

PUBLIC

IE-01

March 19, 1997

EA 97-047

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

SUBJECT: NRC INSPECTION REPORT NO. 50-440/96018 AND  
NOTICE OF VIOLATION

Dear Mr. Myers:

On February 3, 1997, the NRC completed a routine safety inspection at your Perry 1 reactor facility. The enclosed report presents the results of that inspection.

During this 7-week inspection period one plant transient, involving a steam line drain leak, occurred that impacted on the plant's operation. The operations staff responded well to this event. One plant scram occurred due to personnel error and, during the response, an excessive cooldown of the vessel occurred, due to an inadequate procedure.

We are concerned about an issue that was a violation of NRC requirements. In this case, your monitoring of the reactor cooldown temperature during the reactor scram on January 7, 1997, was inadequate. The procedure used allowed readings to be taken from temperature sensors that did not reflect the actual cooldown rate. This contributed to an inadequate awareness of the cooldown rate which exceeded the TS limits.

This violation is cited in the enclosed Notice of Violation, and the circumstances surrounding the violation are described in detail in the enclosed report. Please note that you are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Based on the results of this inspection, an apparent violation was also identified and is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG 1600.

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The apparent violation involved ineffective corrective actions that led to a positive reactivity transient. No Notice of Violation is presently being issued for the apparent violation. In addition, the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

An open pre-decisional enforcement conference is scheduled for April 18, 1997, to discuss the apparent violation, as well as other apparent violations identified in Inspection Reports 50-440/96017 and 50-440/96016. The decision to hold a pre-decisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violations sooner, corrective actions, significance of the issues, and the need for lasting and effective corrective actions. In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on: 1) the severity of the violations, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and the enclosures will be placed in the NRC Public Document Room (PDR).

Sincerely,

/s/ J. A. Grobe for  
James L. Caldwell, Director  
Division of Reactor Projects

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

- Enclosures:  
1. Notice of Violation  
2. Inspection Report 50-440/96018

(See attached concurrence)

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cc w/encl: L. W. Worley, Director, Nuclear Services Department  
 H. L. Hegrat, Manager, Regulatory Affairs  
 W. R. Kanda, Director, Quality and Personnel Development  
 J. J. Powers, Director, Nuclear Engineering Department  
 R. D. Brandt, General Manager, Nuclear Power Plant Department  
 Terry J. Lodge, Esq. State Liaison Officer, State of Ohio  
 Robert E. Owen, Ohio Department of Health  
 C. A. Glazer, State of Ohio Public Utilities Commission

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*cover letter  
3/8/97*

cc w/encl: L. W. Worley, Director, Nuclear  
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J. J. Powers, Director,  
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State Liaison Officer, State of Ohio  
Robert E. Owen, Ohio  
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C. A. Glazer, State of Ohio  
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