

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Duke Power Company
McGuire Units 1 and 2

Docket Nos. 50-369 and 50-370
License Nos. NPF-9 and NPF-17
EA 84-37

As a result of the inspections conducted from September 29 through October 9, 1983, and on February 9, 1984, three violations of NRC requirements were identified. In accordance with the General Policy and Procedure for NRC Enforcement Actions 10 CFR Part 2, Appendix C, and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended ("Act"), 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205, the particular violations and associated civil penalty are set forth below:

I. VIOLATION ASSESSED A CIVIL PENALTY

Technical Specification 6.8.1 states in part:

Written procedures shall be established, implemented, and maintained covering the activities referenced below:

- a. The applicable procedures recommended in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978;
- b. The applicable procedures required to implement the requirements of NUREG-0737;...

Plant test procedure PT/2/A4208/01B requires that the containment spray recirculation valve 2NS-8 be locked closed at the conclusion of the test, and a second independent verification by a second qualified individual of the valve position is required at the conclusion of the test.

Contrary to the above, on September 14, 1983, at the conclusion of test PT/2/A4208/01B, the Unit 2 containment spray recirculation valve, 2NS-8, was locked open instead of closed as required by plant test procedure PT/2/A4208/01B. The second independent verification by a second qualified operator of the position of valve 2NS-8 failed to detect that the valve was incorrectly positioned.

This is a Severity Level III violation (Supplement I).
(Civil Penalty - \$40,000)

II. VIOLATIONS NOT ASSESSED A CIVIL PENALTY

A. Technical Specification 3.6.2 states:

Two independent containment spray systems shall be OPERABLE with each spray system capable of taking suction from the FWST on a Containment Spray Actuation Signal and transferring suction to the containment spray.

APPLICABILITY: MODES 1, 2, 3, and 4.

ACTION:

With one containment spray train inoperable, restore the inoperable spray train to OPERABLE status within 72 hours or be in at least HOT STANDBY within the next 6 hours; restore the inoperable spray train to OPERABLE status within the next 48 hours or be in COLD SHUTDOWN within the following 30 hours.

Technical Specification Definitions define OPERABLE to mean:

A system, subsystem, train, component or device shall be OPERABLE or have OPERABILITY when it is capable of performing its specified function(s), and when all necessary attendant instrumentation, controls, a normal and an emergency electrical power source, cooling or seal water, lubrication or other auxiliary equipment that are required for the system, subsystem, train, component or device to perform its function(s) are also capable of performing their related support function(s).

Technical Specification 3.0.3 states in part:

When a Limiting Condition for Operation is not met, except as provided in the associated ACTION requirements, within one hour, action shall be initiated to place the unit in a MODE in which the specification does not apply by placing it, as applicable, in:

1. At least HOT STANDBY within the next 6 hours,
2. At least HOT SHUTDOWN within the following 6 hours, and
3. At Least COLD SHUTDOWN within the subsequent 24 hours...

Contrary to the above requirements, on September 28, 1983, Unit 1 was in Operational Mode 1 for approximately 4 hours and 40 minutes with both trains of the containment spray system inoperable. During this time, no action was initiated pursuant to Technical Specification 3.0.3 to place Unit 1 in a mode in which Technical Specification 3.6.2 did not apply.

This is a Severity Level III violation.

B. Technical Specification 4.7.10.2 states in part that:

...required Spray and/or Sprinkler Systems shall be demonstrated OPERABLE...

- a. At least once per 31 days, by verifying that each valve (manual, power-operated, or automatic) in the flow path is in its correct position,...

Contrary to the above, the 31 day surveillance for the annulus sprinkler supply valve was not performed on Unit 2 from March to October 1983. Failure to perform the surveillance resulted in fire protection supply valve 1RF989 being left mispositioned from February 8 to October 1983.

This is a Severity IV violation.

Pursuant to 10 CFR 2.201, Duke Power Company is hereby required to submit to the Director, Office of Inspection and Enforcement, USNRC, Washington, D. C. 20555, with a copy to this office, within 30 days of the date of this Notice a written statement or explanation, including for each alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation if admitted; (3) the corrective steps that have been taken and the results achieved; (4) the corrective steps that will be taken to avoid further violations; and (5) the date when full compliance will be achieved. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, the response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, Duke Power Company may pay the civil penalty in the amount of \$40,000 for the violation assessed a civil penalty, or may protest imposition of the civil penalty, in whole or in part, by a written answer. Should Duke Power Company fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalty in the amount proposed above. Should Duke Power Company elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such answer may (1) deny the violation listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, in whole or in part, such answer may request remission or mitigation of the penalty. In requesting mitigation of the proposed penalty, the five factors addressed in Section IV(B) of 10 CFR Part 2, Appendix C, should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of Duke Power Company is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay the penalty due, which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION
ORIGINAL SIGNED BY
ROBERT D. MARTIN

James P. O'Reilly
Regional Administrator

Dated in Atlanta, Georgia
this 8th day of June 1984