



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

January 28, 1998

EA 98-034

Mr. Lew W. Myers
Vice President - Nuclear
Centerior Service Company
P. O. Box 97, A200
Perry, OH 44081

Dear Mr. Myers:

Thank you for your letter dated November 24, 1997, addressing the three examples of a violation cited in Inspection Report No. 50-440/97007 that was forwarded by our letter dated October 24, 1997. In your letter, you stated that you were contesting examples 97007-01a and 97007-01c of the violation. You accepted example 97007-01b.

We have reviewed the information you provided for example 97007-01a and, based on this review and on our discussions of this issue with the Technical Specification (TS) Branch in NRR, we have determined that this violation should be rescinded. The action to lock the reactor mode switch in the shutdown position within one hour after TS Limiting Condition for Operation (LCO) 3.3.1.2 is entered was moved from the TS to the TS basis during the TS Improvement Program. Once this action was put in the basis, it was no longer required to lock the mode switch in the shutdown position. Therefore, a procedure to perform this action was not needed, and although the operator's performance did not meet your expectations, no violation occurred when the operator failed to lock the mode switch in shutdown within one hour after entering the TS LCO.

Regarding Violation 97007-01c, we have reviewed the additional information you provided and have concluded that no violation occurred during leak testing of the emergency closed cooling valves on June 10, 1997. The basis for our determination was that the initial bench test was intended for predictive and informational purposes to identify major leakages as you stated in your response. We agree after the review of the information you provided that the work order was sufficient to cover this type of test. Had we known that the test was for predictive and informational purposes, no violation would have been issued. Therefore, this violation is hereby rescinded.

Due to our rescision of violation examples 97007-01a and 97007-01c, we reviewed example 97007-01b to determine if this example warranted a citation on its own. We concluded that, based on the fact that your corrective actions for this example were not completed and specific corrective actions were not committed to prior to the end of the inspection, it did not meet the criteria for a Non-Cited Violation established in Section VII.B.1 of the NRC Enforcement Policy. We have reviewed your response to this example of a violation and find the response acceptable. Your actions relative to this example of a violation will be reviewed during a future NRC inspection.



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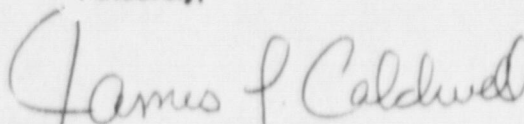
PUBLIC-01

L. Myers

-2-

If you have any questions regarding this matter, please contact Mr. Tom Kozak of my staff at (630) 829-9866.

Sincerely,



James L. Caldwell
Deputy Regional Administrator

Docket No. 50-440

Docket No. 50-441

cc: H. L. Hegrat, Manager
Regulatory Affairs
T. S. Rausch, Director, Quality
and Personnel Development
R. W. Schrauder, Director
Nuclear Engineering Department
W. R. Kanus, General Manager
Nuclear Power Plant Department
N. L. Bonner, Director, Nuclear
Maintenance Department
H. W. Bergendahl, Director
Nuclear Services Department
Ohio State Liaison Officer
Robert E. Owen, Ohio
Department of Health
C. A. Glazer, State of Ohio
Public Utilities Commission

L. Myers

-2-

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Sincerely,

/s/ James L. Caldwell

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Deputy Regional Administrator

Docket No. 50-440

Docket No. 50-441

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R. W. Schrauder, Director
Nuclear Engineering Department
W. R. Kanda, General Manager
Nuclear Power Plant Department
N. L. Bonner, Director, Nuclear
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Ohio State Liaison Officer
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C. A. Glazer, State of Ohio
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L. Myers

-2-

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A. Bill Beach
Regional Administrator

Docket No. 50-440

Docket No. 50-441

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Project Manager, NRR

A. B. Beach

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