

## NOTICE OF VIOLATION

Centerior Service Company  
Perry Nuclear Power Plant

Docket No. 50-440  
License No. NPF-58  
EA 96-367

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

- I. Technical Specification 3.7.1.2 requires, for Operational Conditions 1, 2, 3, 4, and 5, the emergency closed cooling (ECC) loop(s) shall be operable which are associated with systems or components which are required to be operable. With an ECC loop(s) inoperable which is associated with system(s) or component(s) required to be operable, declare the associated system(s) or component(s) inoperable and take the action required by the applicable specification(s).
  - A. Contrary to the above, from March 19 to July 2, 1993, while the plant was in Operational Conditions 1, 2, 3, 4, or 5, ECC Train A was inoperable and its associated systems or components were not declared inoperable, and action was not taken for its associated systems or components as required by the applicable specifications. (01013)
  - B. Contrary to the above, from 3:13 a.m. on June 14, 1993, until 11:05 p.m. on June 15, 1993, a period of about 45 hours, while the plant was in Operational Conditions 1, 2, or 3, both trains of ECC were inoperable and their associated systems or components were not declared inoperable, and action was not taken for their associated systems or components as required by the applicable specifications. (01023)

This is a Severity Level III problem (Supplement I).

- II. 10 CFR Part 50, Appendix B, Criterion XVI, "Corrective Action," requires, in part, that measures be established to assure that conditions adverse to quality are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition.
  - A. Contrary to the above, as of September 11, 1996, the licensee had failed to promptly correct a significant condition adverse to quality as demonstrated by the following:
    1. In February 1986, a control complex chiller tripped on low refrigerant temperature due to low lake water temperatures (Emergency Closed Cooling water to the chiller must be greater than 55° F to meet chiller design requirements). As corrective action for this condition the licensee initiated Design Change Package (DCP) 86-0224 to alleviate the problem; however, the design change only considered ECC

accident heat loads and did not consider minimum loads when Emergency Service Water was less than 55° F.

2. In February 1994, with ESW "A" and ECC "A" running and supplying a minimal heat load, ECC "A" temperature was observed to be below 55° F.
3. DCP 94-0027 was implemented in Spring 1996 to maintain ECC temperature above 55° F with low lake water temperature and low heat load conditions and the post-modification test did not confirm the adequacy of the design. Subsequently, on March 7, 1996, ESW "A" and ECC "A" were in operation with no heat load, and ECC "A" temperature decreased from 64° F to 56° F before ESW "A" was secured to prevent ECC "A" from decreasing below 55° F. (02014)

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

- B. Contrary to the above, as of August 26, 1996, the licensee had not corrected a significant condition adverse to quality. Specifically, the licensee had previously identified on January 20, 1994, that valves OP42-F295A/B and OP42-F325A/B were not classified as Category "A" in accordance with American Society of Mechanical Engineers (ASME) Section XI, 1983, Article IWV-2000, and no corrective action was taken until this condition was identified by the NRC during a 1996 inspection. (02024)

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

Pursuant to the provisions of 10 CFR 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.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

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 6th day of November 1996