

NOTICE OF VIOLATION

Centerior Service Company
Ferry Nuclear Power Plant

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

During an NRC inspection conducted completed on July 31, 1998, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions", NUREG-1600, revision 1, the violation is listed below:

10 CFR Part 26.24(a)(3) requires "testing for cause" as soon as possible after receiving credible information that an individual is abusing drugs or alcohol.

10 CFR Part 26, Appendix A (2.1)(a) states that all testing situations require both alcohol and drug testing be completed.

10 CFR Part 26.20 requires that licensee policy address procedures to be utilized in testing for drugs and alcohol.

Perry Administrative Procedure 0224, "Fitness For Duty", Sections 6.12.2, 6.12.3 and 6.12.4 state that all testing situations require both alcohol and drug testing be completed.

Contrary to the above, on December 19, 1998, the licensee conducted a breath analysis as part of a for cause test based on the odor of alcohol; however, the drug portion of the for cause test was not conducted in a timely manner because the drug test was not conducted until December 23, 1998.

This is a Severity Level IV violation (Supplement III).

For this violation, the NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation, and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 50-440/98015(DRS). However, you are required to submit a written statement of explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your

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response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g. explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information.) If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Lisle, Illinois
this 8th day of September 1998