

August 18, 2011

EA-11-074

Mr. Preston Gillespie, Jr.
Vice President
Duke Energy Carolinas, LLC
Oconee Nuclear Station
7800 Rochester Highway
Seneca, SC 29672

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A SECURITY-RELATED
GREATER THAN GREEN FINDING AND NOTICE OF VIOLATION;
05000269/2011202, 05000270/2011202, 05000287/2011202 OCONEE
NUCLEAR STATION

Dear Mr. Gillespie:

This letter provides you the final results of our significance determination of the preliminary Greater than Green finding identified in our previous communication dated May 23, 2011, which included the subject inspection report. This Greater than Green finding was discussed in detail in Section 3.4 of the subject inspection report.

At your request, a Regulatory Conference was held on July 14, 2011, to further discuss your views on this issue. During the meeting, your staff described your assessment of the significance of the finding, the corrective actions taken to resolve it, including the root cause of the finding.

After considering the information developed during the inspection and the additional information you provided at the conference, the NRC has concluded that the inspection finding is appropriately characterized as a Greater than Green finding (i.e., a finding having more than very low security significance). The finding also had a cross-cutting aspect in the area of Problem Identification and Resolution because personnel failed to conduct an adequate effectiveness review [P.1(c)].

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified Greater than Green finding. Such appeals should be addressed U.S. Nuclear Regulatory Commission, ATTN: Director, Office of Nuclear Security and Incident Response, Washington, DC 20555-0001 and will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Attachment 2.

<p>The enclosures transmitted herewith contain Official Use Only – Security-Related Information. When separated from the enclosures, this transmittal document is decontrolled.</p>

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The NRC has also determined that the condition discussed is a violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 73.55(i)(5)(iii), as cited in the enclosed Notice of Violation (Notice). In accordance with the NRC Enforcement Policy, the Notice is considered an escalated enforcement action because it is associated with a Greater than Green finding.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

Because poor plant performance for this issue has been determined to be beyond the licensee response band, we will use the NRC's Security Action Matrix to determine the most appropriate NRC response for this event. We will notify you, by separate correspondence, of that determination.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's document system (Agencywide Documents and Access Management System (ADAMS)), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

However, the material enclosed herewith contains security-related information in accordance with 10 CFR 2.390(d)(1) and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosure will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS) accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If security-related information is necessary to provide an acceptable response, please follow the instructions for withholding in 10 CFR 2.390(b)(1).

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In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

Sincerely,

/RA/

Patricia K. Holahan, Director
Division of Security Operations
Office of Nuclear Security and Incident Response

Docket Nos.: 50-269, 50-270, and 50-287
License Nos.: DPR-38, DPR-47, and DPR-55

Enclosures

1. Notice of Violation (**OUO-SRI**)
2. Evaluation of Regulatory Conference Information (**OUO-SRI**)

cc w/encl: T. King, Oconee Nuclear Station

cc w/o encl: D. Jamil, Oconee Nuclear Station
K. Alter, Oconee Nuclear Station

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P. Gillespie

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Patricia K. Holahan, Director
Division of Security Operations
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