

March 4, 2003

EA-03-007

Mr. William R. Kanda
Vice President - Nuclear, Perry
FirstEnergy Nuclear Operating Company
P. O. Box 97, A210
Perry, OH 44081

SUBJECT: PERRY NUCLEAR POWER PLANT
FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND
NOTICE OF VIOLATION (NRC INSPECTION REPORT NO. 50-440/02-08)

Dear Mr. Kanda:

The purpose of this letter is to provide you with the final results of our significance determination of the preliminary White finding identified in the subject inspection report. The inspection finding was assessed using the significance determination process and was preliminarily characterized as White (i.e., a finding with low to moderate increased importance to safety, which may require additional NRC inspections). This preliminary White finding involved the failure of your high pressure core spray system to start during routine surveillance testing on October 23, 2002.

In a telephone conversation with Mr. M. Ring of my staff on February 10, 2003, you indicated that FirstEnergy did not contest the characterization of the risk significance of this finding and you declined an opportunity to provide additional information or discuss this issue in a regulatory conference.

After considering the information developed during the inspection, the NRC has concluded that the inspection finding is appropriately characterized as White (i.e., an issue with low to moderate increased importance to safety, which may require additional NRC inspections).

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified White finding. Such appeals will be considered to have merit only if they meet the criteria given in NRC Inspection Manual Chapter 0609, Supplement 3.

The NRC has also determined that the failure to follow procedure GEI-0135 for breaker installation and inspection is a violation of Technical Specification 5.4, as cited in the enclosed Notice of Violation (Notice). The circumstances surrounding the violation are described in detail in the subject inspection report. In accordance with the NRC Enforcement Policy, NUREG-1600, the Notice of Violation is considered escalated enforcement action because it is associated with a White finding.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Because plant performance for this issue has been determined to be in the regulatory response band, we will use the NRC Action Matrix, to determine the most appropriate NRC response for this event. We will notify you, by separate correspondence, of that determination.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its Web site at www.nrc.gov; select **What We Do, Enforcement**, then **Significant Enforcement Actions**.

Sincerely,

/RA/

J. E. Dyer
Regional Administrator

Docket No. 50-440
License No. NPF-58

Enclosure: Notice of Violation

cc w/encl: B. Saunders, President - FENOC
K. Ostrowski, Director, Nuclear
Maintenance Department
V. Higaki, Manager, Regulatory Affairs
J. Messina, Director, Nuclear
Services Department
T. Lentz, Director, Nuclear
Engineering Department
T. Rausch, Plant Manager,
Nuclear Power Plant Department
Public Utilities Commission of Ohio
Ohio State Liaison Officer
R. Owen, Ohio Department of Health

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*via e-mail from J. Dixon-Herrity.

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NOTICE OF VIOLATION

FirstEnergy Nuclear Operating Company
Perry Nuclear Power Plant

Docket No. 50-440
License No. NPF-58
EA-03-007

During an NRC inspection conducted October 1 through December 28, 2002, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

Technical Specification 5.4 requires, in part, that procedures be established, implemented, and maintained as recommended in Regulatory Guide 1.33, Revision 2, Appendix A, February 1978. Regulatory Guide 1.33, Appendix A, Section 9, "Procedures for Performing Maintenance," recommends that maintenance activities that affect the performance of safety-related equipment should be performed in accordance with written procedures appropriate to the circumstances. Procedure GEI-0135, Revision 1, March 30, 1999, "ABB Power Circuit Breakers 5 KV Types 5HK250 and 5HK350 Maintenance," Step 15.14.3.3 requires a visual check of the cell switch normally open contacts to verify they are in the flat horizontal position prior to breaker installation. The procedure allows in a note to the step, that it may be acceptable for contact bars to not be in flat horizontal alignment provided a clear make/break of the contacts is observed.

Contrary to the above, the licensee failed to implement procedure GEI-0135 during the installation and inspection of the high pressure core spray pump breaker from 1994 through October 23, 2002. Specifically, the licensee did not verify that the contacts were in the flat horizontal position prior to breaker installation or that there was a clear make/break of the contacts. This failure to verify the alignment of the contacts resulted in degradation of the connection over time and failure of the pump to start during surveillance testing on October 23, 2002.

This violation is associated with a White Significance Determination Process finding.

Pursuant to the provisions of 10 CFR 2.201, FirstEnergy Nuclear Operating 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 III, and a copy to the NRC Resident Inspector at the Perry Nuclear Power Plant, 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; EA-03-007" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (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 a 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.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public 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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 4th day of March 2003