

NOTICE OF VIOLATION

Duke Power Company
McGuire Nuclear Plant

Docket Nos. 50-369 and 50-370
License Nos. NPF-9 and NPF-17

During an NRC inspection conducted on July 28 through September 7, 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 3.8.1.1 (d) requires that with a diesel generator inoperable, the operability of the other diesel must be demonstrated by performing surveillance requirement 4.8.1.1.2.a.4 and 4.8.1.1.2.a.5 within 24 hours.

Contrary to the above, on July 19, 1996, the licensee failed to demonstrate the operability of the 1A emergency diesel generator within the required time after the 1B emergency diesel generator was determined to be inoperable.

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

- B. 10 CFR 50.59 (a)(1) authorizes the licensee to conduct tests or experiments not described in the safety analysis report, without prior commission approval, unless the proposed test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question

10 CFR 50.59 (b)(1) requires the licensee to maintain records of the conduct of tests and experiments not described in the safety analysis report. These records must include a written safety evaluation that provides the basis for the determination that the test or experiment did not involve an unreviewed safety question.

Contrary to the above, on August 6, 1996, the licensee conducted a test not described in the FSAR to verify an operability determination that a water hammer event would not occur with the presence of steam voids in auxiliary feedwater piping. An adequate 50.59 safety evaluation to provide the basis for the determination that the test did not involve an unreviewed safety question was not performed prior to conducting this test.

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

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- C. 10 CFR 50 Appendix B, Criterion XVI, "Corrective Actions," states that measures shall be established to ensure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the cases of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action is taken to preclude repetition.

Contrary to the above, during the period from June 19, 1996, to July 30, 1996, adequate corrective actions were not taken to preclude repetition of a fuel line coupling failure on the McGuire Unit 1 B Emergency Diesel Generator.

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 McGuire Nuclear Plant, 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. 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 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 2nd day of October, 1996

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