

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Duke Energy Corporation (EA-03-145)
(Oconee)
Docket No. 50-269, 270, 287

Subject: ISSUANCE OF FINAL SIGNIFICANCE DETERMINATION AND NOTICE OF VIOLATION

This is to inform the Commission that a WHITE Significance Determination Process (SDP) finding and associated Notice of Violation will be issued on or around December 30, 2003, to Duke Energy Corporation (DEC) as a result of inspections at the Oconee Nuclear Station. This WHITE finding, an issue with low to moderate increased importance to safety, which may require additional NRC inspections, involved pressurizer ambient heat losses in all three Oconee Units that exceeded the capacity of those pressurizer heaters powered from the Standby Shutdown Facility (SSF). This condition represented a violation of the requirements of 10 CFR 50, Appendix B, Criteria XVI, Corrective Action, in that DEC failed to promptly identify and correct this condition adverse to quality. Evidence of this condition, which may have existed from the time the SSF was put into service in 1986 until it was discovered in March 2002, included pressurizer insulation problems (since pre-operational testing) and numerous Problem Investigation Process reports (since 1996) identifying pressurizer heater capacity concerns. Accordingly, a Notice of Violation associated with a WHITE finding is being issued.

It should be noted that the licensee has not been specifically informed of this action. The schedule of issuance and notification are:

Mailing of Final Significance Determination and Notice of Violation	December 30, 2003
Telephone Notification of licensee	December 30, 2003

The State of South Carolina will be notified.

Contacts: D.J. Nelson, OE, 415-3280 J. Luehman, OE, 415-2741

Distribution:

<u>OWFN</u>	<u>OWFN</u>	<u>TWFN</u>	<u>Regional Offices</u>
Chairman Diaz	EDO	OCFO	RI RII
Comm. McGaffigan	DEDR	OP CENTER	RIII RIV
Comm. Merrifield	DEDE	NMSS	
SECY	OE	OIG	
OCA	OGC	OCIO	<u>MAIL</u>
PA	NRR	RES	ADAMS
IP	NSIR	ACRS	
	OI		
	SP		

OE:ES	OE:DD
DJNelson	JLuehman
12/23/2003	12/23/2003
ADAMS ACCESSION NO. ML033570173	
C:\ORPCheckout\FileNET\ML033570173.wpd	

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**