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United States Nuclear Regulatory Commission  
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Perry Nuclear Power Plant  
Docket No. 50-440

Subject: Reply to a Notice of Violation (EA 99-222)

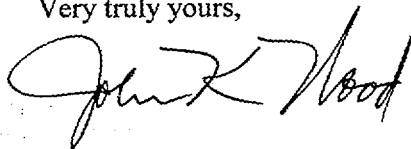
Ladies and Gentlemen:

Enclosed is the Perry Nuclear Power Plant (PNPP) response to a Notice of Violation documented in NRC Inspection Report 50-440/99013(DRS), which was transmitted by letter dated September 13, 1999. One violation of NRC requirements was identified. In accordance with 10 CFR 2.201, the violation is being accepted as written.

The license amendment request to correct the descriptions of the Emergency Core Cooling System differential pressures in Technical Specifications was submitted to the NRC on September 9, 1999. Until the amendment is approved, administrative controls are in place to ensure the operations staff is aware of the required information.

No regulatory commitments are contained in this letter or its enclosure. If you have questions or require additional information, please contact Mr. Gregory A. Dunn, Manager-Regulatory Affairs, at (440) 280-6305.

Very truly yours,



Enclosure

cc: NRC Region III  
NRC Resident Inspector  
NRC Project Manager

## REPLY TO NOTICE OF VIOLATION

### Restatement of the Violation

During an NRC inspection conducted on July 12, 1999, through July 30, 1999, a violation of NRC requirements was identified. The violation is listed below:

10 CFR Part 50.36 requires that technical specifications (TSs) be derived from the analyses and evaluation included in the safety analysis report and that surveillance requirements be specified to assure that the necessary quality of systems and components are maintained.

The Perry Updated Safety Analysis Report, Section 6.3, Revision 3, requires that, for specified flow rates, each Emergency Core Cooling System (ECCS) pump develop a pump differential pressure greater than or equal to the ECCS's total flow resistance including the specified "reactor vessel to drywell" differential pressure.

Contrary to the above, from March 24, 1998, through July 30, 1999, TS Surveillance Requirements 3.5.1.4 and 3.5.2.5 failed to require each ECCS pump to develop a pump differential pressure greater than or equal to the ECCS's total flow resistance. The TS surveillance requirements only required the pump differential pressure to be greater than or equal to the "reactor vessel to drywell" differential pressure.

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

### Reply

The violation is accepted as written.

### Reason for the Violation

The reason for the violation has been determined to be a lack of sensitivity by the involved personnel for timeliness of the Technical Specification (TS) change. In addition, inadequate communications resulted in the lack of management involvement in establishing the priority for the change and, also, administrative controls not being established to ensure that the control room personnel were aware of the correct TS information.

On March 24, 1998, a condition was self-identified where the Emergency Core Cooling System (ECCS) differential pressure (dP) values listed in Surveillance Requirement (SR) 3.5.1.4 and SR 3.5.2.5 were not correctly described in the TS. Although the SR values are identified as pump dP, the values listed actually represent the dP between the reactor vessel and the containment wetwell, which is a subset of the total ECCS system flow resistance that the pumps must overcome to inject water into the reactor vessel. However, the TS Bases described the SR as confirming the total ECCS system flow resistance. Engineering discussed the issue with control room personnel, advising them that the Surveillance Test Instructions (SVIs) that implement SR 3.5.1.4 and SR 3.5.2.5 contain the appropriate acceptance criteria for dP, since the SVI values represent the total ECCS system flow resistance.

The Design Engineering Section (DES) schedule for preparation of the change request was based on a low safety significance ranking. The ranking was based on the fact that the acceptance criteria of the ECCS pump performance SVI reflected the total ECCS flow resistance and is the criteria utilized to determine equipment operability. In the event that SVI acceptance criteria were not met, the ECCS system would be declared inoperable.

DES submitted the draft TS change request to the Regulatory Affairs Section (RAS) on January 14, 1999. RAS did not assign a high priority to the proposed TS change, partially based on the above engineering assessment. At the time, higher priority license amendments were being processed in preparation for the seventh refueling outage. Also, the proposed change was viewed as administrative, only providing clarification of the ECCS dP values. Based on the assigned priority, processing of the TS change commenced after the completion of the seventh refueling outage (May 1999) and was submitted to the NRC on September 9, 1999.

In March of 1998, when the condition was discovered, engineering discussed this issue with the control room personnel. The policy and expectation is that direction to the control room staff be provided from engineering management through operations management. The corrective action program normally provides for this follow-up communication by immediate investigations or operability determinations. However, in this case, the initial submittal had already identified that the correct ECCS dP values were contained in the SVI acceptance criteria. Therefore, the proper administrative controls were not established due to lack of clear communication between engineering and the control room personnel. Additionally, if the proper communications had been performed as expected, proper management attention to the issue would have been established and could have affected the prioritization and subsequent schedule of the TS change.

#### Corrective Steps Already Taken and Results Achieved

The TS SRs with incorrect descriptions were annotated to ensure that the control room operators are aware that administrative controls are in effect. These controls were initiated July 26, 1999.

On September 22, 1999, a TS Bases change was approved that describes the dP values included in the SRs as the reactor vessel to containment wetwell dP at the time of injection, and that the total required dP is determined by engineering calculation.

A license amendment request was submitted to the NRC on September 9, 1999. The amendment correctly describes the dP values listed in SR 3.5.1.4 and SR 3.5.2.5 as the reactor vessel to containment wetwell dP.

The details of this violation were discussed with DES and the RAS licensing staff. This action served to heighten the awareness of the involved personnel as to the timeliness of TS changes. This action was completed on October 12, 1999.

The discussions with the DES reviewed the need to clearly communicate issues to the operations staff. The policy and expectation to communicate these types of information through management was emphasized. The discussion reaffirmed the need for ensuring that proper administrative controls are put into place until licensing or design issues are corrected. This action was completed on October 12, 1999.

#### Corrective Steps that will be Taken to Avoid Further Violations

The corrective steps already taken are expected to prevent further violations of this type.

#### Date When Full Compliance will be Achieved

The license amendment request that clarifies the descriptions of the ECCS dP values was submitted to the NRC on September 9, 1999. Full compliance will be achieved upon implementation of the NRC approved amendment.

J. Wood

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