

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 September 25-29, 1995, 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, the violations are listed below:

- A. 10 CFR 50 Appendix B, Criterion XVI, "Corrective Actions," states that measures shall be established to ensure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformances are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action is taken to preclude repetition.

Contrary to the above, on April 15, 1995, and September 15, 1995, the licensee's measures to correct two previous violations in the area of licensed operator medical conditions did not 1) ensure that conditions adverse to quality were promptly identified and 2) assure that the cause of the condition was determined and that corrective action was taken to preclude repetition as evidenced by the following examples:

1. The licensee was issued Violation 50-369, 370/94-17-01 on November 22, 1994, for failing to identify a change in a licensed operator's medical status which required NRC notification within 30 days. On April 19, 1995 an audit was conducted and a similar condition for another operator was identified which required NRC notification within 30 days.
2. The licensee was issued Violation 50-369, 370/93-300-03 on August 12, 1993, for failing to report a change in a licensed operator medical status within 30 days. On July 19, 1995, the facility licensee's physician made the determination that an operator's eyesight no longer met the minimum standards required by 10 CFR 55.53(a)(1). The licensee failed to notify the NRC within 30 days.

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

- B. Technical Specification 6.8.1 requires that written procedures shall be established, implemented, and maintained in accordance with Regulatory Guide 1.33, Revision 2, February 1978, Appendix A, which refers to specific procedures for surveillance tests, inspections, and calibrations.

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Enclosure 1

Technical Specification 4.6.4.2.a, requires that each Hydrogen Recombiner System be demonstrated operable at least once per six months by performing a functional test. PT/1/A/4450/04A, "Hydrogen Recombiners 1A and 1B Operability Test," Revision 8, implements Technical Specification 4.6.4.2.a.

Contrary to the above, on September 29, 1995, Surveillance Procedure PT/1/A/4450/04A, "Hydrogen Recombiners 1A and 1B Operability Test," Revision 8, was not adequately maintained as evidenced by the following examples:

1. PT/1/A/4450/04A, "Acceptance Criteria 11.1," did not adequately specify which "instrumentation and controls" were required to be functioning properly to satisfactorily complete the surveillance.
2. PT/1/A/4450/04A did not require the technician to verify Hydrogen Recombiner Junction temperature in the required band. Operation of the Hydrogen Recombiner Junction temperature in the specified band is required to ensure accurate Hydrogen Recombiner temperature indications. Hydrogen Recombiner temperature is a required parameter for the operability test.

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

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. Your response may reference or include previous docketed correspondence if the correspondence adequately addresses the required response. 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 27th day of October 1995