

DCS



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

AUG 31 1989

Docket Nos. 50-413 and 50-414  
License Nos. NPF-35 and NPF-52  
EA 89-46

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

Gentlemen:

SUBJECT: ORDER IMPOSING A CIVIL MONETARY PENALTY - \$75,000

This refers to your letter dated June 16, 1989, in response to the Notice of Violation and Proposed Imposition of Civil Penalty (Notice) sent to you by our letter dated May 19, 1989, related to NRC Inspection Report Nos. 50-413/88-38 and 50-414/88-38 sent to you by our letter dated March 2, 1989. Our letter and Notice described the inoperability of one train of the Containment Air Return and Hydrogen Skimmer System due to an electrical wiring error associated with the January 1988 installation of a station modification (Violation A) and the failure to report the degraded safety system for ten months after its discovery (Violation B). To emphasize the need for adequate post modification testing and prompt reporting of inoperable safety systems, the May enforcement action was issued which included a proposed civil penalty of Seventy-Five Thousand Dollars (\$75,000) for Violation A.

The NRC has reviewed your response in which you admitted Violations A and B. You stated that you do not believe Violation A warranted escalation and requested the civil penalty be partially mitigated. In addition, you also requested that Violation B be reduced to a Severity Level IV violation.

After careful consideration of your response, we have concluded for the reasons given in the Appendix attached to the enclosed Order Imposing Civil Monetary Penalty, that there is insufficient cause to mitigate the Civil Penalty for Violation A or to reduce the severity level of Violation B. Accordingly, we hereby serve the enclosed Order on Duke Power Company imposing a civil monetary penalty in the amount of Seventy-Five Thousand Dollars (\$75,000). We will review the effectiveness of your corrective actions during a subsequent inspection.

8909050229 890831  
PDR ADOCK 05000413  
Q PDC

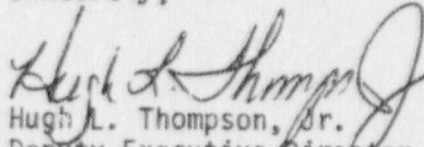
JE14  
11

Duke Power Company

- 2 -

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

Sincerely,



Hugh L. Thompson, Jr.  
Deputy Executive Director for  
Nuclear Materials Safety, Safeguards  
and Operations Support

Enclosure:  
Order w/Appendix

cc w/encl:  
T. B. Owen, Station Manager  
Senior Resident Inspector - Catawba  
State of South Carolina