

NOTICE OF VIOLATION

Centerior Services Company
Perry Nuclear Power Plant

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

During an NRC inspection conducted on August 31, 1998, through September 14, 1998, one violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 20.1501 requires that each licensee make, or cause to be made, surveys that may be necessary for the licensee to comply with the regulations in Part 20 and that are reasonable under the circumstances to evaluate the extent of radiation levels, concentrations or quantities of radioactive materials, and the potential radiological hazards that could be present.

Pursuant to 10 CFR 20.1003, survey means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive materials or other sources of radiation.

Contrary to the above, as of April 15, 1998, the licensee did not make adequate surveys to assure compliance with 10 CFR 20.2006, which requires, in part, that any licensee shipping radioactive waster intended for ultimate disposal at a licensed land disposal facility document the information required on the NRC's Uniform Low-Level Radioactive Waste Manifest, including the total radioactivity within each container. Specifically, between April 15, 1998 and September 3, 1998, the licensee conducted four shipments of radioactive wastes for ultimate disposal at a licensed land disposal facility; however, the licensee did not perform adequate evaluations to determine the total activities of the radionuclides in each container documented on the respective waste manifests, required by 10 CFR 20.2006.

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

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. 50-440/98017(DRS) . However, you are required to submit a written statement or 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).

Because your response, if you should choose to respond, 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,

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then please provide a bracketed copy of your 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
this 7th day of October 1998