

NOTICE OF VIOLATION

Duke Power Company
Catawba Units 1 & 2

Docket Nos. 50-413 and 414
License Nos. NPF-35 and NPF-52
EA 97-179

During an NRC inspection conducted from March 24 through May 4, 1996, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

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.

Procedure NSD 203, Operability, Revision 4, effective January 1, 1996, specifies the requirements for determining the operability status of a structure, system, or component. Paragraph 203.7.4 of NSD 203, in part, requires a 10 CFR 50.59 unreviewed safety question (USQ) evaluation if the operability evaluation concludes the system, structure, or component (SSC) is operable, but degraded. Operable, but degraded is defined in NSD-203 as situation which existed where a SSC relies on a temporary change to a design limit or design basis in order to remain operable. Paragraph 203.9.2 of NSD 203 requires a calculation to be initiated per procedure EDM-101 to define, analyze, and document any change to a safety related SSC which changes the design basis or design basis documents.

Duke Power Nuclear Station Directive (NSD) 209, 10 CFR 50.59 Evaluation, Revision 3, effective October 1, 1995, specifies the requirements for performance of reviews of changes to the facility or facility procedures to assure compliance with 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 (USQ) which in part requires negative answers to the following questions:

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

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Paragraph 3.10.1 of Specification No. CNS-1206.00-04-0001, Design Specification for Nuclear Safety Related (QA Condition 1) and QA Condition 4 Component Supports, Revision 4, dated March 1, 1995, requires concrete expansion anchors to be designed with a minimum safety factor of 4.0.

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 the licensee failed to accomplish activities affecting quality in accordance with procedures as evidenced by the following:

1. The evaluations performed to determine if changing the operating temperature of the auxiliary feedwater piping involved an unreviewed safety question (50.59 screening) 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. 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 required by procedure EDM-101, 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 Resident Inspector at the facility that is the subject of this Notice, within

Enclosure 2

30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked "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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued 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.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

Dated at Atlanta, Georgia
this 16th day of May 1997