

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 February 23 through April 4, 1997, 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. Appendix B, Criterion V, Instructions, Procedures, and Drawings, requires, in part, that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings.

Contrary to the above, prior to November 30, 1996, activities affecting quality, were not accomplished in accordance with these instructions, procedures, or drawings, in that, heater elements installed for freeze protection in the Unit 1 and Unit 2 Refueling water Storage Tank (FWST) safety-related level transmitter enclosures were found to be of a higher capacity than described on engineering design drawings and documents. Specifically, two 250 watt heater elements were installed in each enclosure, whereas the applicable design documents specified one 50 watt element per enclosure.

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

- B. 10 CFR 50.72 (b) (2) (i) requires, in part, that any event, found while the reactor is shut down, that, had it been found while the reactor was in operation would have resulted in the nuclear power plant, including its principle safety barriers, being seriously degraded or being in an unanalyzed condition that significantly compromises plant safety shall be reported within four hours of the occurrence.

Contrary to the above, between February 26 and March 13, the licensee failed to make a timely report per the requirements of 10 CFR 50.72 concerning a degraded condition identified on the Unit 1 main feedwater isolation valves during shutdown conditions.

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

Enclosure 1

(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 5th day of May, 1997