

February 18, 1997

EA 97-036

Duke Power Company  
ATTN: Mr. W. R. McCollum  
Site Vice President  
Catawba Site  
4800 Concord Road  
York, South Carolina 29745-9635

SUBJECT: EXERCISE OF ENFORCEMENT DISCRETION  
(NRC INSPECTION REPORT NOS. 50-413, 414/97-04)

This letter refers to an inspection conducted during the period January 6 through 23, 1997, at your Catawba Nuclear Station. During the inspection, the NRC examined the facts and circumstances surrounding your identification of a design deficiency associated with the Unit 1 and 2 Auxiliary Feedwater (AFW) System. On January 9, 1997, you submitted Licensee Event Report (LER) No. 50-413/96-012 following the determination that the AFW system was outside its design basis. Subsequently, on January 17, 1997, Revision 1 to the LER was submitted to provide additional information and corrective actions. Our review of this issue is discussed in detail in the subject inspection report transmitted to you by letter dated January 31, 1997.

Based on the information developed during the inspection, the NRC has determined that a violation of NRC requirements occurred. Specifically, from initial construction of Units 1 and 2 until December 11, 1996, measures were not established to correctly translate the design basis of the AFW system described in the Final Safety Analysis Report, Section 9.2.1 into specifications, drawings, and procedures for the Nuclear Service Water (NSW) System (the assured water source for the AFW system) resulting in the requirements of Technical Specification (TS) 3.7.2.1 not being met for both units. Because the AFW systems' assured source lacked adequate train separation, a single, active failure of one of the two assured source suction valves (1/2RN-250 or 1/2RN-310) would render all three AFW pumps for the associated unit inoperable under certain conditions. Specifically, with all three AFW pumps running with high flow demand and a loss of the normal suction sources (non-safety related), a single failure of one of the two assured source suction valves would cause the remaining train of the assured source to attempt to supply all three AFW pumps. This would result in inadequate net positive suction head to all three pumps, rendering them inoperable.

In accordance with the "General Statement of Policy and Procedures for Enforcement Actions" (Enforcement Policy), NUREG-1600, this violation normally would be categorized as a Severity Level III violation. However, as discussed in Section VII.B.3 of the Enforcement Policy, the NRC may refrain from issuing a Notice of Violation (Notice) and proposing a civil penalty for a Severity Level III violation that involves a past problem, such as an old engineering, design, or installation deficiency, provided that certain criteria are met.

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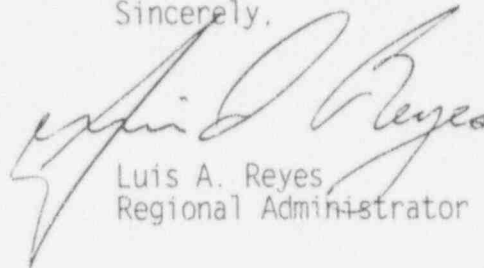
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After review of this violation and consultation with the Director, Office of Enforcement, the NRC has concluded that the criteria for enforcement discretion have been met. Therefore, to encourage licensee efforts to identify and correct subtle violations before degraded safety systems are called upon to function, no Notice is being issued in this case. The specific bases for this decision are: (1) you identified the violation during a licensee-initiated design review conducted in support of a modification; (2) although voluntary self-initiated technical audits had been performed for both the AFW and NSW systems, it was not unreasonable that these audits did not identify the deficiency earlier, and it is unlikely the deficiency would have been identified by routine surveillances or quality assurance audits; (3) timely and appropriate modifications were completed to install check valves in locations to resolve the deficiency; (4) timely and effective corrective actions were implemented, and appropriate long-term corrective actions to review and identify any similar design deficiencies in the systems interfacing with the Standby Shutdown System were delineated; and (5) the design deficiency occurred at the time of plant construction and is not reasonably linked to present engineering performance.

This letter serves to document the closure of the apparent violation (EEI 50-413 and 50-414/97-04-01) described in the subject inspection report and completes the NRC's action in this matter. No formal response to this letter is required. In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be placed in the NRC Public Document Room.

If you should have any questions regarding this letter, please contact Mr. Charles Casto, Chief, Branch 1, Division of Reactor Projects, at 404-331-5506.

Sincerely,



Luis A. Reyes  
Regional Administrator

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

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*a. Boland*

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