



50-413

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 7, 1998

Mr. G. R. Peterson  
Site Vice President  
Catawba Nuclear Station  
Duke Energy Corporation  
4800 Concord Road  
York, South Carolina 29745-9635

SUBJECT: CATAWBA NUCLEAR STATION, UNIT 1 - NOTICE OF ENFORCEMENT  
DISCRETION (NO. 98-6-013) (TAC NO. MA2453)

Dear Mr. Peterson:

By letter dated August 6, 1998, you requested that the NRC exercise discretion not to enforce compliance with the actions required by Catawba Nuclear Station, Unit 1, Technical Specification (TS) Section 4.8.1.1.2.i.2. This requires the performance, every 10 years, of a pressure test of those portions of the diesel fuel oil system, associated with the emergency diesel generators (EDGs), designed to Section III, subsection ND of the ASME Code at a test pressure equal to 110% of the system design pressure. That letter documented information previously discussed with the staff in a telephone conversation on August 6, 1998, at 11:00 a.m. (NRR Projects, NRR Division of Engineering, and Region II personnel were present). You stated that, because the EDGs would not be in compliance with TS 4.8.1.1.2.i.2, entry into TS 4.0.3 (regarding failure to perform a surveillance requirement) was made at 5:55 p.m. on August 5, 1998. TS 4.0.3 requires that the subject surveillance be completed within 24 hours, and TS 3.8.1.1.f.2 requires Catawba Unit 1 be in Hot Standby within 6 hours, and Hot Shutdown within the following 30 hours, if the pressure test cannot be completed to demonstrate operability of the diesel generators. You requested that a Notice of Enforcement Discretion (NOED) be issued pursuant to the NRC's policy regarding exercising discretion for an operating facility, set forth in Section VII.c. of the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, and that the NOED be effective for the period until the issuance of a related TS amendment.

Your staff determined that testing of the fuel oil system was not being performed as required by TS 4.8.1.1.2.i.2. The subject surveillance program, however, was being conducted in accordance with ASME Section XI, Code Case N-498-1, which was authorized for use at Catawba Units 1 and 2, by the NRC, in its letter dated February 13, 1995. This relief from ASME Code requirements, in Code Case N-498-1, permits the use of VT-2 visual examination, in conjunction with a system pressure test on Class 3 systems in lieu of hydrostatic testing. Thus, the wording of TS 4.8.1.1.2.i.2 conflicts with that of TS 4.0.5, which requires that "Inservice Inspection of ASME Code Class 1, 2, and 3 components... shall be performed in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda as required by 10 CFR Part 50, Section 50.55a(g), except where specific written relief has been granted by the Commission pursuant to 10 CFR Part 50, Section 50.55a(g)(6)(i)" (emphasis added). On August 5, 1998, Duke determined that the two Catawba Unit 1 EDGs were inoperable on the basis of noncompliance with TS 4.8.1.1.2.i.2.

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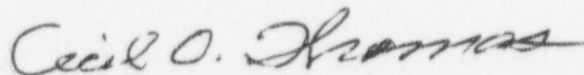
On the basis of the preceding information, the staff has determined that the compliance with TS 4.8.1.1.2.i.2 is not necessary in that TS 4.0.5 provides acceptable standards for inservice testing of the EDG fuel oil systems. There are no negative safety consequences associated with continued use of Code Case N-498-1, and thus no compensatory measures have been proposed by Duke.

The staff has reviewed your request and justification for the issuance of the NOED and agrees that it satisfies criterion 1(a) of the staff's guidance, and that failure to implement the surveillance requirement of TS Section 4.8.1.1.2.i.2 should not result in the forced shutdown of Unit 1. The staff concludes that the issue does not create any concerns regarding the capability of any structures, systems, or components to perform their intended safety functions.

On the basis of the staff's evaluation of your request, the staff has concluded that a NOED is warranted because the staff is clearly satisfied that this action involves minimal or no safety impact and has no adverse radiological impact on public health and safety. Therefore, it is the staff's intention to exercise discretion not to enforce compliance with TS Section 4.8.1.1.2.i.2 for the period from 5:55 p.m. on August 6, 1998, until issuance of a related amendment to revise the subject TS, which was requested by your second letter dated August 6, 1998. This letter documents our telephone conversation at 2:45 p.m. on August 6, 1998, when the staff verbally issued this NOED.

However, as stated in the Enforcement Policy, action will normally be taken to the extent that violations were involved for the root cause that led to the noncompliance for which this NOED was necessary.

Sincerely,



for

Herbert N. Berkow, Director  
Project Directorate II-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

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On the basis of the preceding information, the staff has determined that the compliance with TS 4.8.1.1.2.i.2 is not necessary in that TS 4.0.5 provides acceptable standards for inservice testing of the EDG fuel oil systems. There are no negative safety consequences associated with continued use of Code Case N-498-1, and thus no compensatory measures have been proposed by Duke.

The staff has reviewed your request and justification for the issuance of the NOED and agrees that it satisfies criterion 1(a) of the staff's guidance, and that failure to implement the surveillance requirement of TS Section 4.8.1.1.2.i.2 should not result in the forced shutdown of Unit 1. The staff concludes that the issue does not create any concerns regarding the capability of any structures, systems, or components to perform their intended safety functions.

On the basis of the staff's evaluation of your request, the staff has concluded that a NOED is warranted because the staff is clearly satisfied that this action involves minimal or no safety impact and has no adverse radiological impact on public health and safety. Therefore, it is the staff's intention to exercise discretion not to enforce compliance with TS Section 4.8.1.1.2.i.2 for the period from 5:55 p.m. on August 6, 1998, until issuance of a related amendment to revise the subject TS, which was requested by your second letter dated August 6, 1998. This letter documents our telephone conversation at 2:45 p.m. on August 6, 1998, when the staff verbally issued this NOED.

However, as stated in the Enforcement Policy, action will normally be taken to the extent that violations were involved for the root cause that led to the noncompliance for which this NOED was necessary.

Sincerely,

*Original signed by Cecil Thomas for*  
Herbert N. Berkow, Director  
Project Directorate II-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

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\* See previous concurrence

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Catawba Nuclear Station

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