

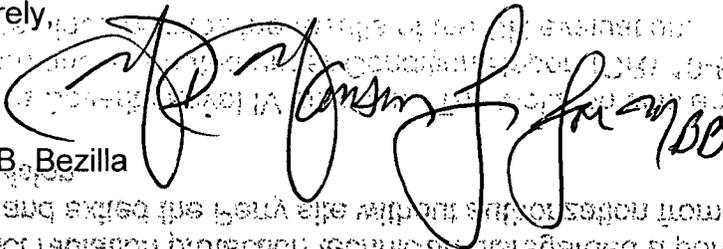
Mark B. Bezilla
Vice President440-280-5382
Fax: 440-280-8029August 30, 2010
L-10-242U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001**SUBJECT:**
Perry Nuclear Power Plant
Docket No. 50-440, License No. NPF-58
Reply to a Notice of Violation: EA-10-035

Enclosed is the response to Notice of Violation, EA-10-035, issued to the Perry Nuclear Power Plant (PNPP) by the Nuclear Regulatory Commission (NRC) on July 30, 2010. The details associated with the violation were documented in NRC Inspection Report 05000440/2010-008. The violation involved a March 15, 2009, incident where a contract radiation protection technician disregarded a portal monitor contamination alarm and exited the Perry site without authorization from radiation protection supervision.

This is a Severity Level IV violation. The violation was entered in the corrective action program and evaluated under Condition Report (CR) 10-80752. The enclosed response incorporates the results of the CR evaluation.

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 there are any questions or if additional information is required, please contact Mr. Robert Coad, Manager - Regulatory Compliance, at (440) 280-5328.

Sincerely,



Mark B. Bezilla

Enclosure

cc: NRC Regional Administrator, Region III
NRC Resident Inspector, Perry

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REPLY TO A NOTICE OF VIOLATION; EA-10-035

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RESTATEMENT OF THE VIOLATION

Perry Nuclear Power Plant, Unit 1, Technical Specification 5.4, "Procedures," requires that written procedures/instructions be established, implemented and maintained covering the activities provided in Regulatory Guide 1.33, Revision 2, Appendix A, February 1978. Procedures specified in Regulatory Guide 1.33 include radiation protection procedures for contamination control and for personnel monitoring.

Perry procedure HPI-E0007, "Personnel Decontamination," Revision 15 (effective April 24, 2008), implemented Technical Specification 5.4 as provided in Regulatory Guide 1.33, in that, it provides instruction to radiation protection staff for response to contamination alarms and consequently for contamination control.

Section 4.1.2 of procedure HPI-E0007 required that personnel must successfully pass a gamma contamination portal monitor two times if an initial alarm is received to exit the radiologically controlled area or personnel access facility, unless authorized by radiation protection supervision.

Contrary to the above, on March 15, 2009, a contract radiation protection technician exited the Perry site following three consecutive portal monitor alarms at the personnel access facility without authorization from radiation protection supervision.

REASON FOR THE VIOLATION

This violation was cited since it was willful and because the licensee failed to 1) timely and appropriately respond to the incident, 2) adequately assess the potential for offsite contamination, and 3) take corrective action to ensure against recurrence.

On a third attempt to leave the plant site on March 15, 2009, the contract radiation protection technician (RPT) received a contamination alarm on one of the Primary Access Facility (PAF) portal monitors. The individual disregarded the alarm and exited the site without contacting Radiation Protection (RP) personnel. This was an apparent, intentional action which violated plant radiation protection procedures for portal monitor usage.

Perry RP management was not informed of the contract RPT's departure from site until approximately 14 hours after the events took place. This delay in notification prevented a timely and appropriate response by the RP organization, which would have included assessing potential for offsite contamination and performing contamination surveys.

After learning of the contract RPT's action, a staff RP technician was assigned to investigate for potential contamination on the individual. The RP technician performed a radiological survey of the contract RPT's clothing, but did not document the survey results or inform RP management of contamination found on the individual's shoes and pants. The only information that was documented and communicated was the contamination found on the individual's coat. This incomplete communication of the worker's condition also prevented the RP organization's appropriate assessment and response for potential offsite contamination and performing surveys.

In summary, the violation was caused by 1) intentional action by the contract RPT, 2) a RP program deficiency where the response to portal alarms was not clearly specified following the unauthorized departure of the contract RPT, and 3) lack of communication and documentation on the facts and conditions associated with the event. The event was entered in the corrective action program under Condition Report (CR) 09-55585. Other than terminating the contract RPT's access to the Protected Area, no additional corrective actions were applied at the time.

CORRECTIVE STEPS THAT HAVE BEEN TAKEN AND RESULTS ACHIEVED

The affected contract RPT's access to the Protected Area and Radiological Control Area of the Perry Plant was terminated.

CR 10-80752 was generated to address the cited violation.

The required actions for responding to Personal Contamination Monitor (PCM) and portal monitor alarms have been included in the Perry Radworker Training program (GENC-RWT201001_PY). New slides in the computer-based training program were included which specifically state that two consecutive clear indications must be received on the PCM or portal monitor prior to exiting the Radiological Control Area (RCA) and/or the PAF. If a second alarm is received, direction is provided to stay at the location and contact RP.

A separate operating experience slide was added to the training that gives the reasons for the notice of violation and the lessons learned for site personnel.

It is expected that these changes will improve the response by individuals observing a portal monitor contamination alarm, as well as actions for the individual realizing an alarm.

CORRECTIVE STEPS THAT WILL BE TAKEN

Nuclear Operating Procedure, NOP-OP-4503, "Personnel Contamination Monitoring" will be revised to provide additional actions for responding to PAF portal monitor alarms. A decision process or template will be established for use by RP personnel in the event an individual alarms a portal contamination monitor. The template will contain decisions

on the scope of follow-up surveys (e.g., travel path, work locations) and the need for offsite surveys (e.g., automobile, residence) based on the type and location of the contamination (e.g., shoes, clothing, etc.). It should be noted that Perry procedure HPI-E0007, referenced in the violation statement, has been cancelled and the requirements for personnel decontamination placed in NOP-OP-4503.

The details associated with this violation and the lessons learned will be reviewed with RP staff personnel during the second half of 2010 RP Continuing Training. The details will also be incorporated into the RP supplemental personnel training program and discussed under industry events. Training of supplemental RPT personnel will be conducted prior to Perry's next Refueling Outage.

The completed and planned corrective steps are considered sufficient to preclude recurrence of the cited violation.

DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

Full compliance was achieved on March 16, 2009, when the contract RPT's access to the Protected Area was terminated and the contamination issues associated with the event were dispositioned. The revision to NOP-OP-4503 and development of training materials, as described, are planned to strengthen the administrative controls and barriers in the area of contamination control. These actions are planned to be completed by the end of October 2010.