

January 20, 2004  
EN-04-002

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: FirstEnergy Nuclear Operating Company (EA-03-194)  
Perry Nuclear Power Plant  
Docket No. 50-440

Subject: ISSUANCE OF FINAL SIGNIFICANCE DETERMINATION AND NOTICE OF VIOLATION

This is to inform the Commission that a Notice of Violation associated with a White Significance Determination Process (SDP) finding will be issued on or around January 23, 2004, to FirstEnergy Nuclear Operating Company as a result of inspections at the Perry Nuclear Power Plant. This White finding, an issue with low to moderate increased importance to safety, involved an undue delay in declaring an actual emergency condition on April 24, 2003, when the shift manager did not follow the emergency classification and action level scheme as required by the plant emergency plan when damage to irradiated fuel caused a high alarm on the fuel handling building ventilation exhaust gaseous radiation monitor. The failure to promptly declare the Alert was identified as a violation of 10 CFR 50.47(b)(4). Accordingly, a Notice of Violation associated with the White finding is being issued.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Final Significance Determination	January 23, 2004
Telephone Notification of Licensee	January 23, 2004

The State of Ohio will be notified.

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