

Notice of Violation

Cleveland Electric Illuminating Company
Perry Nuclear Power Plant

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

During an NRC inspection conducted on August 26 through September 11, 1996, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 50.73 requires, in part, that the Licensee Event Report (LER) contain an assessment of the safety consequences and implications of the event.

Contrary to the above, on January 24, 1994, the licensee submitted Licensee Event Report 93-021, which failed to provide an adequate assessment of the safety consequences and implications of the event in that:

- The cover letter and title of LER 93-021 indicated only a loss of safety function for Emergency Closed Cooling (ECC) system "A" although ECC system "B" was also inoperable for about 45 hours during the event, and
- The main body of the LER only explicitly discussed a loss of ECC "A". Although the out-of-service condition of the Division 2 diesel generator on June 14 and 15 was discussed, neither the impact on the operability of ECC "B" nor the consequences of a total loss of ECC was mentioned.

This is a Severity Level IV violation (Supplement I) (50-440/96008-01).

Pursuant to the provisions of 10 CFR Part 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.

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
this 27th day of September 1996