

NOTICE OF VIOLATION

Duke Power Company
Catawba Units 1 & 2

Docket Nos. 50-413 and 50-414
License Nos. NPF-35 and NPF-52

During an NRC inspection conducted on March 24, 1996 - May 4, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. Technical Specification 3.6.4.3 requires that both trains of the Hydrogen Mitigation System be OPERABLE in MODE 1 and MODE 2 as a Limiting Condition for Operation. Surveillance Requirement 4.6.4.3 states that the Hydrogen Mitigation System is operable provided that 34 of the 35 igniters in each train are operable and inoperable igniters are not on corresponding redundant circuits that provide coverage in the same region of containment. If both igniters on corresponding redundant circuits that provide coverage in the same region of containment are inoperable, actions specified in Technical Specification 3.0.3 are required. Technical Specification 3.0.3, as applied, requires that actions be initiated to place the unit in MODE 3 - HOT STANDBY, within at least 7 hours.

Contrary to the above, both hydrogen igniters in the Pressurizer Relief Tank region of the Unit 2 containment were inoperable from March 18 at 10:40 a.m., until March 19 at 8:58 a.m., for a duration of approximately 22 hours with the Unit in MODE 1.

This is a Severity Level IV Violation (Supplement I).

- B. 10 CFR 50, Appendix B, Criterion V, requires that activities affecting quality be prescribed by documented instructions or procedures, and shall be accomplished in accordance with these instructions or procedures.

10 CFR 50.59 requires the performance of an evaluation to determine if changes to the facility (systems, structures, or components) or facility operating procedures described in the Safety Analysis Report (SAR) involves an unreviewed safety question.

Duke Power Nuclear Station Directive (NSD) 209, 10 CFR 50.59 Evaluation, Revision 3, effective October 1, 1995, implements the requirements of 10 CFR 50.59. Section 209.10.2 of NSD 209 specifies the screening process required to be performed to determine if a facility or procedure change constitutes an unreviewed safety question which in part requires negative answers to the following questions:

- Does the activity change the facility as described in the SAR?

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- Could the activity adversely affect any system, structure, or component that is necessary in accordance with the SAR?

NSD 209 defines the SAR as the set of documents used to support issuance of a plant operating license. These documents include, but are not limited to, the Facility Operating License, the NRC Safety Evaluation Report, the FSAR, the Technical Specifications, and other licensing documents.

Section 101.4.3 of Engineering Directives Manual EDM-101, Engineering Calculations/Analyses, Revision 4, dated March 30, 1995, requires certification of design calculations prior to release of calculation results.

Contrary to the above:

1. The 50.59 evaluation was inadequate in that the negative responses to the NSD 209 questions were incorrect for addressing the February 21, 1996, change to Enclosure 4.12 of procedure OP/1/A/6250/02, Auxiliary Feedwater System. Increasing the allowable auxiliary feedwater piping temperature to 250° F changed the design of the auxiliary feedwater system, as described in the SAR. The reduction of the concrete expansion safety factor, from four to two, to permit operability of the auxiliary feedwater piping at a temperature of 250° F decreased the margin of safety and had a potentially adverse effect on the design of the auxiliary feedwater piping. NRC IE Bulletin 79-02, a licensing document, requires a minimum safety factor of four for concrete expansion anchors.
2. Engineering calculations were released prior to completion of the design certification process, in that on February 21, 1996, a change to Enclosure 4.12 of Procedure OP/1/A/6250/02 was made with uncertified calculations. In changing Procedure OP/1/A/6250/02, for raising the acceptable Auxiliary Feedwater suction temperature, approved February 21, 1996, engineering calculations supporting this change were not approved until on, or after, March 5, 1996. These calculations formed the bases for approval of the procedure change.

This is a Severity Level IV violation (Supplement I)

Pursuant to the provisions of 10 CFR 2.201, Duke Power Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC

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Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or demand for information may be issued so as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Atlanta, Georgia
this 31st day of May, 1996

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