

MAR 04 1994

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

Duke Power Company  
ATTN: Mr. T. C. McMeekin  
Vice President  
McGuire Site  
12700 Hagers Ferry Road  
Huntersville, NC 28078-8985

Gentlemen:

SUBJECT: NOTICE OF VIOLATION  
(NRC INSPECTION REPORT NOS. 50-369/93-32 AND 50-370/93-32)

This refers to the inspection conducted by Mr. G. Maxwell of this office on December 19, 1993 - February 5, 1994. The inspection included a review of activities authorized for your McGuire facility. At the conclusion of the inspection, the findings were discussed with those members of your staff identified in the enclosed report.

Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observation of activities in progress.

Based on the results of this inspection, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). We are concerned with Violation A because it involved an extended period of time where your emergency diesel generator fuel oil inventory was below the minimum required value due to an inaccurate tank level instrument. The level instrument had previously been identified with chronic out-of-tolerances and a modification had been proposed to correct it. However, a decision to defer the modification did not receive adequate management oversight to ensure that in the interim, compensatory measures were implemented to reliably monitor fuel oil level. We are concerned with Violation B because it involved two instances where compensatory actions for an inoperable diesel were not taken.

The enclosed Inspection Report also identifies activities that violated NRC requirements that will not be subject to enforcement action because the licensee's efforts in identifying and/or correcting the violation meet the criteria specified in Section VII.B of the Enforcement Policy.

Furthermore this report identified several weaknesses associated with your maintenance program. We understand that you have initiated action to enhance several of these, however because of the number and comprehensive nature of these issues your attention is directed to these concerns.

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You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

Should you have any questions concerning this letter, please contact us.

Sincerely,

*Orig signed by Jon R Johnson*

Ellis W. Merschoff, Director  
Division of Reactor Projects

Enclosures:

1. Notice of Violation
2. NRC Inspection Report

cc w/encls:

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cc w/encls: See page 3

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