

NOTICE OF VIOLATION

Centerior Service Company
Perry Nuclear Power Plant

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

During an NRC inspection conducted from February 23 through March 5, 1998, violations of NRC requirements were identified. In accordance with "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

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

Appendix A of NRC Regulatory Guide 1.33, Revision 2, specifies activities that should be controlled by written procedures. Equipment control, such as tagging, is a specified activity.

Perry Administrative Procedure PAP-1401, "Safety Tagging," Revision 8 (January 1995), requires, in part, that the operating representative assigned to remove tags shall verify the tag to be the correct tag, remove the tag and reposition the component as specified in the desired position block on the Temporary Lift Form.

Contrary to the above, on February 27, 1998, a licensed operator incorrectly removed a red tag and installed a fuse for the annulus exhaust gas treatment system instead of installing the fuse for the emergency service water ventilation system as directed by the Temporary Lift Form. The operator failed to verify that the tag to be removed was the correct tag as specified on the Temporary Lift Form.

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

2. Criterion III of 10 CFR 50, Appendix B, "Design Control," requires, in part, that measures shall be established to assure that applicable regulatory requirements and the design basis are correctly translated into specifications, drawings, procedures, and instructions.

Contrary to the above, between January 26, 1996, and February 26, 1998, the licensee failed to translate a more conservative design basis division-3 emergency diesel generator (DG) fuel oil calculation R45-9, Revision 4, into the TS document. The calculation determined that a fuel oil quantity of 36,700 gallons was needed to meet a 7-day run requirement, which exceeded the TS minimum requirement of 36,100 gallons.

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

Pursuant to the provisions of 10 CFR 2.201, Centerior Service Company 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 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). 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, (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 previous 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.

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.

Dated at Lisle, Illinois,
this 29th day of April 1998