

ENCLOSURE 1

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 January 3-7, 1994, and a teleconference on January 20, 1994, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," the violation is listed below:

10 CFR 71.5(a) requires, each licensee who transports licensed material outside the confines of its plant or other place of use, or who delivers licensed material to a carrier for transport, to comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170-189.

10 CFR 71.12 (Subpart C) requires, in part, that (a) a general license is issued to any licensee of the Commission to deliver to a carrier for transport, licensed material in a package for which a license, Certificate of Compliance (CoC), or other approval has been issued by the NRC; and applies only to a licensee who (c)(1) has a copy of the specific CoC, and other approval of the package and has the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment and (c)(2) complies with the terms and conditions of the license, CoC, or other approval as applicable, and the applicable requirements of Subparts A, G, and H of this Part.

49 CFR 173.415 authorizes pursuant to section (§) 173.416, shipment of Type B, B(U), or B(M) packages that do not contain radionuclide quantities exceeding A_1 or A_2 values, as appropriate.

49 CFR 173.416(c) authorizes pursuant to §173.471, shipping of Type B, B(U), or B(M) packaging that meets the applicable packaging requirements in the regulations of the U.S. Nuclear Regulatory Commission (10 CFR Part 71) and that has been approved by that Commission.

49 CFR 173.471(a) requires, in part, for Type B, B(U), or B(M) packaging approved by the USNRC in accordance with 10 CFR Part 71, that shippers be registered with the USNRC as a party to the approval, and the shipment must be made in compliance with the terms of the approval.

Contrary to the above, the licensee failed to follow 10 CFR Part 71 regulations for packaging and shipping in that:

1. For LLRW shipments made during 1993 which exceeded Type A quantities using CoC No. 9094, USA/9094/A packaging, the licensee failed to maintain appropriately, the applicable CoC and drawings and other documents referenced in the approval relating to the use of the packaging, and the applicable procedures failed to specify selected Safety Analysis Report (SAR) packaging fastener torque values and/or tolerances required for preparation of the package for shipment.
2. For LLRW shipments made during 1993 which did not exceed Type A quantities using CoC 9111, USA/9111/A and CoC No.9094, USA/9094/A packaging, the licensee failed to comply with the terms of the approval in that licensee procedures did not list torque wrench tolerance limits for all specified fastener torque values detailed in the CoC referenced vendor loading procedures.

This is a Severity Level IV violation (Supplement 5).

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 facility that is the subject of this Notice, 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. 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.

Dated at Atlanta, Georgia
this 16th day of FEB 1994