

ENCLOSURE 1

NOTICE OF VIOLATION

Duke Power Company
McGuire Units 1 and 2

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

During the Nuclear Regulatory Commission (NRC) inspection conducted on November 22, 1988 through January 19, 1989, 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 (1988), the violations are identified below:

- A. Technical Specification 6.8.1 requires that written procedures be established, implemented, and maintained covering the activities recommended in Appendix A of Regulatory Guide 1.33, Revision 2, February 1978.

Regulatory Guide 1.33, Revision 2, February 1978, Appendix A, requires that procedures be written and implemented for tests on emergency power systems.

McGuire Procedure PT/2/A/4350/02A, Diesel Generator 2A Operability Test, contains instructions for testing of the 2A Emergency Diesel Generator.

Contrary to the above, procedure PT/2/A/4350/02A was not properly implemented in that the 1A Emergency Diesel Generator was started on December 6, 1988 using the 2A Emergency Diesel Generator test procedure (PT/2/A/4350/02A). The test was intended to be run on the 2A Emergency Diesel Generator.

This is a Severity Level IV (Supplement I) violation and applies to both units.

- B. Technical Specification 3.9.4 requires, during refueling operations, that each containment penetration providing direct access from the containment atmosphere to the outside atmosphere is either:

1. Closed by an isolation valve, blind flange, or manual valve, or
2. Exhausting through OPERABLE Reactor Building Containment Purge Exhaust System HEPA filters and charcoal adsorbers.
 - a. Contrary to the above, the containment atmosphere had direct access to the outside atmosphere during refueling operations on October 25, 1988 in that mechanical equipment penetration E-461 was not sealed. Core alterations recommenced prior to satisfactory performance of a penetration leak test following repair to the penetration foam sealant.

- b. Contrary to the above, the containment atmosphere had direct access to the outside atmosphere during refueling operations in that mechanical equipment penetrations M-260 and E-429 were not closed during the period from 9:55 p.m. on November 12, 1988 until 3:43 p.m. on November 13, 1988. Core alterations had begun without verifying the penetrations to be completely closed by foam sealant.

This is a Severity Level IV (Supplement I) violation and applies to Unit 1.

- c. Technical Specification 3.0.4 requires that entry into an OPERATIONAL MODE shall not be made when the conditions for the Limiting Condition for Operation are not met and the associated ACTION requires a shutdown if they are not met within a specified time interval.

Technical Specification 3.7.1.2 requires two motor driven Auxiliary Feedwater pumps and associated flowpaths be OPERABLE in MODES 1, 2, and 3.

Contrary to the above, entry into an OPERATIONAL MODE occurred when the conditions for the Limiting Condition for Operation were not met and the associated ACTION required a shutdown within a specified time interval when Unit 1 entered MODE 3 on December 10, 1988 and December 25, 1988. On both occasions, two motor driven Auxiliary Feedwater (CA) pumps and associated flowpaths were not OPERABLE in that valve 1CA44, B CA pump flow control valve to C Steam Generator, was mis-positioned fully open instead of being in a throttled position.

This is a Severity Level IV (Supplement I) violation and applies to Unit 1.

- d. Technical Specification 3.4.9.1 requires a maximum cooldown rate of 100 degrees F in any one hour period for the reactor coolant system.

Technical Specification 3.4.9.2 limits the pressurizer temperature to a maximum heatup rate of 100 degrees F in any one hour period and a maximum cooldown rate of 200 degrees F in any one hour period.

Contrary to the above, the reactor cooldown rate limit was exceeded on May 3, 1983; the pressurizer heatup rate limit was exceeded on July 20, 1981; and the pressurizer cooldown rate limit was exceeded on April 27, 1981 and April 21, 1985.

This is a Severity Level IV (Supplement I) violation and applies to both units.

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, DC 20555 with a copy to the Regional Administrator, Region II, and a copy to the NRC Resident

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Inspector, McGuire Nuclear Station within 30 days of the date of the letter transmitting this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) admission or denial of the violation, (2) the reason for the violation if admitted, (3) the corrective steps which have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken.

FOR THE NUCLEAR REGULATORY COMMISSION

/s/

Alan R. Herdt, Chief
Reactor Projects Branch 3
Division of Reactor Projects

Dated at Atlanta, Georgia
this 14 day of February 1989