

June 30, 2006

Mr. L. William Pearce
Vice President
FirstEnergy Nuclear Operating Company
Perry Nuclear Power Plant
10 Center Road
Perry, OH 44081

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 3-2006-003

Dear Mr. Pearce:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI) to determine if a contract supervisor at the Perry Nuclear Power Plant willfully violated radiation protection procedures. On March 3, 2005, the supervisor entered a posted locked high radiation area (LHRA) on a radiation work permit (RWP) which did not permit LHRA entry. The supervisor had been observing the work crew from outside the work area and noted that the crew was having difficulties. The supervisor, in order to assist his crew, crossed the LHRA boundary and began traversing the LHRA in order to access the area in which the crew was working. The supervisor was observed by a radiation protection technician who requested that the supervisor exit the area. The LHRA was subsequently surveyed and determined that the radiological conditions did not qualify the area as a LHRA. Based on the evidence developed during the investigation, OI did not substantiate that the supervisor willfully violated radiation protection procedures. The synopsis from the OI report of investigation is enclosed.

Technical Specifications 5.7.1 and 5.7.2 required, in part, that entrance to a LHRA be controlled by issuance of an RWP. Contrary to this requirement, on March 3, 2005, a contractor supervisor entered a posted LHRA in the drywell on an RWP that did not permit access to an LHRA. Since the licensee documented this issue in its corrective action program (CR 05-01728) and because the finding is of very low safety significance, it is being treated as an additional example of Non-Cited Violation 05000440/2005009-06 consistent with Section VI.A.1 of the NRC Enforcement Policy.

If you have any questions or comments regarding this matter, please contact James Heller or Paul Pelke of the NRC Region III staff at telephone number (630) 829-9500.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

You should note that final NRC documents, including the final OI report, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Request for Records. The instructions for making a request for information under the FOIA are accessible at <http://www.nrc.gov/reading-rm/foia/foia-request.html>.

Sincerely,

/RA/

Cynthia D. Pederson, Director
Division of Reactor Safety

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

Enclosure: OI Synopsis

cc w/encl: AMS File No. RIII-2005-A-0088

* See previous concurrence

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** For permission to release OI synopsis.

*** The 3-week memo has expired

ENCLOSURE

SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission, Office of Investigations, Region III, on October 12, 2005 to determine if a contract supervisor at the Perry Nuclear Power Plant willfully violated radiation protection procedures.

Based on the evidence developed, this investigation did not substantiate the allegation that the contract supervisor willfully violated radiation protection procedures.