



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931

May 13, 2003

NOED 03-2-005

Duke Energy Corporation
ATTN: Mr. G. R. Peterson
Site Vice President
Catawba Nuclear Station
4800 Concord Road
York, SC 29745

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR DUKE ENERGY CORPORATION REGARDING CATAWBA UNIT 1

Dear Mr. Peterson:

By letter dated May 10, 2003, you formally documented a verbal request made earlier that day for discretionary enforcement concerning Catawba Nuclear Station Unit 1 Technical Specification (TS) 3.6.6, Containment Spray System (CSS). Your letter addressed the information previously discussed with the NRC during a telephone conference on May 10, 2003, at 4:00 p.m. The principal NRC staff members who participated in that telephone conference included: L. Reyes, Regional Administrator, Region II (RII); L. Marsh, Deputy Director, Division of Licensing Project Management (DLPM), Office of Nuclear Reactor Regulation (NRR); S. Moore, Acting Director, Project Directorate II (PD2), NRR; L. Plisco, Director, Division of Reactor Projects (DRP), RII; R. Haag, Chief, Branch 1, DRP, RII; J. Nakoski, Section Chief, PD2-1, NRR; L. Olshan, Project Manager, PD2-1, NRR; S. Weerakkody, Section Chief, Plant Systems Branch, NRR; E. Guthrie, Senior Resident Inspector - Catawba, DRP, RII; and R. Bernhard, Senior Reactor Analyst, Division of Reactor Safety, RII.

Because CSS train 1A was inoperable due to fouling of the 1A CSS heat exchanger, you stated that on May 11, 2003, at 9:18 a.m., Catawba Unit 1 would not be in compliance with TS 3.6.6, Limiting Condition for Operation (LCO) Action A.1, which requires restoration of an inoperable CSS train to operable status within 72 hours. As such, per TS 3.6.6, Actions B.1 and B.2, Unit 1 would be required to be in Mode 3 (Hot Standby) in 6 hours (3:18 p.m., on May 11, 2003) and in Mode 5 (Cold Shutdown) within 84 hours (9:18 p.m., on May 14, 2003). You requested that a Notice of Enforcement Discretion (NOED) be issued 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), NUREG-1600, and be effective for an additional 168 hours (from 9:18 a.m., on May 11, 2003) to support remaining inspection, chemical cleaning, and testing activities necessary to restore the 1A CSS heat exchanger and return CSS train A to operable status. This letter documents our verbal issuance of the NOED (for an additional 168 hours) during the telephone conference on May 10, 2003. As of the date of this letter, we understand that the condition causing the need for this NOED has not yet been corrected.

Catawba Unit 1 was in Mode 1 (Power Operations) when CSS heat exchanger 1A was declared inoperable on May 8, 2003, at 9:18 a.m., for performance testing to verify acceptable flow through the heat exchanger. During this performance testing, a lower than required flow

resistance factor for the 1A CSS heat exchanger was identified; thereby, necessitating corrective actions (i.e., inspection, chemical cleaning, and subsequent testing) to restore operability to the 1A CSS heat exchanger and its associated train. The safety basis in your NOED request letter included a discussion of interim compensatory measures and an evaluation of the potential impact on the public health and safety and the environment. Your evaluation concluded that the request for an additional 168 hours to restore the 1A CSS heat exchanger and return the 1A CSS train to an operable status was overall safety and risk neutral and represented no net increase in radiological risk. In addition you concluded that no significant hazard consideration was involved. The interim compensatory measures you have put in place until the 1A CCS heat exchanger can be returned to service are integral to your no net increase in risk determination. These interim compensatory measures include: (1) mitigating the dominant risk of turbine building flood by controlling work on associated systems and increasing turbine building rounds by plant operators; (2) precluding discretionary maintenance or testing on the offsite power system and maintaining operability of required offsite circuits; (3) precluding discretionary maintenance on the Unit 1 and Unit 2 emergency diesel generators and nuclear service water system; (4) precluding discretionary maintenance on the Unit 1 standby shutdown system, instrument air system, emergency core cooling systems, and hydrogen igniters; and (5) precluding maintenance on CSS train 1B, which was re-tested satisfactorily on May 10, 2003.

We have reviewed your request and agree that maintaining the plant stable in Mode 1 for an additional 168 hours (240 hours total) is preferable to the potential for a plant transient that could occur during a plant shutdown to Mode 3 in this instance. Also, we agree that your interim compensatory measures, risk analysis, and safety basis considerations were adequate to demonstrate that the additional 168 hours would not involve a net increase in radiological risk and would not adversely affect public health and safety. Our decision was based primarily on the request being overall safety and risk neutral, and your agreement to re-verify acceptable flows through the 1B CCS heat exchanger before exceeding the original 72 hours of TS 3.6.6, LCO A.1.

On the basis of the staff's evaluation of your request and the information provided in your letter dated May 10, 2003, we conclude that issuance of this NOED is consistent with the Enforcement Policy and staff guidance, and has no adverse impact on public health and safety. Therefore, it is our intention to exercise discretion not to enforce compliance with TS 3.6.6 for inoperable CSS heat exchanger 1A for the period from May 11, 2003, at 9:18 a.m. until May 18, 2003, at 9:18 a.m. However, as stated in the Enforcement Policy, action will be taken, to the extent that violations are involved, for the root cause or causes that led to the request for this NOED.

Sincerely,

/RA by Bruce S. Mallett Acting for/

Luis A. Reyes
Regional Administrator

Docket No.: 50-413
License No.: NPF-35

cc: (See page 3)

DEC

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cc:

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PUBLIC DOCUMENT (circle one): YES NO

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NAME	RCH	RCH for	see e-mail	CFE			
DATE	5/13/2003	5/13/2003	5/13/2003	5/13/2003			
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