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~~SAFEGUARDS INFORMATION~~

MAY 12 1988

Docket No. 50-440
License No. NPF-58
EA 88-109

The Cleveland Electric Illuminating
Company
ATTN: Mr. Alvin Kaplan
Vice President
Nuclear Group
10 Center Road
Perry, OH 44081

Gentlemen:

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORT NO. 50-440/88005(DRSS))

This refers to the routine physical security inspection conducted during the period of April 4-13, 1988, of activities at the Perry Nuclear Power Plant authorized by License No. NPF-58. On October 26, 1987 and February 6, 1988, the licensee identified two unsecure safeguards storage containers as described in NRC Inspection Report No. 50-440/88005(DRSS) sent to you by letter dated May 6, 1988. Also described in the report are two NRC identified procedural violations.

The two examples of unsecure safeguards containers described in the enclosed Notice are similar in nature and are the result of individual mistakes. The two procedural violations are indicative of inattention to detail by supervisory and management personnel.

Although the first violation relating to the unsecure containers could be classified at Severity Level III in accordance with Supplement III of the "General Statement of Policy and Procedure for Enforcement Actions," 10 CFR 2, Appendix C, (Enforcement Policy) (1988), the violation is classified at Severity Level IV in this case based upon the location of both containers within the Protected Area, which in itself provides a measure of protection, and generally, licensee personnel were in the immediate vicinity of each container 24 hours a day. Also, in one example, the information would not have significantly assisted in an act of sabotage. Nevertheless, the violation demonstrates the need to ensure that safeguards materials are properly secured when not being utilized. Therefore, we emphasize that any similar violations in the future may result in additional enforcement action. One procedural violation is classified at Severity Level IV and one at Severity Level V.

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~~EXEMPT FROM DISCLOSURE~~

(10 CFR 2.790 (a))

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You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Areas discussed in this Notice concern subject matter which is exempt from disclosure according to Part 73, Title 10, Code of Federal Regulations, Section 73.21(c)(2). This information must be handled and protected in accordance with the provisions of 10 CFR 73.21. Consequently, the enclosures to this letter and your response will be not placed in the NRC Public Document Room. Therefore, your statement of corrective actions regarding the violations identified in the enclosure should be submitted as a separate enclosure to your transmittal letter in the manner prescribed.

The response directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Sincerely,

Charles E. Norelius for

Charles E. Norelius, Director
Division of Radiation Safety
and Safeguards

Enclosures:

- 1. Notice of Violation
- 2. Inspection Report
No. 50-440/88005(DRSS)
(UNCLASSIFIED SAFEGUARDS
INFORMATION)

cc w/enclosures:

- F. R. Stead, Director, Perry
Plant Technical Department
- M. D. Lyster, General Manager,
Perry Plant Operations Department
- J. Lieberman, OE
NRR/DRIS/SGB
NRR/DRIS/SIB
Enforcement Coordinators,
RI, RII, RIV, RV

See Attached Distribution

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(10 CFR ~~2.790~~(a))

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cc w/enclosures, w/o
UNCLASSIFIED SAFEGUARDS
INFORMATION:

Ms. E. M. Buzzelli, Manager,
Licensing and Compliance Section
DCD/DCB (RIDS)

Licensing Fee Management Branch
Resident Inspector, RIII

Harold W. Kohn, Ohio EPA

Terry J. Lodge, Esq.

James W. Harris, State of Ohio

Robert M. Quillin, Ohio
Department of Health

State of Ohio, Public
Utilities Commission

Murray R. Edelman

SECY

CA

OGPA

J. M. Taylor, DEDRO

L. Chandler, OGC

Project Manager, NRR

RAO:RIII

PAO:RIII

SLO:RIII

M. Stahulak, RIII

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(10 CFR 2.790 (a))

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