

PUBLIC

IE-01

January 23, 1997

EA 96-542

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

SUBJECT: NRC INSPECTION REPORT NO. 50-440/96017

Dear Mr. Myers:

On December 20, 1996, the NRC completed a routine safety inspection at your Perry 1 reactor facility. The enclosed report presents the results of that inspection.

During the 7-week period covered by this inspection period, your conduct of activities at the Perry facility was generally characterized by safety-conscious operation, sound engineering and maintenance practices, and an effective response by your emergency preparedness personnel to an event involving offsite communications. However, an inadvertent increase in reactivity occurred as a result of operator error and is of concern.

Based on the results of this inspection, four apparent violations were identified and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG 1600.

The apparent violations involve technical specification limiting condition for operation (LCO) action requirements which were exceeded. One of these involved a 41-hour period where the control room emergency recirculation system was inoperable, and the actions required by technical specification LCO 3.0.3 were not completed.

The NRC notified you of the apparent violations on December 27, 1996. No Notice of Violation is presently being issued for these inspection findings. In addition, the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

A pre-decisional enforcement conference to discuss these apparent violations will be scheduled with you in the near future. 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

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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 enclosure will be placed in the NRC Public Document Room (PDR).

Sincerely,

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

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

Enclosure: Inspection Report 50-440/96-17

cc w/encl: J. P. Stetz, Senior Vice  
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L. W. Worley, Director, Nuclear  
Services Department  
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