

December 17, 1999

NOED NO. 99-2-004

Duke Energy Corporation
ATTN: Mr. W. R. McCollum
Site Vice President
Oconee Nuclear Station
7800 Rochester Highway
Seneca, SC 29672

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR DUKE ENERGY
CORPORATION REGARDING OCONEE NUCLEAR STATION - UNIT 3
(NOED NO. 99-2-004)

By letter dated December 15, 1999, you requested that the NRC exercise discretion not to enforce compliance with the actions required in Technical Specification (TS) 3.6.5, Action B.1, which is applicable when one reactor building cooling train is inoperable. Your letter documented information previously discussed with the NRC in a telephone conference on December 15, 1999, from approximately 10:00 a.m., until about 11:15 a.m. The principal NRC staff members who participated in that telephone conference included: C. Casto, Deputy Director, Division of Reactor Projects, Region II (RII); V. McCree, Deputy Director, Division of Reactor Safety, RII; and H. Berkow, Director, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

You stated that on December 15, 1999, at 6:30 p.m., Unit 3 would not be in compliance with TS 3.6.5, Action B.1, which requires restoring reactor building cooling train 3B to OPERABLE status within 7 days. As a result, TS 3.6.5, Action D.1, would require Unit 1 be in MODE 3 within 12 hours. You requested that a Notice of Enforcement Discretion (NOED) be granted pursuant to the NRC's policy regarding exercise of discretion for an operating facility, set out in Section VII.C, of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), 64 Federal Register 61142, issued November 9, 1999, and be effective for the period from 6:30 p.m. on December 15, 1999, to 6:30 p.m. on December 25, 1999. This letter documents the aforementioned telephone conversation, as well as the follow-up telephone conversation at 11:45 a.m. on December 15, 1999, when we orally granted this NOED.

In your letter, you stated that you observed indications of high motor bearing temperatures on the reactor building cooling train 3B fan during routine cooler performance testing on December 7, 1999. Subsequent investigation revealed a failed fan motor strut, which resulted in reactor building cooling train 3B being declared inoperable and TS 3.6.5 being entered at 6:30 p.m., on December 8, 1999. Following repair efforts to replace the strut and tighten the fan's loose propeller, testing results showed that it would be necessary to replace the fan motor and propeller assembly because of excessive vibration. You indicated that the necessary

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replacements and subsequent testing activities would not be completed by December 15, 1999, at 6:30 p.m. Consequently, you requested that the completion time of TS 3.6.5, Action B.1 be extended from the specified 7 days by an additional 10 days, for a total of 17 days, so that this work can be completed.

You indicated that vibration from the loose fan propeller (apparently caused from inadequate engagement of the propeller to the motor shaft) resulted in the observed degradation to reactor building cooling train 3B. Accordingly, you stated that you assessed the other two reactor building cooling trains in Unit 3, as well as those in Units 1 and 2, for common mode failure considerations. Based on a review of operational data and field observations, you indicated that this assessment found no operability concerns. Furthermore, you indicated that analysis using actual performance data confirmed that either one of the remaining reactor building cooling trains (3A or 3C) can provide adequate cooling during the most limiting accident. As a conservative measure in support of this request, you indicated that all trains of the following Unit 3 systems will be maintained operable, with the exception of any TS surveillance test which cannot be deferred beyond the limits of surveillance requirement 3.0.2:

- low pressure injection
- reactor building spray
- reactor building cooling (trains 3A and 3C)
- low pressure service water

Though not currently planned, should it become necessary to remove any of the above trains from service, you indicated that the plant operations review committee will review the situation and consider additional appropriate actions beyond compliance with all applicable TSs.

You stated that granting this enforcement discretion will have no adverse safety impact, as the containment heat removal requirements will continue to be met. From a probabilistic risk standpoint, you indicated that the impact on core damage frequency and containment performance (including large early release frequency) is insignificant. Accordingly, having determined there would be minimal safety consequence, you concluded that there is no potential detriment to the environment or health and safety to the public regarding the issuance of this NOED.

We consider that your planned conservative measures and probabilistic safety assessment are appropriate to support this request. Inherent in this consideration is the understanding that the potential risks to doing this replacement activity on-line (e.g., personnel risks, damage to containment air locks, etc.) have been appropriately considered. Should another reactor building cooling train become inoperable or any containment air lock problems be encountered, you indicated that Unit 3 would comply with the required actions of TS 3.6.5, Action H.1, and TS 3.6.2, respectively. Based on the above, as well as verification of service water and reactor building temperatures by the resident inspectors, we have determined that enforcement discretion should be granted to avoid an undesirable transient as a result of forcing compliance with the TS; thereby minimizing the potential safety consequences and operational risks.

On the basis of the staff's evaluation of your request, we have concluded that an NOED is warranted because we are satisfied that this action involves minimal or no safety impact, is consistent with the enforcement policy and staff guidance, and has no adverse impact on public health and safety. Therefore, we are exercising discretion not to enforce compliance with TS 3.6.5, Action B.1, for the period from 6:30 p.m., on December 15, 1999, until 6:30 p.m., on December 25, 1999.

As stated in the Enforcement Policy, action will be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this NOED was necessary.

Sincerely,
Orig signed by Luis A. Reyes

Luis A. Reyes
Regional Administrator

Docket No: 50-287

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