

MEMORANDUM TO : W. T. RUSSELL, NRR/DO

06 May 1994

FROM: C. MORRIS, NRR/DE/EELB

SUBJECT: DPV ANENT UNCOORDINATED BREAKERS
AT CATAWBA NUCLEAR STATION

The attached SE and memoranda are the subject of this DPV because its author feels that there are issues in them which require for their resolution, a wider forum and a more responsible level of management than could be found in the EELB, the management of which, in any case, has wisely refused to discuss the author's concerns with him.

It is unfortunate that in a fee recoverable agency the cost of such differences within the staff must be paid for by the licensee and it may be even more unfortunate that the resolution of the breaker coordination issue, which would be the result of the attached SE, must be delayed at additional cost, because of the NRC's procedures in handling such differences, but when technical staff management is autocratic and resolves issues by fiat rather than by the free and open discussion, said in various NRC announcements to be the way to resolve such differences, the DPV/DPO route is all that is left to conscientious staff.

Neither I, nor the staff, nor the licensee have evidence that a significant risk to Catawba exists because of the uncoordinated breakers, but then neither do we have adequate evidence that it does not. However, regulators are expected to err on the side of conservatism. That is why the NRC uses all the arbitrary criteria it does; they compensate for lack of information about system reliability. The practice, all too common, of inverting the logic of regulation and permitting exceptions to the rules, whenever there is a lack of evidence, leads to the appearance of regulation and not its substance.

The most important concern raised in this DPV is that if the staff accepts the licensee's argument that because a fully redundant safety train might perform the requisite safety functions, if a cable fault were to disable the other train, and because the hardware changes needed to make the Catawba breakers meet the requirements of the FSAR (and the NRC) are costly, the staff can permit the licensee to change the FSAR, only, and can allow him to operate with known safety deficiencies.

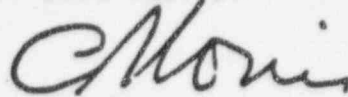
I will not repeat, here, the discussion contained in the attachments. What is needed, now, is a policy statement, from a higher level than branch, that an argument so generally applicable to all plant safety systems is acceptable to the NRC. I believe, and have so stated in the attached memoranda, that it is not, and why it is not. If the DPV panel decides it is, then some reason to limit the general argument to safety breakers must be given in their response.

The concerns expressed by this DPV are mitigated by the frequent absence of consistency between SEs, but this lack of consistency might disappear with respect to this particular licensee argument, because of the enormous relief repeated application of it could bring to licensees who were willing to

01 May 94

operate with discovered, manifold deficiencies, depending, in each case, on the other safety train to safely shut down the plant.

It is no part of this DPV to explore the need to correct the glaring absence in the rules of a simple statement that says, unambiguously, that all circuit breakers shall be coordinated. But, someone, in the NRC, should note the need to insert such a requirement, in case another nuclear power plant is ever built. I accept, the impossibility of "ratcheting" existing plants with a requirement that even commercial practice requires. In any case, most circuit breakers, in most plants, are coordinated, for most faults.



C. Morris
NRR/DE/EELB