



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-8931

February 21, 2006

EA-05-228

Duke Energy Corporation
ATTN: Mr. B. Hamilton
Vice President
Oconee Nuclear Station
7800 Rochester Highway
Seneca, SC 29672

SUBJECT: OCONEE NUCLEAR STATION - NRC INSPECTION REPORT
05000269/2006009, 05000270/2006009, AND 05000287/2006009

Dear Mr. Hamilton:

The purpose of this letter is to provide you with the Nuclear Regulatory Commission's (NRC's) final significance determination for a finding at Duke Energy Corporation's (DEC's) Oconee Nuclear Station involving the failure to promptly take adequate corrective actions to resolve tornado-related concerns with the Unit 3 control room wall. As documented in our Choice Letter dated December 19, 2005, this finding was *qualitatively* assessed under the significance determination process as a preliminary greater than Green issue (i.e., an issue of at least low to moderate safety significance), as well as identified as an apparent violation (AV 05000287/2005012-01) of 10 CFR Part 50, Appendix B, Criterion XVI, Corrective Action. The Choice Letter offered you the opportunity (via regulatory conference or in writing) to give us your assessment of the risk significance and the associated apparent violation so that we would have a complete understanding of this issue prior to determining the final significance.

At your request, an open regulatory conference was conducted with members of your staff on February 6, 2006, to discuss DEC's position on this issue. The enclosures to this letter include the list of attendees at the regulatory conference, and copies of the material presented by your staff and the NRC at the regulatory conference. During the conference, DEC provided the results of its risk analysis, concluding that the finding was of very low safety significance. As presented, DEC's risk analysis consisted of a *quantitative* assessment of tornado missile damage to the Unit 3 north control room wall, which probabilistically accounted for a peak/bounding missile inventory and tornado-related standby shutdown facility human error (i.e., consideration of operator action reliability to align the standby shutdown facility auxiliary service water system following a tornado strike on the plant). In addition, DEC agreed with NRC's characterization of the finding as a violation of regulatory requirements, and advised of its plans to modify the Unit 3 north control room wall by December 31, 2007, rather than relying on a probabilistic solution.

After considering the information developed during the inspection and the information DEC provided at the conference, the NRC has concluded that the inspection finding is appropriately characterized in the mitigating systems cornerstone as having very low safety significance

(Green). Additionally, the finding was also determined to be a violation of NRC requirements, as delineated in the Choice Letter and presented during the regulatory conference (see Enclosure 3). However, because of its very low safety significance and because the issue was entered into your corrective action program, the NRC is treating the finding as a non-cited violation (NCV) consistent with Section VI.A.1 of the NRC Enforcement Policy.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

For administrative purposes, this letter is issued as NRC Inspection Report No. 05000269,270,287/2006009, and the above violation is identified as NCV 05000287/2006009-01: Failure to Promptly Identify and Correct a Long-Standing Discrepancy Between the Unit 3 Control Room and its Tornado Licensing Basis Specified in the Updated Final Safety Analysis Report. Accordingly, the associated apparent violation AV 05000269,270,287/2005012-01 is closed.

Should you have any questions regarding this letter, please contact Michael E. Ernstes, Chief, Reactor Projects Branch 1, at (404)-562-4540.

Sincerely,

/RA/

Charles Casto, Director
Division of Reactor Projects

Docket Nos.: 50-269, 50-270, 50-287, 72-04
License Nos.: DPR-38, DPR-47, DPR-55

Enclosures: 1. List of Attendees
2. Material presented by DEC
3. Material presented by NRC

cc w/encls: (see page 3)

DEC

3

cc w/encl:

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DEC

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RIDSNRRDIPMLIPB
PUBLIC

PUBLICLY AVAILABLE NON-PUBLICLY AVAILABLE SENSITIVE NON-SENSITIVE

ADAMS: Yes ACCESSION NUMBER: ML060520422

OFFICE	RII:EICS	RII:DRP					
SIGNATURE	CFE	MEE					
NAME	CEvans	MErnstes					
DATE	02/17/06	02/16/06	2/ /2006	2/ /2006	2/ /2006	2/ /2006	2/ /2006
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY DOCUMENT NAME: E:\Filenet\ML060520422.wpd

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