



**PERRY NUCLEAR POWER PLANT**

10 CENTER ROAD  
PERRY, OHIO 44081  
(216) 259-3737

Mail Address:  
PO. BOX 97  
PERRY, OHIO 44081

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United States Nuclear Regulatory Commission  
Document Control Desk  
Washington, D.C. 20555

Perry Nuclear Power Plant  
Docket No. 50-440  
Reply to a Notice of Violation

Ladies and Gentlemen:

Enclosed is the the reply to the Notice of Violation contained in NRC Inspection Report 50-440/96008, which was transmitted by letter dated September 27, 1996. The Notice of Violation involves submission of a Licensee Event Report 93-021, "Loss of Safety Function For Emergency Closed Cooling System A," which failed to provide an adequate assessment of the safety consequences and implications of the event.

If you have questions or require additional information, please contact Mr. James D. Kloosterman, Manager - Regulatory Affairs, at (216) 280-5833.

Very truly yours,

A handwritten signature in cursive script that reads 'Lew W. Myers'.

Lew W. Myers  
Vice President - Nuclear

CRE:sc

Enclosure

cc: NRC Region III  
NRC Resident Inspector  
NRC Project Manager

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REPLY TO A NOTICE OF VIOLATION

Violation 96008-01

Restatement of the Violation

10 CFR 50.73 requires, in part, that the Licensee Event Report (LER) contain an assessment of the safety consequences and implications of the event.

Contrary to the above, on January 24, 1994, the licensee submitted Licensee Event Report 93-021, which failed to provide an adequate assessment of the safety consequences and implications of the event in that:

- \* The cover letter and title of LER 93-021 indicated only a loss of safety function for Emergency Closed Cooling (ECC) system "A" although ECC system "B" was also inoperable for about 45 hours during the event, and
- \* The main body of the LER only explicitly discussed a loss of ECC "A". Although the out-of-service condition of the Division 2 diesel generator on June 14 and 15 was discussed, neither the impact on the operability of ECC "B" nor the consequences of a total loss of ECC was mentioned.

This is a Severity Level IV violation (Supplement I) (50-440/96008-01).

Reason for the Violation

The cover letter, title, and body of the LER did not clearly reflect the safety consequences and impact of the event because the associated event evaluation process did not determine accurate nor comprehensive conclusions regarding event safety consequences and impact. The cause of the inadequate evaluation is personnel error (i.e., oversight on the part of the Compliance engineer who prepared the LER). A review of activities in progress at the time of LER preparation, indicates that the preparer had just recently transferred to the Regulatory Affairs Section (RAS) from the System Engineering Section, and was assigned other complex projects which required action during the period of the LER investigation. Discussions with the preparer (who is no longer at the Perry Nuclear Power Plant (PNPP)) indicated that the assignment and preparation of the LER was performed on an abbreviated schedule; however, the preparer indicated that the Technical Specification (TS) violations and the full consequences of the loss of ECC safety function should have been recognized, addressed, and documented in the LER.

A contributing factor for this issue is that the level of supervisory involvement was inadequate to ensure successful performance of the task. This included overseeing work in progress, and control of work assignments. The RAS Compliance Unit supervisor at the time LER 93-021 was prepared, is no longer at PNPP. Review of the associated preparation documentation did not indicate that any substantive comments on the draft LER were received from the Compliance Unit supervisor. Although the LER preparer was a skilled and experienced individual (i.e., former shift technical advisor), supervisory oversight should

have resulted in the content of the LER being challenged. Review comments from the RAS manager at the time questioned whether the issue resulted in a TS violation. The LER preparer answered that the issue did not involve a TS violation; the issue was not appropriately resolved at that time in the review process.

As mentioned in the cause discussion above, the preparer was tasked with additional complex assignments, and was working to an abbreviated schedule. Additionally, the associated corrective action program investigation was assigned to the LER preparer, which resulted in the LER preparer becoming the driving force for technical resolution of the issue (versus the engineering/operational experts) and also resulted in the LER preparer having to evaluate the issues not directly related to the LER. The aspects of additional work assignments, abbreviated LER development schedule, and investigation responsibilities were within the responsibility and control of the Compliance Unit supervisor, and these aspects contributed to the LER preparer not thoroughly evaluating and reporting the safety consequences and implications of the event.

Another contributing factor was undefined accountability. The responsibilities of personnel reviewing the LER were not well defined and personnel were not held accountable for the accuracy/completeness of the information within the LER. The LER was sent out for site multi-disciplinary review; however, the LER review copies were not marked, as is the current practice, to delineate responsibility for verifying and concurring in the LER contents. This reduced the effectiveness of the multi-disciplinary reviews by blurring responsibility and accountability of reviewers and contributed to the inadequate LER.

#### Corrective Steps Taken and Results Achieved

Since the time of LER 93-021 development (January 1994), improvements have been made to the corrective action program and to the program for controlling written communications with the NRC.

- 1) PAP-1608, "Corrective Action Program," has superseded PAP-0606, "Condition Reports," (which was in effect at the time of the LER 93-021 investigation) and the investigation associated with a reportable event is assigned to a person trained in root cause evaluation techniques, and no longer automatically assigned to the RAS Compliance Unit. The improved program requires the most appropriate section to investigate the reportable event and interface with the Compliance engineer responsible for preparation of the associated LER. This process allows the assigned investigating section to focus on resolution of the technical issues and the Compliance engineer to focus on LER preparation in accordance with 10 CFR 50.72 requirements.
- 2) PAP-0611, "NRC Communications," effective July 25, 1995, now clearly delineates responsibilities and accountability in the review process for outgoing correspondence to the NRC, and draft copies of LERs are currently marked with the appropriate sections identified so that reviewers know what their specific verification/concurrence responsibilities are regarding LER content.

Corrective Steps That Will Be Taken To Avoid Further Violations

The Compliance engineer, Compliance supervisor, and the RAS manager responsible for the preparation and submission of LER 93-021 are not presently assigned to any of those positions; however, the current RAS manager, Compliance supervisor, and Compliance engineers have discussed the significance of the issue, its cause and contributing factors, and the importance of clear and accurate reporting.

Since the time LER 93-021 was written, the RAS Compliance Unit and the RAS manager positions have been restaffed. Methods of developing LER responses (e.g., review process enhancements in PAP-0611) and ownership of issues (e.g., investigation assignments in PAP-1608) have been addressed and have resulted in improved LER content. The issues addressed by LER 93-021 were substantially more complex than the technical and regulatory issues typically addressed in LERs. Based on the level of scrutiny that LERs now receive from both internal and external sources on a continuing basis, and improvements in the method of developing LERs, the actions already taken are considered to be sufficient to preclude recurrence of this violation.

Date When Full Compliance Will be Achieved

Full compliance will be achieved by December 20, 1996, upon submittal of a supplement to LER 93-021

The following table identifies those actions which are considered to be regulatory commitments. Any other actions discussed in this document represent intended or planned actions, are described for the NRC's information, and are not regulatory commitments.

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Commitments

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1. Full compliance will be achieved by December 20, 1996, upon submittal of a supplement to LER 93-021.

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