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Perry Nuclear Power Plant  
Docket Number 50-440  
License Number NPF-58

Subject: Reply to a Notice of Violation; EA-03-208

Ladies and Gentlemen:

Enclosed is the reply to the Notice of Violation, EA-03-208, issued to the Perry Nuclear Power Plant (PNPP) by the Nuclear Regulatory Commission on April 1, 2004. The violation was issued for failure to follow Technical Specification overtime guidelines during the PNPP Refueling Outage 8 in March 2001.

There are no regulatory commitments contained in this submittal. Any actions discussed in this document that represent intended or planned actions, are described for the NRC's information, and are not regulatory commitments.

If you have any questions or require additional information, please contact Mr. Vernon Higaki, Manager-Regulatory Affairs, at (440) 280-5294.

Very truly yours,

Enclosure

cc: NRC Region III Administrator  
NRC Senior Resident Inspector - PNPP

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REPLY TO A NOTICE OF VIOLATION; EA-03-208

RESTATEMENT OF THE VIOLATION

Technical Specification 5.2.2.e for the Perry Nuclear Power Plant requires, in part, that administrative procedures shall be developed and implemented to limit the working hours of unit staff who perform safety related functions (e.g., key maintenance personnel). The procedures shall include guidelines on working hours that ensure adequate staff coverage is maintained without heavy use of overtime. Any deviation from the working hour guidelines shall be authorized in advance by the Plant Manager in accordance with approved administrative procedures and with documentation of the basis for granting the deviation.

Plant Administrative Procedure (PAP) 0224, "Fitness for Duty," Revision 2, February 5 1999, implements Technical Specification 5.2.2.e.

Section 5.13 of PAP-0224 defines key maintenance personnel as those individuals physically performing or immediately supervising the performance of maintenance, repair, testing, modification, or calibration of safety-related structures, systems or components.

Section 6.14 of PAP-0224 provides, in part, that the Technical Specification overtime guidelines will be followed in the event that substantial amounts of overtime are required during extended periods of shutdown for refueling, major maintenance or major plant modifications. The guidelines state that an individual should not work more than 72 hours in any 7-day period (excluding shift turnovers). Deviations from the overtime guidelines are requested by the immediate supervisor from the Plant Manager, or designee, using the Technical Specification Overtime Deviation Request form (PNPP No. 7699). Section 6.15.2 of PAP-0225 [sic] designates the Technical Specification Overtime Deviation Request form (PNPP No. 7699) as a quality assurance record.

~~Contrary to the above, from March 6 to March 15, 2001, two key maintenance personnel responsible for testing motor operated valves, a safety-related function, failed to follow Technical Specification overtime guidelines. Specifically, during Refueling Outage RF-08, the two individuals each worked in excess of 72 hours in a 7-day period and the immediate supervisors failed to request deviations from the overtime guidelines in advance from the Plant Manager or authorized designee. One individual worked 12 hours per day for 10 consecutive days from March 6 to March 15, 2001, and the other individual worked 12 hours per day for 9 consecutive days from March 7 to March 15, 2001.~~

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

REASON FOR THE VIOLATION

The violation resulted from deliberate action on the part of at least one contractor employee who worked in excess of the work hour limits and submitted inaccurate time cards. In addition, FENOC supervisory personnel who had heard statements or observed actions indicating that a violation might occur, did not take action to prevent the violation.

CORRECTIVE STEPS THAT HAVE BEEN TAKEN AND THE RESULTS ACHIEVED

Corrective actions were taken when the condition occurred in March 2001 to correct the immediate problem. Additionally, follow-up corrective actions were taken due to a more recent investigation that identified the failures of FENOC Supervision to adequately monitor the overtime hours that were being worked by the Motor Operated Valve (MOV) contractors.

Initial Corrective Actions:

- ◆ The inaccurate time cards were corrected prior to being officially submitted. (March 2001)
- ◆ The MOV contractor was counseled on the need to adhere to overtime limits and the need for integrity in compliance. (March 20 and 28, 2001)
- ◆ Time cards for MOV project contractors were reviewed. No other apparent instances of individuals working on days off without a prior overtime deviation were found. (March – April, 2001)
- ◆ The FENOC MOV project manager was counseled regarding failure to properly respond to time card inaccuracies. (May 17, 2001)
- ◆ A meeting was held with all FENOC MOV project personnel to reinforce expectations regarding compliance with overtime requirements. (June 5, 2001)
- ◆ A letter was sent to the contractor organization regarding inappropriate actions by contract personnel violating FENOC values for honesty and ethical behavior. (October 2001)
- ◆ The Plant Manager reinforced guidelines to all plant personnel on overtime management, including responsibility for compliance with work hour limits. (November 11, 2001)

More Recent Corrective Actions:

- ◆ More detailed guidelines on individual and supervisory responsibility for control of work hours have been developed. (October 2003)

- ◆ An independent investigator was retained by FENOC to investigate this event. (December 2003 – February 2004)
- ◆ Reinforcement Training was given to Perry Nuclear Power Plant (PNPP) supervisors on compliance, completeness and accuracy. (January – February 2004)
- ◆ Security was notified and access to PNPP was restricted for three involved contractors. Access for two of the contractors was subsequently restored. The responsible contractor continues to be denied access. (February 2004)
- ◆ Personnel actions for involved FENOC shift leads were taken. (February 2004)
- ◆ A letter was sent to the contractor organization providing notification of the inappropriate actions by their contract personnel for violating FENOC values for honesty and ethical behavior. (February 11, 2004)
- ◆ Training was given to PNPP personnel and current contractors on compliance, completeness and accuracy. (February – March 2004)
- ◆ Compliance, completeness and accuracy requirements were incorporated into Plant Access Training. (March 13, 2004)

**CORRECTIVE STEPS THAT WILL BE TAKEN TO AVOID FURTHER VIOLATIONS**

- ◆ Compliance, completeness and accuracy requirements will be incorporated into temporary, initial and ongoing supervisor training as well as Project Manager training. This training is scheduled to be revised by June 30, 2004.
- ◆ Compliance, completeness and accuracy requirements will be incorporated into in-processing training for contractors and other personnel who support outage activities or fulfill staff augmentation positions. This training is scheduled to be revised by June 30, 2004.

**DATE WHEN FULL-COMPLIANCE WILL BE ACHIEVED**

Full compliance was achieved when the time sheets were corrected following the identification that they were incorrect and the responsible contractor and MOV Project Manager were counseled. Subsequently, the responsible contractor was denied access to PNPP and personnel actions for the involved FENOC shift lead were completed.