

ENCLOSURE 1

NOTICE OF VIOLATION

Duke Power Company
McGuire

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

During the Nuclear Regulatory Commission (NRC) inspection conducted on November 13-17, 1989, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989), the violations are listed below:

- A. 10 CFR 50.54(q) requires that nuclear power reactor licensees follow and maintain in effect Emergency Plans which meet the requirements of 10 CFR 50.47(b). Technical Specification 6.8.1.e requires, in part, that written procedures shall be implemented and maintained covering the Emergency Plan implementation.

Section H.10 of the McGuire Emergency Plan states that station specific procedures define the inspection, inventory, and operational checks required of emergency equipment. The specific requirements for the periodic test and functional operability of equipment are defined in Periodic Test (PT) Procedures PT/O/A/4600/79 and PT/O/A/4600/11. According to PT/O/A/4600/79, on a quarterly basis (weather permitting), an operability test is performed on the emergency boat motor and radio communications.

Contrary to the above, during Calendar Year 1989, the emergency boat operability tests were not being conducted at the specified frequency in Enclosure 13.1 of PT/O/A/4600/79. At the time of the inspection, only one test had been conducted during Calendar Year 1989.

This is a Severity Level V violation (Supplement VIII).

- B. 10 CFR 50.54(q) requires that nuclear power reactor licensees follow and maintain in effect Emergency Plans which meet the requirements of 10 CFR 50.47(b). Technical Specification 6.8.1.e requires, in part, that written procedures shall be implemented and maintained covering the Emergency Plan implementation.

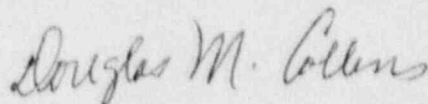
Section E of the McGuire Emergency Plan addresses notification and activation of the onsite and offsite emergency response organization. Section 2.0 of RP/O/A/5700/01 "Notification of Unusual Event" details the activities regarding notification and activation following the classification of an event at the Notification of Unusual Event (NOUE) level. According to Section 2.1.2, the State and county notification must be made within 15 minutes of declaring the emergency.

Contrary to the above, on August 24, 1989, the licensee declared an unusual event at 5:20 p.m., but failed to notify State/local agencies until 30 minutes after the event declaration (5:50 p.m.).

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

Pursuant to the provisions of 10 CFR 2.201, Duke Power Company is hereby required to submit a written statement or explanation to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident Inspector, McGuire, within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include [for each violation]: (1) admission or denial of the violation, (2) the reason for the violation if admitted, (3) the corrective steps which have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken.

FOR THE NUCLEAR REGULATORY COMMISSION



Douglas M. Collins, Chief
Emergency Preparedness and
Radiological Protection Branch
Division of Radiation Safety
and Safeguards

Dated at Atlanta, Georgia
this 26th day of December 1989