

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 at your facility, two violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- I. McGuire 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.

Duke Power Company Nuclear System Directive 301, Nuclear Station Modifications, defines a temporary modification as a physical change or addition of a temporary nature to a station's structures, systems, or components. The Nuclear System Directive also states that installation and removal of temporary modifications are to be controlled in accordance with the approved McGuire Modification Manual.

Contrary to the above, on December 20, 1996, the inspector identified a modification involving installation of an additional vital area physical barrier located at the Unit 1 exterior valve vault was not implemented in accordance with the requirements of Nuclear System Directive 301 and the McGuire Modification Manual.

This is a Severity Level IV violation (Supplement I)

- II. 10 CFR 50.59 (a) (1) authorizes the licensee to conduct tests or experiments not described in the safety analysis report, without prior commission approval, unless the proposed test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question.

10 CFR 50.59 (b) (1) requires the licensee to maintain records of the conduct of tests and experiments not described in the safety analysis report. These records must include a written safety evaluation that provides the bases for the determination that the test or experiment did not involve an unreviewed safety question.

Contrary to the above, on March 25, 1996, Unit 1 secondary plant hydrazine levels were lowered as a test without performance of a 10 CFR 50.59 written safety evaluation to provide the bases for the determination that the test not described in the FSAR did not involve an unreviewed safety question.

This is a Severity Level IV violation (Supplement I)

Pursuant to the provisions of 10 CFR 2.201, McGuire Nuclear Plant is hereby required to submit a written statement or explanation to the U.S. Nuclear

ENCLOSURE 1

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 previously 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 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.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Atlanta, Georgia
this 10th day of February 1997.