



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

March 4, 2013

Mr. Vito Kaminskis
Site Vice President, Nuclear
FirstEnergy Nuclear Operating Company
Perry Nuclear Power Plant
P. O. Box 97, 10 Center Road, A-PY-A290
Perry, OH 44081-0097

**SUBJECT: ANNUAL ASSESSMENT LETTER FOR PERRY NUCLEAR POWER PLANT
(REPORT 05000440/2012001)**

Dear Mr. Kaminskis:

On February 12, 2013, the NRC completed its end-of-cycle performance review of Perry Nuclear Power Plant. The NRC reviewed the most recent quarterly performance indicators (PIs) in addition to inspection results and enforcement actions from January 1, 2012, through December 31, 2012. This letter informs you of the NRC's assessment of your facility during this period and its plans for future inspections at your facility.

The NRC determined the performance at Perry during the most recent quarter was within the Degraded Cornerstone Column (Column 3) of the NRC's Reactor Oversight Process (ROP) Action Matrix because of one or more Greater-than-Green findings in the Security Cornerstone, and a low-to-moderate safety significance (i.e., White) inspection finding and Notice of Violation (NOV) and a White Occupational Exposure Control Effectiveness PI in the Occupational Radiation Safety Cornerstone. This assessment is unchanged from that previously provided to you in the Assessment Followup Letter dated January 17, 2013, in which we discussed our decision to deviate from the Action Matrix by maintaining Perry in Column 3 and not moving it to the Multiple/Repetitive Degraded Cornerstone Column, Column 4, and not conducting the associated 95003 Supplemental Inspection (ADAMS Accession Number ML13018A163). The basis for the deviation is attached to the Assessment Followup Letter. The deviation was effective as of January 11, 2013.

On December 28, 2012, the NRC issued an Inspection Procedure (IP) 95002 Supplemental Inspection Report (Report Number 05000440/2012009), which stated that your staff did not provide assurance that the corrective actions for performance issues associated with the Occupational Exposure Control Effectiveness PI were sufficient to address the root and contributing causes and prevent recurrence. Specifically, the NRC determined that events occurred following your initial implementation of corrective actions for the White PI and White NOV which had similar root causes as the White PI and White NOV. As a result, a parallel PI inspection finding was assigned the same safety significance as the initiating PI. The White finding associated with NOV 05000440/2011014-01 was held open.

On February 20, 2013, Mr. Pat Loudon and others of my staff met with you and members of your staff to discuss your plans and current progress in addressing the identified weaknesses. Your timeline indicated that you were working toward being prepared for the continuation of the supplemental IP 95002 inspection in June 2013. This inspection will be conducted in accordance with IP 95002, "Inspection for One Degraded Cornerstone or Any Three Inputs in a Strategic Performance Area." The inspection will focus on ensuring two objectives are met, but may be broadened as necessary. The first objective, which was not met during the initial inspection, will be to verify that your staff has put in place corrective actions to address and preclude a repetition of the root and contributing causes of the multiple occurrences of the Occupational Exposure Control Effectiveness PI (we will also assess whether the White NOV can be closed). The second objective, which was not completed during the 2012 inspection, will be to verify that your staff has identified the extent of condition and extent of cause of the individual and collective significant weaknesses that resulted in the White PI and White NOV.

In alignment with the IP 95002 procedure, we have identified the following key attributes that will be factored into our decision on whether the first objective is met during the June 2013 inspection:

1. Your staff has developed a corrective action plan that contains corrective actions that will prevent recurrence of all the root and contributing causes identified by your staff to address the White finding and the Occupational Exposure Control Effectiveness PI occurrences.
2. Your staff has implemented this corrective action plan consistent with your corrective action program and in a timely manner.
3. Demonstrated progress in improving overall Radiation Protection program effectiveness at Perry. Evidence of such progress could include, but not be limited to, continued source term reduction, a reduction in radiation protection area findings, effective contamination control, and improved radiation worker performance.

To complete the second stated objective, the NRC must perform an independent extent of condition and extent of cause evaluation to ensure the validity of your conclusions regarding the extent of condition and extent of cause of the issues. Specifically, the June 2013 inspection will evaluate the applicability of the root causes across disciplines and departments to different programmatic activities or human performance issues.

During the discussion on February 20 with you and Mr. Loudon and other NRC staff, we agreed, tentatively to hold the end-of-cycle public meeting on April 10, 2013. This meeting will be an opportunity for you to present the status of your preparations for the IP 95002 Inspection. As discussed by Mr. Loudon and others of my staff, these preparations could include the establishment of internal milestones, check-and-assess points for you to gauge your progress and implement any needed changes, and any other indicators that you are using to measure your performance and improvement progress. We will notify you by separate letter when the end-of-cycle public meeting has been definitely scheduled.

The enclosed inspection plan lists the inspections scheduled from March 1, 2013, through December 31, 2014. Routine inspections performed by resident inspectors are not included in the inspection plan. The inspections listed during the last 12 months of the inspection plan are tentative and may be revised at the mid-cycle performance review. The NRC provides the

inspection plan to allow for the resolution of any scheduling conflicts and personnel availability issues. The NRC will contact you as soon as possible to discuss changes to the inspection plan should circumstances warrant any changes. This inspection plan does not include security-related inspections, which will be sent via separate, non-publicly available correspondence.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any questions on the objectives of the 95002 Inspection or the attributes that we will use to assess the acceptability of the inspection, please contact Mr. Billy C. Dickson, the Division of Reactor Safety Branch Chief for Radiation Protection, at (630) 829-9827. Please contact Mr. Michael Kunowski, the Division of Reactor Projects Branch Chief for Perry, at (630) 829-9618 with any other questions you may have regarding this letter.

Sincerely,

/RA/

Charles A. Casto
Regional Administrator

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

Enclosure: Perry Nuclear Power Plant Inspection/Activity Plan

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OFFICE	RIII	E	RIII		RIII		RIII	
NAME	MKunowski:rj		PLouden		GShear		CCasto	
DATE	2/26/13		2/26/13		2/27/13		2/27/13	

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Perry
Inspection / Activity Plan
03/01/2013 - 12/31/2014

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
Start	End				
			95002 - SUPPLEMENTAL INSPECTION FOR ORS ISSUES		6
1	02/01/2013	08/01/2013	IP 95002	Supplemental Inspection for One Degraded Cornerstone or Any Three White Inputs in a Strategic Perfor	
			OL EXAM - PERRY INIT EXAM 02/2013		3
1	02/25/2013	03/08/2013	W90290	OL - INITIAL EXAM - 2013 FEB-MAR - PERRY	
			BI RP - RADIATION PROTECTION BASELINE INSPECTION		1
1	03/18/2013	03/22/2013	IP 71124.01	Radiological Hazard Assessment and Exposure Controls	
			BI ISI - INSERVICE INSPECTION		1
1	03/18/2013	05/03/2013	IP 7111108G	Inservice Inspection Activities - BWR	
			BI RP - RADIATION PROTECTION BASELINE INSPECTION		2
1	04/15/2013	04/19/2013	IP 71124.03	In-Plant Airborne Radioactivity Control and Mitigation	
1	04/15/2013	04/19/2013	IP 71124.04	Occupational Dose Assessment	
1	04/15/2013	04/19/2013	IP 71151-BI01	Reactor Coolant System Activity	
1	04/15/2013	04/19/2013	IP 71151-OR01	Occupational Exposure Control Effectiveness	
1	04/15/2013	04/19/2013	IP 71151-PR01	RETS/ODCM Radiological Effluent	
			BI RP - RADIATION PROTECTION BASELINE INSPECTION		1
1	04/15/2013	04/19/2013	IP 71124.02	Occupational ALARA Planning and Controls	
			BI MODS - TRIENNIAL PERM MODS/50.59		3
1	07/08/2013	07/26/2013	IP 7111117T	Evaluations of Changes, Tests, or Experiments and Permanent Plant Modifications	
			BI RP - RADIATION PROTECTION BASELINE INSPECTION		1
1	05/20/2013	05/24/2013	IP 71124.05	Radiation Monitoring Instrumentation	
			BI RP - RADIATION PROTECTION BASELINE INSPECTION		2
1	08/12/2013	08/16/2013	IP 71124.02	Occupational ALARA Planning and Controls	
1	08/12/2013	08/16/2013	IP 71124.08	Radioactive Solid Waste Processing and Radioactive Material Handling, Storage, and Transportation	
			BI EPR - EP ROUTINE INSPECTION / PI VERIFICATION		2
1	09/16/2013	09/20/2013	IP 7111402	Alert and Notification System Testing	
1	09/16/2013	09/20/2013	IP 7111403	Emergency Preparedness Organization Staffing and Augmentation System	
1	09/16/2013	09/20/2013	IP 7111405	Correction of Emergency Preparedness Weaknesses and Deficiencies	
1	09/16/2013	09/20/2013	IP 71151	Performance Indicator Verification	
			BI RP - RADIATION PROTECTION BASELINE INSPECTION		1
1	09/23/2013	09/27/2013	IP 71124.07	Radiological Environmental Monitoring Program	
			BI PI&R - BIENNIAL PI&R INSPECTION		5
1	11/04/2013	11/22/2013	IP 71152B	Problem Identification and Resolution	

This report does not include INPO and OUTAGE activities.
This report shows only on-site and announced inspection procedures.

Perry
Inspection / Activity Plan
03/01/2013 - 12/31/2014

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
	Start	End			
			BI RP - RADIATION PROTECTION BASELINE INSPECTION		1
1	10/28/2013	11/01/2013	IP 71124.06	Radioactive Gaseous and Liquid Effluent Treatment	
			BI RP - RADIATION PROTECTION BASELINE INSPECTION		1
1	02/10/2014	02/14/2014	IP 71124.01	Radiological Hazard Assessment and Exposure Controls	
			BI RP - RADIATION PROTECTION BASELINE INSPECTION		1
1	03/17/2014	03/21/2014	IP 71124.03	In-Plant Airborne Radioactivity Control and Mitigation	
1	03/17/2014	03/21/2014	IP 71124.04	Occupational Dose Assessment	
1	03/17/2014	03/21/2014	IP 71151	Performance Indicator Verification	
			BI ENG - COMPONENT DESIGN BASIS INSPECTION		6
1	03/10/2014	04/11/2014	IP 7111121	Component Design Bases Inspection	
			BI RP - RADIATION PROTECTION BASELINE INSPECTION		1
1	05/05/2014	05/09/2014	IP 71124.05	Radiation Monitoring Instrumentation	
			BI RP - RADIATION PROTECTION BASELINE INSPECTION		1
1	06/16/2014	06/20/2014	IP 71124.02	Occupational ALARA Planning and Controls	
			BI EPX - EP EXERCISE INSPECTION / PI VERIFICATION		2
1	09/22/2014	09/26/2014	IP 71151	Performance Indicator Verification	
			BI RP - RADIATION PROTECTION BASELINE INSPECTION		1
1	10/20/2014	10/24/2014	IP 71124.08	Radioactive Solid Waste Processing and Radioactive Material Handling, Storage, and Transportation	
			BI OLRQ - BIENNIAL REQUAL PROGRAM INSPECTION		2
1	12/08/2014	12/12/2014	IP 7111111B	Licensed Operator Requalification Program	