.a requires, in part, that procedures be provided for normal startup, operation, and shutdown of the complete facility and of all systems and components involving nuclear safety of the facility.

Licensee Operation Management Procedure (OMP) 2-2, "Duties and Responsibilities of On Shift Operations Personnel," Revision (Rev.) 40 implements, in part, TS 6.1.1.1. Enclosure 4.5, Step 3 of the section on the responsibilities of the Operator at the Controls (OATC) states: "Under the direction of the Control Room SRO, the OATC shall have the responsibility for the operation of the assigned unit. Step 4 of this section further states, in part: "The OATC shall provide surveillance of operations and instrumentation monitored from the Control Room to ensure the safe operation of the Unit."

Licensee Operations Procedure OP/3/A/1104/49, "Low Temperature Overpressure Protection (LTOP)," Rev. 6, implements, in part, TS 6.4. Step 2.8 of the procedure, requires, in part, that a dedicated LTOP operator be assigned whenever RCS temperature is

less than or equal to 325°F, the RCS is closed (no LTOP vent path is established), an HPI pump is operating and capable of injecting into the RCS via 3HP-120 (Reactor Coolant Volume Control), and the 3HP-120 travel stop is inoperable. Enclosure 4.3, "Dedicated LTOP Operator Guidelines," Step 1.3, states: "Prevention of low temperature overpressurization is the only responsibility and duty of the dedicated low temperature overpressure protection operator."

Contrary to the above, the licensee failed to operate the station in accordance with approved procedures in that at 11:58 p.m., on May 2, 1997, LTOP operation was established with the OATC as the designated dedicated LTOP operator. This resulted in the dedicated LTOP operator having responsibilities for operation of the assigned unit in addition to his responsibility to prevent low temperature overpressurization. (04014)

This is a Severity Level IV violation. (Supplement I)

- C. Technical Specification 6.4, "Station Operating Procedures," requires that the station be operated and maintained in accordance with approved procedures. TS 6.4.1.e requires, in part, that procedures be provided for preventative or corrective maintenance which could affect nuclear safety.

Licensee Procedure SI/0/A/5090/001, "Tube Fitting and Tubing Installation," Rev. 0, Enclosure 4.12, "Tube Cap Installation," provides guidance for the proper installation of tube caps, but includes a note that states the procedure is for guidance only and did not have to be used as long as the technician was knowledgeable of the practices.

Contrary to the above, on October 21, 1996 and February 22, 1997, the licensee failed to use procedural guidance provided by SI/0/A/5090/001 for the installation of instrument tubing caps, which was required to be used because the technicians performing the maintenance activities were not knowledgeable of tube fitting and tube installation practices. (05014)

This is a Severity Level IV violation. (Supplement I)

- D. 10 CFR 50, Appendix B Criterion III, Design Control, requires, in part, that measures be established to assure that applicable regulatory requirements and the design basis for systems, structures, and components which affect the safety-related functions of those systems that prevent or mitigate the consequences of postulated accidents, are correctly translated into specifications, drawings, procedures, and instructions.

Contrary to the above, as of May 3, 1997, the licensee failed to assure that the design basis for the valves in the Unit 1, 2,

Notice of Violation and Proposed
Imposition of Civil Penalties

5

and 3 LDST instrument lines, which were safety-related, were correctly translated into station procedures. Specifically, design configuration control was not maintained for six of twelve valves on the LDST instrumentation lines in that the valve labelling was not as shown on their respective drawings. (06014)

This is a Severity Level IV violation. (Supplement I)

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 of Violation and Proposed Imposition of Civil Penalties (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, and if denied, the reasons why; (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 or a Demand for Information may be issued as to 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 penalties by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalties proposed above, or may protest imposition of the civil penalties 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 penalties will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalties, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations 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 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 civil penalties, the factors addressed in Section VI.B.2 of the Enforcement Policy 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

Notice of Violation and Proposed 6
Imposition of Civil Penalties

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 civil penalties.

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 response noted above (Reply to Notice of Violation, letter with payment of civil penalties, and Answer to a Notice of Violation) should be addressed to: Mr. James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region II and a copy to the NRC Resident Inspector at the Oconee Nuclear Station.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Atlanta, Georgia
this 27th day of August 1997