



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 2, 1994

Docket No. 50-440  
NOED No. 94-6-002

Mr. Robert A. Stratman  
Vice President Nuclear - Perry  
Centerior Service Company  
P.O. Box 97, S270  
Perry, Ohio 44081

Dear Mr. Stratman:

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION FOR THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY REGARDING PERRY NUCLEAR POWER PLANT, UNIT NO. 1

By telephone call of January 28, 1994, and letter dated January 29, 1994, you requested the U.S. Nuclear Regulatory Commission (NRC) to exercise its discretion not to enforce compliance with two actions contained in Technical Specification (TS) 3.6.1.3, "Primary Containment Air Locks." The first enforcement discretion related to allowing containment entry through the lower air lock with one of the two air lock doors inoperable in order to remove a lock on the containment side of the upper air lock inner door. A license amendment request similar to the first enforcement discretion requested was submitted by letter dated September 19, 1990, and supplemented on February 26, 1993. The second enforcement discretion related to allowing greater than 24 hours before locking the operable air lock door following the inoperability of the lower air lock outer door.

You requested enforcement discretion in order to gain access to the primary containment without cooling down to less than 200 degrees fahrenheit. As justification for containment entry with one inoperable air lock door during Mode 3 operation (hot shutdown), you stated that the inoperable door would be closed with its intact seal inflated, and the operable door would be under administrative control with a dedicated individual to ensure prompt closure following door opening. With regard to not locking the operable lower air lock door within 24 hours, you stated that the door was inaccessible until the inoperable lower air lock door was opened at which time a locking device would be installed. Subsequently, by the letter of January 29, 1994, you informed the NRC that use of the second requested enforcement discretion was not necessary.

Based on our review of your justification, including the compensatory measures identified above, we have concluded that this course of action involves minimal or no safety impact, and we are clearly satisfied that this exercise of enforcement discretion is warranted from a public health and safety perspective. Therefore, this letter documents our verbal granting on January 28, 1994, of our intention to exercise discretion not to enforce compliance with TS 3.6.1.3 regarding containment entry through an airlock with an

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inoperable air lock door. The enforcement discretion will remain in effect until the NRC staff takes action on your amendment request submitted on September 19, 1990, as supplemented on February 26, 1993. Notwithstanding our granting of enforcement discretion, we will consider enforcement action, as appropriate, for the conditions that led to the need for this exercise of enforcement discretion.

Sincerely,

ORIGINAL SIGNED BY:

Ledyard B. Marsh, Acting Assistant Director  
for Region III Reactors  
Division of Reactor Projects III/IV/V  
Office of Nuclear Reactor Regulation

cc: See next page

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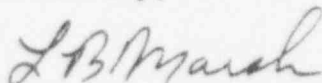
Mr. Robert A. Stratman

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Sincerely,



Ledyard B. Marsh, Acting Assistant Director  
for Region III Reactors  
Division of Reactor Projects III/IV/V  
Office of Nuclear Reactor Regulation

cc: See next page

Mr. Robert A. Stratman  
Centerior Service Company

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