

NOTICE OF VIOLATION

Centerior Service Company
Perry Nuclear Power Plant

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

During an NRC inspection conducted on September 8 through October 20, 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:

Perry Nuclear Power Plant Unit 1 Technical Specification 5.4.1.a., requires that written procedures shall be implemented covering the applicable procedures recommended in Regulatory Guide (RG) 1.33, Revision 2, Appendix A, February 1978.

Appendix A of RG 1.33, Revision 2, lists the Plant Fire Protection Program as an activity that should be covered by written procedures.

Part of the Plant Fire Protection Program is implemented by Plant Administrative Procedure PAP-1916, "Duties of the Fire Watch," Revision 4 (April 28, 1998). Step 6.3.5 specifies that prior to and during hot work activity, the fire watch person shall be responsible for verifying that the special instructions of the Burn Permit have been met, and that no fire hazards exist that would prohibit commencement of work.

Contrary to the above, on September 2, 1998, the inspectors identified that a fire watch did not verify that the special instructions of Burn Permit No. B98-DG-83, which was used for the welding conducted on the diesel generator 1 room roof, were met. Specifically, combustible material that was within 35 feet of the hot work activity was not removed or covered prior to the commencement of the hot work activity as required by the special instructions of Burn Permit No. B98-DG-83.

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

Pursuant to the provisions of 10 CFR 2.201, Perry Nuclear Power Plant is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington D.C. 20555 with a copy to the U.S. Nuclear Regulatory Commission, Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351, and a copy to the NRC Resident Inspector at the Perry Nuclear Power Plant within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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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, DC 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 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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days.

Dated this 10th day of November 1998