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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before Administrative Judges:

Ann Marshall Young, Chair
Dr. Charles N. Kelber
Lester S. Rubenstein

In the Matter of:)	Docket Nos. 50-369
)	50-370
Duke Energy Corporation)	50-413
)	50-414
(McGuire Units 1 and 2, and)	
Catawba Units 1 and 2))	November 06, 2001

The Declaration of Paul Gunter, Director of the Reactor Watchdog Project for NIRS In Support of the Telephone Conference Call for November 07, 2001 Regarding NIRS Request for Extension of Schedule for Submission of Contentions

The following Declaration is respectfully submitted by email and First Class Postal Service in reference to the telephone conference call with the Atomic Safety and Licensing Board established for November 07, 2001.



Paul Gunter
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(McGuire Units 1 and 2, and Catawba Units 1 and 2))	November 06, 2001

**Declaration of Paul Gunter, Nuclear Information and Resource Service (NIRS),
Director of the Reactor Watchdog Project, Regarding Availability of Public
Documents As Related To the Proposed License Extension of the McGuire and
Catawba Nuclear Power Stations**

I, Paul Gunter, am employed as Director of the Reactor Watchdog Project for Nuclear Information and Resource Service (NIRS) since 1991. I have prepared the following declaration to document to the best of my knowledge and capacity under the current circumstances where the United States Nuclear Regulatory Commission is withholding a broad range of non-safeguard information from public review as a result of closing down its web site on October 10, 2001 as it pertains to the Duke Energy's application to extend the operating licenses for Catawba and McGuire nuclear power stations.

NIRS has requested by letter to the Commission on October 15, 2001 that all licensing proceedings be suspended until such time that all non-safeguard information be restored to the public domain through the agency's web site. NIRS is currently awaiting a response from the Commission to this regard.

NIRS has similarly requested from the Atomic Safety and Licensing Board established as a result of the intervention into the Duke application that the schedule for the filing of contentions be extended until such time that non-safeguarded documents relevant to the Duke application be restored. As a result of the NRC closure of its web site and the subsequent limited piecemeal restoration, NIRS is significantly impeded from reviewing what was intended to be the public record for preparing contentions in this matter.

NIRS has offered the example of the agency's blackout of the Daily Event Reports (DER) as evidence to the handicap through limitation to the public record we are being

subjected to in this proceeding. Duke Energy has responded that the DER is subsequently provided to the public record through the issuance of Licensee Event Reports (LER). Under the current agency information blackout (including the historic record of DERs that were exclusively in the domain of the agency's web site) it is difficult to fully substantiate the licensee's offering. However, I have reviewed our records of DERs and offer the following sampling collected from Duke DER filings.

Upon review of DERs filed during 1998 involving Emergency Diesel Generators (EDG) for Catawba and McGuire, only one of three DERs resulted in a LER. The following excerpts from NRC posting of DERs are presented. To the best of my knowledge, these DERs were not retracted by Duke. To the best of my knowledge, Event number 34337, dated 06/03/98 was the only DER to be followed up with an LER (LER 98-002-00).

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|FACILITY: CATAWBA          REGION: 2|NOTIFICATION DATE: 09/06/98 |
|UNIT:  [ ] [2] [ ]       STATE: SC|NOTIFICATION TIME: 17:47 [ET]|
|RX TYPE: [1] W-4-LP, [2] W-4-LP   |EVENT DATE: 09/06/98 |
+-----+EVENT TIME : 14:05[EDT]|
|NRC NOTIFIED BY: JEFFERY BRADLEY   |LAST UPDATE DATE: 09/06/98 |
|HQ OPS OFFICER: LEIGH TROCINE     +-----+

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EVENT TEXT

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+-----+
|LOSS OF POWER TO 4160 VOLT 'B' TRAIN ESSENTIAL BUS '2ETB,' AUTOMATIC START |
|OF AUXILIARY FEEDWATER PUMP '2B,' OPERATION OF TRAIN 'A' CONTROL ROOM AREA |
|VENTILATION, AND LIFTING OF A POWER OPERATED RELIEF VALVE DUE TO PERSONNEL |
|ERROR |

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|THE FOLLOWING TEXT IS A PORTION OF A FACSIMILE RECEIVED FROM THE LICENSEE:
|"ON SEPTEMBER 6, 1998, AT 1405 HOURS, CATAWBA UNIT 2 WAS IN MODE 5 AT THE |
|START OF AN END-OF-CYCLE REFUELING OUTAGE. PLANT PERSONNEL WERE IN THE |
|PROCESS OF REMOVING THE '2B' EMERGENCY DIESEL GENERATOR (EDG) FROM SERVICE |
|IN ORDER TO PERFORM OUTAGE RELATED MAINTENANCE. THE '2B' EDG HAD ALREADY |
|BEEN PLACED IN THE MAINTENANCE MODE. AS PERSONNEL WERE DISCONNECTING |
|POTENTIAL TRANSFORMERS (PT) IN THE EDG BREAKER CUBICLE IN THE TRAIN 'B' |
|ESSENTIAL SWITCHGEAR ('2ETB'), THEY OPENED THE WRONG PT DRAWER. THIS CAUSED |
|A BLACKOUT ON '2ETB.'

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|"[AT THE TIME OF THE EVENT,] THE PLANT WAS PREPARING TO GO WATER SOLID IN |
|THE PRESSURIZER IN PREPARATION FOR A CRUD BURST. AS A RESULT, THERE WAS |
|LIMITED STEAM SPACE AVAILABLE IN THE PRESSURIZER TO ACCOMMODATE |
|EXPANSION OF THE REACTOR COOLANT SYSTEM (RCS).

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|LOSS OF POWER TO '2ETB,' VALVE '2NV-294,' THE CENTRIFUGAL CHARGING |
|PUMP DISCHARGE CONTROL VALVE, WENT FULLY OPEN, WHICH RESULTED IN |
|MAXIMUM CHARGING FLOW TO THE RCS. THE INCREASE IN CHARGING FLOW RESULTED |
|IN THE LIFTING OF PRESSURIZER POWER OPERATED RELIEF VALVES (PORV) '2NC-32B.' IT |
|IS ESTIMATED THAT THE PORVs LIFTED 12 TO 14 TIMES.

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|"THE FOLLOWING ENGINEERED SAFETY FEATURES (ESF) ACTUATIONS OCCURRED:

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1. [AN] UNDERVOLTAGE CONDITION [OCCURRED] ON ESSENTIAL SWITCHGEAR '2ETB' |
 ([THE] '2B' [EDG] DID NOT START SINCE IT WAS IN MAINTENANCE MODE.) |
- 2 THE TRAIN 'B' MOTOR DRIVEN AUXILIARY FEEDWATER PUMP AUTOMATICALLY |
 STARTED. |
3. TRAIN 'A' OF THE CONTROL ROOM VENTILATION SYSTEM AUTOMATICALLY |

| NORMAL POSITION. UNIT 2 ENTERED A 72-HOUR TECHNICAL SPECIFICATION LIMITING
| CONDITION FOR OPERATION ACTION STATEMENT AT 1732 ON 06/02/98. THE #2A EDG WAS
| LAST RUN SUCCESSFULLY ON 05/12/98.

| THE LICENSEE IS INVESTIGATING THIS CONDITION TO DETERMINE WHETHER THE #2A
| EDG WOULD HAVE PERFORMED ITS REQUIRED SAFETY FUNCTION AND TO DETERMINE
| CORRECTIVE ACTION.

| THE LICENSEE INFORMED THE NRC RESIDENT INSPECTOR.

| *** UPDATE AT 1625 EDT ON 06/04/98 FROM JIMMY DIAL TO S.SANDIN *** ||

| THE FOLLOWING INFORMATION WAS PROVIDED VIA FACSIMILE AS AN UPDATE:
| "A RUN FOR PREPARATION TO RETURN TO SERVICE WAS COMPLETED ON [THE] #2A
| [EDG] AT APPROXIMATELY 0930 ON 06/04/98. [THE] #2A EDG SUCCESSFULLY RAN AT
| LOAD FOR THE TEST, BUT [IT] HAD UNACCEPTABLE ENGINE DIAGNOSTICS DATA.
| TROUBLESHOOTING REVEALED AN INTAKE VALVE SPRING ON CYLINDER '4L' HAD
| FAILED. THIS INFORMATION IS BEING INCORPORATED INTO THE ROOT CAUSE
| INVESTIGATION."

| "THE #2A EDG REMAINS IN THE 72-HOUR TECHNICAL SPECIFICATION LIMITED
| CONDITION FOR OPERATION ACTION STATEMENT DECLARED AT 1732 ON 06/02/98."
| "THE #2B EDG IS CONSIDERED OPERABLE WITH A SUCCESSFUL SURVEILLANCE RUN
| AND DIAGNOSTICS."

| THE R2D0 (CHRISTENSEN) WAS INFORMED OF THIS UPDATE BY THE NRC OPERATIONS
| OFFICER.

+-----+ +-----+
| POWER REACTOR | EVENT NUMBER: 33914 |
+-----+ +-----+
+-----+
FACILITY: MCGUIRE REGION: 2	NOTIFICATION DATE: 03/18/98
UNIT: [1] [2] [] STATE: NC	NOTIFICATION TIME: 12:58 [ET]
RX TYPE. [1] W-4-LP, [2] W-4-LP	EVENT DATE: 03/18/98
+-----+ EVENT TIME : 12:38 [EST]	
NRC NOTIFIED BY: JOEL HOWARD	LAST UPDATE DATE: 03/18/98
HQ OPS OFFICER: LEIGH TROCINE	
UNIT	SCRAM CODE
+-----+
EVENT TEXT

+-----+
| FAILURE TO PERFORM TECHNICAL SPECIFICATION LOGGING OF OPPOSITE UNIT
| AFFECTED SYSTEMS.
| THE FOLLOWING TEXT IS A PORTION OF A FACSIMILE RECEIVED FROM THE LICENSEE:
| "MCGUIRE NUCLEAR STATION HAS DETERMINED THAT PAST ELECTRICAL ALIGNMENT
| AND TECHNICAL SPECIFICATION LOGGING PRACTICES MAY HAVE CAUSED OPERATION
| IN AN UNANALYZED CONDITION. MCGUIRE NUCLEAR STATION HAS SHARED 600-VOLT
| BUSES THAT PROVIDE POWER TO SAFETY-RELATED COMPONENTS ASSOCIATED WITH
| SERVICE WATER, AUXILIARY BUILDING VENTILATION, AND CONTROL ROOM
| VENTILATION. TWO SHARED BUSES (1EMXH [AND] 1EMXG) ARE ALIGNED TO THE
| ESSENTIAL [4,160-VOLT] BUS (1ETA) POWERED BY THE 1A EMERGENCY DIESEL
| GENERATOR. THESE TWO BUSES SUPPLY UNIT 1 AND UNIT 2 'A' TRAIN COMPONENTS
| ASSOCIATED WITH THESE SYSTEMS. TWO SHARED BUSES (2EMXH [AND] 2EMXG) ARE
| ALIGNED TO THE ESSENTIAL [4,160-VOLT] BUS (2ETB) POWERED BY THE 2B EMERGENCY
| DIESEL GENERATOR. THESE TWO BUSES SUPPLY UNIT 1 AND UNIT 2 'B' TRAIN SAFETY-
| RELATED COMPONENTS ASSOCIATED WITH THESE SYSTEMS."

"WHEN THE 1A EMERGENCY DIESEL GENERATOR HAD BEEN REMOVED FROM SERVICE, THE EMERGENCY AC POWER HAS BEEN LOGGED INOPERABLE FOR UNIT 1. HOWEVER, NO TECHNICAL SPECIFICATION LOGGING ENTRIES HAVE BEEN MADE FOR THE UNIT 2 SAFETY-RELATED COMPONENTS POWERED FROM [BUS] 1ETA. THESE COMPONENTS NO LONGER HAVE AN ALIGNED EMERGENCY AC POWER SOURCE. THEREFORE, CERTAIN 'B' TRAIN REDUNDANT COMPONENTS ON SAFETY-RELATED SYSTEMS COULD HAVE BEEN INOPERABLE. IN A SIMILAR MANNER, WHEN THE 2B EMERGENCY DIESEL GENERATOR HAS BEEN REMOVED FROM SERVICE, NO TECHNICAL SPECIFICATION LOGGING ENTRIES HAVE BEEN MADE TO TRACK UNIT 1 SAFETY-RELATED COMPONENTS WITHOUT ALIGNED EMERGENCY AC POWER."

"THE STATION HAS ADMINISTRATIVE GUIDANCE IN PLACE TO REQUIRE TECHNICAL SPECIFICATION LOGGING OF OPPOSITE UNIT AFFECTED SYSTEMS AS DESCRIBED ABOVE. THIS PREVENTS ENTRY INTO THIS CONDITION IN THE FUTURE. SITE TECHNICAL STAFF WILL REVIEW THE AFFECT ON SAFETY SYSTEM OPERATION TO DETERMINE IF THE PLANT ACTUALLY OPERATED IN AN UNANALYZED CONDITION."

THE LICENSEE NOTIFIED THE NRC RESIDENT INSPECTOR.

The DER provide a much broader spectrum of non-safeguard related information to the public stakeholder and intervenor to include other plant conditions relevant to this proceeding and significant environmental impacts such as events where the station exceeds thermal discharge limits to receiving waters, subsequent fish kills, and releases of toxic materials.

Based on my review, NIRS does not find that all of these station conditions and environmental impacts filed as DER are subsequently documented by the licensee as LER.

Therefore, the agency's current withholding of a broad spectrum of information beyond the scope provided under 10 CFR 73.21 as Requirements for the protection of safeguards information unfairly handicaps the intervenor's ability to go forward and access the public record to prepare contentions in this license extension proceeding.



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CERTIFICATE OF SERVICE

I hereby certify that copies of "The Declaration of Paul Gunter, Nuclear Information and Resource Service, As Related To the Proposed License Extension of the McGuire and Catawba Nuclear Stations" in the captioned proceeding have been served on the following by Email and deposit in the United States mail, first class, this Sixth day of November 2001.

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Dated at Washington, District of Columbia
this 06th day of November 2001