



# THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

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FROM CLEVELAND: 241-1650

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PERRY NUCLEAR POWER PLANT

Al Kaplan

VICE PRESIDENT  
NUCLEAR GROUP

September 15, 1989  
PY-CEI/NRR-1062 L

U.S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, D. C. 20555

Perry Nuclear Power Plant  
Docket No. 50-440  
Response to Notice of  
Violation 50-440/89017-01

Gentlemen:

This letter acknowledges receipt of the Notice of Violation contained within Inspection Report 50-440/89017, dated August 18, 1989. This report identified areas examined by Messrs. Hiland, O'Dwyer, Hopkins, Kosloff and Ms. Pederson during their inspection conducted from June 6 through August 11, 1989 of activities at the Perry Nuclear Power Plant, Unit 1.

Our response to Notice of Violation 50-440/89017-01 is attached. Please call should you have any additional questions.

Very truly yours,

Al Kaplan  
Vice President  
Nuclear Group

AK:njc

Attachment

cc: T. Colburn  
P. Hiland  
R.C. Knop - USNRC, Region III

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50-440/89017-01  
Restatement of Violation

10 CFR 50.72(b)(2) requires in part, that the licensee notify the NRC as soon as practical and in all cases, within four hours the occurrence of (i) any event, found while the reactor is shut down, that, had it been found while the reactor was in operation, would have resulted in the nuclear power plant being in an unanalyzed condition and of (iii) any event, that alone could have prevented the fulfillment of the safety function of structures or systems that are needed to mitigate the consequences of an accident.

Contrary to the above:

- a. On February 28, 1989, and on March 2, 1989, the licensee identified damaged electrical cables and snubbers, respectively. The damage identified was caused by local overheating which was an unexpected and unanalyzed condition. The NRC was not notified of the plant operating in this unanalyzed condition within four hours of the event discovery.
- b. On November 23, 1987, the licensee identified the fact that scaffolding was erected in the containment pool swell region without evaluating the potential hydrodynamic missile hazard present in the event of a design basis loss of coolant accident. Upon investigation, the licensee concluded that numerous safety systems could be impacted. The NRC was not notified within four hours of the event discovery.

This is a Severity Level IV violation (Supplement 1) (50-440/89017-01).

Corrective Actions Taken and Results Achieved

Upon discovery of each of the conditions described in the statement of violation, plant operations and management personnel reviewed the applicability of 10 CFR 50.72(b)(2)(i) and 10 CFR 50.72(b)(2)(iii). This review was performed in accordance with Plant Administrative Procedure (PAP-0606) "Condition Reports and Immediate Notifications", which includes written guidance for the evaluation of events or conditions with respect to the reporting criteria. Based on the conditions observed, plant staff concluded that NRC notification within the four-hour time frame was not required.

Each of the issues discussed in the violation was the subject of extensive correspondence between the NRC and the Perry Plant, as evidenced by the documentation referenced in the inspection report. No further action needs to be addressed with respect to the technical issues involved.

Corrective Actions to Avoid Further Violations

In order to prevent recurrence, PAP-0606 will be modified to enhance the written guidance for evaluating the need for 10 CFR 50.72 notifications. Specifically, the events which resulted in this violation will be included as examples of conditions for which notification is required. Additionally, as part of the procedure modification process, appropriate personnel will be trained to the contents of the procedure change.

Date of Full Compliance

Full compliance will be achieved through the processing of the procedural modification to PAP-0606, to be completed by October 15, 1989.

NJC/CODED/2618