

Official

MAR 26 1991

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

Duke Power Company
ATTN: Mr. M. S. Tuckman
Vice President-Nuclear Operations
P.O. Box 1007
Charlotte, NC 28201-1007

Gentlemen:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NOS. 50-369/91-06 AND 50-370/91-06)

This refers to the inspection conducted by K. VanDoorn of this office on February 17 - March 16, 1991. 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 inspection 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 activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation. Also, the violation described in the enclosed Notice is similar to a violation contained in a Notice sent to you by our letter dated May 5, 1989, in that approved procedures were not followed by plant personnel. Recurring violations are of particular concern because the NRC expects licensees to learn from their past failures and to take effective corrective actions. Although NRC does not normally consider monetary civil penalties for Severity Level IV violations, the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), 10 CFR Part 2, Appendix C (1990), states that such penalties may be considered for Severity Level IV violations which could have been reasonably expected to have been prevented by corrective action for the previous violation. In this case, because of the circumstances associated with this violation, escalation is not deemed appropriate because of the inadequacy of the procedure itself which contributed to the violation.

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 identification of the root cause of this problem and your corrective actions to prevent recurrence. Additionally, a contributing cause for this violation was a lack of training for instrumentation personnel. Your response should include corrective actions for this contributing cause. 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.

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In addition, two apparent violations were identified and are being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. One violation involved inoperability of the Control Room Ventilation System due to poor design control. The second involved exceeding the Technical Specification Limiting Condition for Operation for an Auxiliary Feedwater Pump due to the pump being in a degraded mode because of an improper valve lineup. Accordingly, no Notice of Violation is presently being issued for these inspection findings. Please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. An enforcement conference to discuss the violations has been scheduled for April 11, 1991. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

The responses directed by this letter and its enclosures 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,

Original Signed by
Luis A. Reyes

Luis A. Reyes, 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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(cc w/encls cont'd - see page 4)

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