

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

March 24, 2005
EN-05-008

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT REGULATORY ACTION

Licensee: FirstEnergy Nuclear Operating Company EA-04-214
Perry Nuclear Power Plant
Docket No. 05000440

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 March 29, 2005, 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 which may require additional NRC inspections, involved the licensee's failure to implement the emergency classification system and emergency action levels described in the Perry Power Plant Emergency Plan during an event which was classified at the Alert level on July 20, 2004. This finding was classified as White because it involved a failure to implement a risk significant planning standard. Prior to the issuance of this White finding the licensee's performance was in the Multiple/Repetitive Degraded Cornerstone column of the agency action matrix.

A Notice of Violation is included because this preliminary White finding was associated with a violation of 10 CFR 50.54, "Conditions of Licenses;" 10 CFR 50.47, "Emergency Plans;" and the Perry Nuclear Power Plant Emergency Plan. Specifically, the licensee did not conduct the emergency dose assessment required by Emergency Action Level (EAL) HA1 within 15 minutes of the licensee's classification of the event as an Alert. The licensee completed the emergency dose assessment 2 hours and 40 minutes after the Alert declaration. As a result, the licensee failed to meet the requirements of their emergency plan during a declared Alert.

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

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|---|----------------|
| Mailing of Final Significance Determination | March 29, 2005 |
| Telephone Notification of Licensee | March 29, 2005 |

The State of Ohio will be notified.

The licensee has 30 days from the date of the letter in which to respond.

Contacts: L. Trocine, OE, 301-415-2319 C. Nolan, OE, 301-415-3360

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