

To: Jim Mehl, ERU Supervisor
From: Zack Clayton, Rad Coordinator
Subject: August Monthly Report
Date: September 14, 2011

Beans

Training: 2
Drills: 0
Meetings: 7
Technical Assistance: 1
Public Assistance: 2

Web Page Views: There were 21 page views in August.

Coming Attractions

9/7 Working Group
9/15 NAS-T TTX
9/29 TTX After Action
10/5 Working Group
10/11 URSB
10/17- 21 IZRRAG training week
10/27 NEPAC

Facility updates

Davis-Besse Nuclear Power Station

Davis-Besse operated at full power for August. There were no event reports from the plant.

Perry Nuclear Power Plant

Perry operated at full power for August. There were no event reports from the plant. However, GE Hitachi Nuclear Energy Corp reported a Part 21 Failure to include seismic input in reactor control blade customer guidance that includes Perry. See event No. 45230.

Beaver Valley Power Station

Beaver Valley Unit I

Unit I operated at full power for August. There were no event reports from the plant.

Beaver Valley Unit II

Unit II operated at full power for August. There were no event reports from the plant.

Earthquake Event of August 23

The First Energy plants continue to operate in normal stable condition. As reported earlier plant personnel at Beaver Valley and Perry felt the earthquake on site, but it did not trigger seismic sensors, which is a prerequisite for making a formal declaration due to an earthquake.

Fermi II

Fermi II operated at full power for August. There were no event reports from the plant. However, GE Hitachi Nuclear Energy Corp reported a Part 21 Failure to include seismic input in reactor control blade customer guidance that includes Fermi II. See event No. 45230.

Fermi did not feel anything from the seismic event of August 23. Fermi did not declare any emergency classification as their procedures require seismic monitor output alarms, which did not activate.

Portsmouth Enrichment Plant

Activity

- | | |
|-----|--|
| 8/2 | Working Group - Agency updates, news, initiatives review, presentation of IZRRAG training. |
| 8/2 | After Action - Evaluation and completion of items left over from the last exercise. |

- 8/3 NAS-T TTX Final planning meeting prior to exercise.
- 8/4 Beaver Valley offsite training – EAL training and industry updates, report on Fukushima Daiichi situation.
- 8/5 IZRRAG procedures
- 8/24 IZRRAG procedures
- 8/30 RAT training at NASA Plumbrook

Office Issues

None at this time.

News, NRC Reports, and Statistics

Operating Power Levels

Date	BV1	BV2	DB	Perry	Fermi2
1	100	100	100	100	100
8	100	100	100	100	100
15	100	100	100	100	100
22	100	100	100	100	100
29	100	100	100	100	100
30	100	100	100	100	100

Information Notices

The ADAMS Accession documents are publicly available and will be accessible via the public web site Electronic Reading Room in the Agency Document Access and Management System (ADAMS), <http://www.nrc.gov/reading-rm/adams.html> or to access generic communications files on the NRC Homepage: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2010/>.

To access these documents use the ADAMS Accession number listed with the title. This is in the format of : ML #####

BEAVER VALLEY POWER STATION: NRC SECURITY INSPECTION REPORT
 05000334/2011403 AND 05000412/2011403
 ADAMS Accession No. ML112130339

PERRY: NRC SECURITY BASELINE INSPECTION REPORT 05000440/2011405(DRS) –
 Cover Letter Only
 ADAMS Accession No. ML11210B503

Commitment to submit a license amendment request to transition to 10 CFR 50.48(c), National Fire Protection association standard NFPA 805, and request to extend enforcement discretion **Beaver Valley, 1 and 2; Davis-Besse 1** –
ADAMS Accession no. ML112010151

Beaver Valley Power Station: NRC Component Design Bases Inspection Report
05000334/2011007 and 05000412/2011007
ADAMS ACCESSION NO. ML112130443

PERRY (CDBI)/TI 2515/177 REQUEST FOR INFORMATION LETTER
ADAMS ACCESSION # ML11213A292.

Beaver Valley Power Station - NRC Integrated Inspection Report 05000334/2011003
and 05000412/2011003, and Exercise of Enforcement Discretion
ADAMS Accession No. ML112140011

Fermi Power Plant Unit 2 Integrated Inspection Reports 05000341/2011003;
07200071/2010001
Adams Accession No. ML112140118

Information Notice 2011-15, Calculation Steel Containment Degradation and Associated
License Renewal Aging Management Issues
Adams Accession # ML111460369

2011-08, Fatigue Management During Hurricane Conditions 10 CFR Part 26, Subpart I,
dated August 8, 2011,
Adams Accession # ML101050361

Davis-Besse: Request For Additional Information For The Review Of The Davis-Besse
Nuclear Power Station (TAC No. ME4640)
Adams Accession # ML11216A236

Fermi Information Request to Support Upcoming PI&R Inspection –
Adams Accession # ML112231236

RIS 2011-09, Available Resources Associated With Extended Storage Of Low-Level
Radioactive Waste, dated August 16, 2011,
Adams Accession # ML111520042

Beaver Valley Power Station, Unit Nos. 1 and 2 – Request for Additional Information
Regarding Relief Requests VRR3 and VRR4
ADAMS Accession No.: ML112310737

FERMI DRS/OB REQUAL INSPECTION 2011-005 LETTER
ADAMS ACCESSION# ML11235A832

EA-11-148 Perry Nuclear Power Plant, Final Significance Determination of White Finding

ADAMS Accession No. ML112371689

Perry Nuclear Power Plant, Unit No. 1 – Issuance of Amendment RE: Cyber Security Plan

ADAMS Accession No. ML111920382

RIS 2002-12A, Rev. 1, Power Reactors NRC Threat Advisory and Protective Measures System, dated August 24, 2011,

Adams Accession # ML11189A076

RIS 2002-12B, Rev. 1, Research and Test Reactors NRC Threat Advisory and Protective Measures System, dated August 24, 2011,

Adams Accession # ML11189A079

RIS 2002-12H, Rev. 1, Gaseous Diffusion Plants NRC Threat Advisory and Protective Measures System, dated August 24, 2011,

Adams Accession # ML11189A104

RIS 2002-12L, Rev. 1, Panoramic and Underwater Irradiators NRC Threat Advisory and Protective Measures System, dated August 24, 2011,

Adams Accession # ML11189A109

Fermi 2 - Correction to License Page included with Amendment No. 185 re: Cyber Security Plan

ADAMS Accession Number: ML112420558

Davis-Besse Nuclear Power Station, Unit No. 1 - Issuance of amendment re: Cyber Security Plan –

ADAMS Accession no. ML111890298

Fermi 2 – Issuance of Amendment re: Reactor Coolant System Leakage

ADAMS Accession Number: ML112210931

News

NUCLEAR CRISIS: Japan lifts part of Fukushima evacuation zone (08/10/2011)

Starting next month, Japan will lift a section of its evacuation zone around the damaged Fukushima Daiichi nuclear power plant, giving thousands of residents the go-ahead to return to their homes.

The government plans to shrink the evacuation zone from an 18.6-mile radius around the facility to a 12-mile radius. Anyone who chooses not to return to the area can continue to receive public support.

The evacuation zone easement comes after local communities criticized Prime Minister Naoto Kan's administration for its inflexible approach toward lifting the ban.

People whose homes are located within the 12-mile radius -- including the highly restricted zone within 2 miles of the plant -- will be permitted to visit their homes for two hours if they wish. All visitors have been barred from the highly restricted zone for the past five months.

Residents who once lived within the 2-mile radius said they are not sure if they want to return to their homes.

Altogether, the zone adjustment is expected to bring back about 25,000 of the 58,000 people who once lived in the area. Residents, particularly pregnant women and children, are expected to re-evacuate the area if conditions worsen.

To prepare for the influx of people, municipalities within the former contamination zone will repair sewage and water systems and clean up schoolyards.

"Decontamination will be the key to the reconstruction of the area near the plant," said Yukio Edano, the government's top spokesman. "The government will draw up guidelines in August about how to clean up radiation and make sure the area will be thoroughly decontaminated."

Goshi Hosono, the minister who has overseen the nuclear disaster, offered no definitive statement on the area's potential to recover from the radiation.

"We should not make any prejudgment," he said yesterday (Mitsuru Obe, [Wall Street Journal](#) [subscription required], Aug. 10). -- PK

Source: <http://www.eenews.net/Greenwire/2011/08/10/22/>

COMMISSION SEEKS PROMPT ACTION ON JAPAN TASK FORCE RECOMMENDATIONS

The Nuclear Regulatory Commission has directed its staff to complete several actions within the next 45 days in response to recommendations from the agency's Near-Term Task Force examination of the Fukushima Dai-ichi nuclear accident in Japan.

"I am pleased to see the Commission moving the agency forward on these important issues, and I look forward to receiving additional input from our technical experts, the industry and the public as we proceed," said NRC Chairman Gregory Jaczko. "The plan we've established will require a dedicated effort by our staff and stakeholders, and will require a continued commitment by the Commission to see that these recommendations are promptly addressed."

The Commission established the Task Force to examine the agency's regulatory requirements, programs, processes, and implementation in light of information from the

accident following the March 11 earthquake and tsunami. The Task Force presented its report to the Commission on July 12, proposing 12 recommendations on improving several safety-related areas. The recommendations covered areas including loss of electrical power, earthquakes, flooding, spent fuel pools, venting and preparedness. The Commission has asked the staff for a series of papers in the next two months covering various aspects of the Task Force's work. These include:

The staff has until Sept. 9 to produce a paper outlining which of the Task Force's recommendations 2 - 12, either in part or in whole, the staff believes should be implemented without unnecessary delay. The 21-day effort will include a public dialogue on the staff's proposal, and the staff expects to announce a public meeting in the next few days.

The staff has until Oct. 3 to produce a paper which prioritizes Task Force recommendations 2 - 12. This paper is expected to lay out all agency actions to be taken in responding to lessons learned from the Fukushima Dai-ichi accident. The paper will also lay out a schedule for interacting with the public, other stakeholders and the Advisory Committee on Reactor Safeguards (ACRS).

The staff has 18 months to consider the Task Force's first and broadest recommendation, a call for revising the NRC's regulatory approach. The Task Force felt the NRC should find a better balance between the use of risk analysis to inform regulation and the "defense in depth" concept that underlies many of the agency's original requirements. Doing so would create a regulatory framework that is logical, systematic, coherent and more easily understood. The paper is expected to provide options, including a recommended course of action, in dealing with the Task Force's first recommendation.

The Commission's direction to the staff and the Task Force Report are both available on the NRC's website.

Portsmouth Daily Times

NRC OKs USEC license extension

by Frank Lewis

August 18, 2011 The Nuclear Regulatory Commission has approved the extension of the direct transfer of materials licenses for the American Centrifuge Lead Cascade Facility and the American Centrifuge Plant from USEC, Inc. to the subsidiary limited liability company American Centrifuge Operating LLC.

American Centrifuge Public Affairs Manager Angie Duduit says American Centrifuge Operating LLC is one of four companies among which the project has been divided, to better manage the project.

A letter was sent to Peter J. Miner, director of regulatory affairs for USEC Inc. that read, "The NRC staff has considered the information presented in your request and has determined that good cause has been shown to extend the effectiveness of the NRC's

Order EA-11-013, dated February 10, 2011. The enclosed order approves the extension.”

The order lists USEC Inc. as the holder of materials licenses SNM-7003 and SNM-2011 for the American Centrifuge Lead Cascade Facility and American Centrifuge Plant, respectively, which authorizes the licensee to possess and use source and special nuclear material at the Lead Cascade at the Portsmouth Gaseous Diffusion Plant site in Piketon, in accordance with that license number SNM-7003; and to construct and operate a gas centrifuge uranium enrichment facility at the site in Piketon, in accordance with license SNM-2011.

The NRC order, dated Feb. 10, 2011 approved the direct transfer of the licenses. However, that order would have become null and void if the license transfers were not completed by Aug. 9, 2011.

By letter, dated July 22, 2011, USEC submitted a request to extend the date by which the license transfers must be completed to Feb. 9, 2012. In that letter, USEC said there had been no changes in the information and technical and financial qualifications presented in its Sept. 10, 2010, request to transfer the licenses.

The decision reads, “The NRC staff has considered the submittal of July 22, 2011, as supplemented by electronic communication dated Aug. 1, 2011, and has determined that good cause has been shown to extend, until Feb 9, 2012, the date by which the license transfers must be completed.”

FRANK LEWIS may be reached at (740) 353-3101, ext. 232, or flewis@heartlandpublications.com.

Read more: Portsmouth Daily Times - NRC OKs USEC license extension

REGULATION: NRC commissioners rebuff chairman and exert more control over Fukushima probe (08/22/2011)

Peter Behr, E&E reporter

The Nuclear Regulatory Commission's majority decision announced Friday to seek staff and industry views on new safety regulations based on Japan's nuclear disaster is a sharp rebuff to its chairman, Gregory Jaczko, and his authoritative use of his chairman's powers, commission voting statements show.

The commissioner agreed to consider by next month which of the dozen major recommendations by the NRC's Fukushima task force could move forward expeditiously. But over Jaczko's objections, the four other NRC commissioners backed a process that, by Jackzo's own interpretation, reduces his authority over the Fukushima review agenda and gives more control to the other commissioners.

In a statement explaining his vote on the task force issues, Jaczko said his colleagues had united behind a plan that he called ineffective and "micro-management," creating a voting process that "encourages the commission to sidestep the actual substantive policy issues presented."

He also expressed strong opposition to an approach proposed by Commissioner Kristine Svinicki that requires the NRC staff to create a "charter" for the next round of NRC reviews of regulatory changes stemming from the meltdowns at the Fukushima Daiichi nuclear complex. That approach limits the leeway of the NRC's executive director for operations -- who reports to the chairman -- Jaczko said.

The other commissioners supported Svinicki, whose protests of Jaczko's behavior have gone public, fueling sharp criticism of Jaczko by congressional Republicans. Jaczko was an aide to Senate Majority Leader Harry Reid (D-Nev.), and Jaczko's efforts to halt NRC review of the proposed Yucca Mountain nuclear waste repository -- a project vehemently opposed by Reid -- has provoked unusual open criticism by his commission colleagues. Svinicki is a former Republican Senate aide.

It is not clear whether the infighting between the chairman and the other commissioners will significantly affect regulatory changes by the NRC in response to the Fukushima accident, some of which could occur within months and others not for years to come.

The commission decision announced Friday directs the NRC staff to recommend no later than Sept. 9 whether any of the regulatory changes recommended by the NRC's Near-Term Task Force should be implemented "without unnecessary delay." The staff was told to seek input from industry and the public before making this report.

By Oct. 3, the staff is to set priorities and timetables for NRC actions on the task force recommendations, except for the first and most controversial one that called for a better balancing of risk analysis and traditional "defense in depth" approaches in reactor inspections and safety assessments. The staff was given 18 months to consider this task force proposal. Public input was called for here, as well.

A deeper staff review

After the task force submitted its report July 12, Jaczko had proposed an accelerated commission response. Written comments from industry and the public would be solicited and a panel of outside experts would be formed to provide advice. But the commission would vote on the recommendations in October, under the chairman's plan. However, Jaczko's fellow commissioners insisted that the full NRC staff be allowed to review and advise the commission, and that more opportunity for public input should be created. The top staff felt the same way, according to Svinicki, in her statement on the issue, signed July 19.

She said she reached out to William Borchardt, the NRC's executive director of operations, who asked that the staff be directed to prepare a plan to engage the industry and public and an agenda for acting on the task force proposals, including opportunity for staff feedback, she said. Without a detailed staff response, she said, "I do not have a sufficient basis to accept or reject the recommendations" of the task force.

Commissioner William Ostendorff told a Senate hearing earlier this month that a half-dozen actions could be ordered within months. They include re-evaluating current safety requirements governing earthquake and flooding hazards, including "walk down" inspections and checks of emergency equipment; reviews of reactors' emergency venting systems like those that failed at the Fukushima Daiichi plant; and assessing the ability of plants to withstand an extended loss of regular power supply for reactor and spent fuel cooling operations.

Ostendorff, a Republican commissioner, told Senate Environment and Public Works Committee members that press reports of commission dissension on this agenda were exaggerated. "I think there's a lot more consensus; everybody is ready to move forward," he said. But the same could not be said for the process the commission majority chose to follow.

The statements accompanying the commissioners' votes suggest that their differences are importantly rooted in the ongoing internal struggle over Jaczko's authority as chairman.

NRC Inspector General Hubert Bell, testifying before a House committee in June, said his office had heard complaints from senior officials and other staff about Jaczko's failure to share information with commissioners bearing on NRC decisions. "In addition, a number of interviewees described instances of behavior by the chairman that they viewed as unprofessional or manipulative," Bell reported. Jaczko "acknowledged using forceful management techniques to accomplish his objectives but maintained that these techniques were necessary to facilitate the work of the commission."

As their voting statements show, Jaczko and the other commissioners read the recommendations of the Fukushima task force differently.

Differences on changing U.S. status quo

"I believe the Task Force found that the status quo of our existing regulatory framework is no longer acceptable -- calling for changes to the regulations that we have long relied on for adequate protection," Jaczko said in an Aug. 9 voting statement. The dozen major task force recommendations include changes to buttress reactor defenses against extreme earthquakes or other natural disasters, singly or occurring together, as happened in Japan, and measures to maintain vital cooling of reactor cores and spent fuel pools during extended loss of outside electric power.

"Throughout the report, the task force emphasized that effective NRC action is essential in addressing these challenges and that voluntary industry initiatives are no substitute for strong and effective NRC oversight," Jaczko said.

Ostendorff centered on the task force's summary conclusions that "a sequence of events like those occurring in the Fukushima accident is unlikely to occur in the United States and could be mitigated, reducing the likelihood of core damage and radiological releases." Therefore, the commission has the time to engage its staff and the public in reviewing any new regulatory actions, he said.

The commission's divisions on the Fukushima report have been amplified selectively as they passed through political megaphones.

At the Aug. 2 hearing, Sen. Bernie Sanders (I-Vt.), a nuclear power opponent, came to Jaczko's defense. "Chairman Jaczko, some of my Republican colleagues have kind of suggested that you have initiated a Bolshevik coup on the NRC. You are running a dictatorship to undermine American democratic values." That was unfair, Sanders said.

Sen. Barbara Boxer (D-Calif.) suggested that the other commissioners' demands for more staff and public input looked like foot-dragging. "It took 90 days for the task force to make their recommendations. It should not take longer than 90 days for the NRC to accept or reject them and move toward implementation. Any stalling will not be viewed favorably by the American people."

Sen. John Barrasso, (R-Wyo.), dismissed the work of the NRC veterans on the task force. "I am not surprised, however, if you put six career regulators in a room for 90 days, that you're going to get a lot of suggestions for more Washington red tape, recommendations that appear to be based on old agendas. This is what I believe we have here before us today."

Confusion over the chairman's emergency powers

The task force concluded that current NRC regulations are "a patchwork of requirements" that include binding regulations and mandatory inspection protocols, and voluntary industry actions that are not subject to regular inspection. To Barrasso, "patchwork" implied a conclusion by the task force that the NRC's regulations were "defective or not working."

"I don't believe that's what the task force said," Jaczko responded.

Ostendorff added that various layers of regulations and requirements had built up in response to the Three Mile Island accident and the 9/11 attacks. But he supported Jaczko's conclusion: "And so I don't think that the patchwork is a fair characterization itself, but I think the chairman's explanation is correct here."

Republican members of the Environment and Public Works Committee grilled Jaczko at the August hearing on his relationship with other commissioners. Sens. James Inhofe (R-Kan.) and James Sessions (R-Ala.) zeroed in on Jaczko's invocation of the chairman's emergency powers after the Japanese crisis erupted in March. (Svinicki says she was told to stay out of the NRC emergency control room at the peak of the crisis.)

The GOP senators asked the four commissioners whether Jaczko had formally notified them that he had ended the emergency powers period and had reported to the commission on his actions during that period, as required by law. The commissioners said Jaczko had not done so.

Jaczko replied that the commissioners "personally have been briefed by me on the status of our situation. We no longer have our Emergency Operations Center activated, which is a clear signal that there would be no emergency powers."

"But, Chairman Jaczko, that's not what they said," Inhofe replied. "They said they have not been notified by you."

"Which is a true statement," Jaczko said, indicating that while he was "signaling" his colleagues, he was not following the letter of the law in his communications, nor, his critics say, the spirit of collegiality that is ingrained in the NRC's traditions. As it approaches the most important review of U.S. nuclear plant safety in a generation, the commission also faces some soul-searching in the way it makes its decisions, its members acknowledge.

<http://www.eenews.net/climatewire/2011/08/22/5/>

NOTICE OF VIOLATION

FirstEnergy Nuclear Operating Company Docket No. 050-00440

Perry Nuclear Power Plant License No. NPF-58

EA-11-148

During a U.S. Nuclear Regulatory Commission (NRC) special inspection conducted from April 25 to May 25, 2011, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

A. Title 10 of the Code of Federal Regulations (10 CFR) Part 20 Subpart F – Surveys and Monitoring Section 20.1501 requires, in part, that licensees make surveys that may be necessary to comply with the regulations in Part 20 and are reasonable under the circumstances to evaluate the magnitude and extent of radiation levels and the potential radiological hazards. Pursuant to 10 CFR 20.1003, means an evaluation of the

radiological conditions and potential hazards incident to the production, use, transfer, release, disposal or presence of radioactive material or other sources of radiation. Contrary to the above, as of April 21, 2011, the licensee failed to make surveys to evaluate the potential radiological hazards incident to work activity to assure compliance with 10 CFR 20.1201, which limits the occupational dose to individual adults. Specifically, the licensee did not perform an evaluation of the potential radiological hazards associated with the work activity prior to authorizing removal of an irradiated in-core source range monitor (SRM).

B. Technical Specification 5.7.1.b states, in part, that entry into high and locked high radiation areas be made after the dose rate levels in the area have been established and personnel are made aware of them.

Contrary to the above, on April 21, 2011, the licensee permitted entry into a high radiation area without establishing the dose rate levels in the area and without personnel being made aware of the dose rates. Specifically, the licensee did not perform a complete radiological characterization of the SRM (a radiological source of unknown magnitude), which was being pulled toward the work area and toward the workers' escape path. Consequently, the licensee did not inform the workers of the potential dose rate levels associated with their entry into the high radiation area.

C. Technical Specification 5.4.1 requires that written procedures be established, implemented, and maintained covering the activities in Regulatory Guide 1.33, Revision 2, Appendix A, dated February 1978.

Regulatory Guide 1.33, Revision 2, Appendix A Section 7 addresses, in part, procedures for control of radioactivity for limiting personnel exposure. Section 7.e(1) addresses procedures for access control to radiation areas including a radiation work permits system and Section 7.e(9) addresses procedures for implementation of an as low as is reasonably achievable (ALARA) program.

The licensee established Procedure HPI-C0015, Revision 00, "Radiological Controls for Highly Radioactive and Irradiated Components or Materials," to control highly radioactive objects and materials removed from the reactor vessel.

The licensee established Procedure NOP-OP-4107, Revision 05, "Radiation Work Permit," in part, for implementation of an ALARA program. Step 4.3.2.3 of this procedure states, in part, that ALARA plans are developed with sufficient detail on what requirements, considerations and actions are to be ALARA for the work activity.

Contrary to the above, as of April 21, 2011, the licensee:

- a. Failed to establish a procedure that addressed access control to all radiation areas. Specifically, Procedure HPI-C0015 only addressed work activities on the refueling floor and did not address access control to the undervessel radiation area or control of highly radioactive objects and materials removed from the reactor vessel through the undervessel area.
- b. Failed to implement Procedure NOP-OP-4107, in that the ALARA plan for work on the SRM lacked sufficient detail about the requirements, consideration, and actions to ensure that the work activity was performed in an ALARA manner. Specifically, the ALARA plan did not ensure that the work activity to retract the irradiated SRM-C contained steps to ensure that the ambient radiation field in the work area in the carousel and sub-pile room areas was being controlled and that the worker actions were in accordance with ALARA considerations.

These violations are associated with a White Significance Determination Process finding (VIO 0500440/2011014-01).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to be taken to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in NRC Inspection Report No. 05000440/2011013 and in your letter dated August 1, 2011. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position.

In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-11-148," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator and the Enforcement Officer, Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532, and a copy to the NRC Resident Inspector at the Perry facility within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to be taken to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in NRC Inspection Report No. 05000440/2011013 and in your letter dated August 1, 2011. Therefore, you are not required to respond to this letter

unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

As a result of our review of Perry's performance, including this White finding and the existing White performance indicator in the Occupational Radiation Safety Cornerstone, we have assessed Perry to be in the Degraded Cornerstone column (Column 3) of the NRC's Action Matrix. Therefore, we plan to conduct a supplemental inspection using Inspection Procedure 95002, "Supplemental Inspection for One Degraded Cornerstone or Any Three White Inputs in a Strategic Performance Area," when your staff has notified us of your readiness for this inspection. This inspection procedure is conducted to provide assurance that the root cause and contributing causes of risk significant performance issues are understood, to independently assess and provide assurance that the extent of condition and the extent of cause are identified, to independently determine if safety culture components caused or significantly contributed the performance issues, and to provide assurance that your corrective actions are sufficient to address the root and contributing causes and prevent recurrence.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be made available electronically for public inspection in the NRC Public Document Room or from the NRCs Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> . To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions> .

Plant Reports

General Information	Event Number: 46230
Rep Org: GE HITACHI NUCLEAR ENERGY Licensee: GE HITACHI NUCLEAR ENERGY Region: 1 City: WILMINGTON State: NC County: License #: Agreement: Y Docket: NRC Notified By: DALE E. PORTER HQ OPS Officer: ERIC SIMPSON	Notification Date: 09/03/2010 Notification Time: 15:23 [ET] Event Date: 09/03/2010 Event Time: [EDT] Last Update Date: 08/12/2011
Emergency Class: NON EMERGENCY 10 CFR Section: 21.21 - UNSPECIFIED PARAGRAPH	Person (Organization): RICHARD CONTE (R1DO) EUGENE GUTHRIE (R2DO)

TAMARA BLOOMER (R3DO)
RICK DEESE (R4DO)
MIKE CHEOK (NRR)
PART 21 GP via email ()

Event Text

**PART 21 - FAILURE TO INCLUDE SEISMIC INPUT IN REACTOR CONTROL
BLADE CUSTOMER GUIDANCE**

The following is text of a facsimile submitted by the vendor:

"GE Hitachi Nuclear Energy (GEH) has identified that engineering evaluations that support the guidance provided in SC 08-05, Revision 1, do not address the potential impact of a seismic event on the ability to scram as it relates to the channel-control blade interference issue. Note that the seismic loads are not a consideration in the scram timing, but rather the ability to insert the control blades. In other words, the control blades must be capable of inserting during the seismic event, but not to the timing requirements of the Technical Specifications. GEH is evaluating the impact of the seismic loads between the fuel channel and the control blade associated with an Operating Basis Earthquake (OBE), and a Safe Shutdown Earthquake (SSE) on BWR/2-5 plants. The scram capability is expected to be affected due to the added seismic loads at low reactor pressures in the BWR/2-5 plants. The ability to scram for the BWR/6 plants is not adversely affected by the seismic events. Additional evaluation is required to determine to what extent the maximum allowable friction limits specified for the BWR/2-5 plants in SC 08-05 Revision 1 is affected by the addition of seismic loads.

"GEH issues this 60-Day Interim Report in accordance with the requirements set forth in 10 CFR 21.21 (a)(2) to allow additional time to for this evaluation to be completed."

Affected US plants previously notified by vendor and recommended for surveillance program include: Nine Mile Point, Units 1 and 2; **Fermi 2**; Columbia; FitzPatrick; Pilgrim; Vermont Yankee; Grand Gulf; River Bend; Clinton; Oyster Creek; Dresden, Units 2 and 3; LaSalle, Units 1 and 2; Limerick, Units 1 and 2; Peach Bottom, Units 2 and 3; Quad Cities, Units 1 and 2; **Perry, Unit 1**; Duane Arnold; Cooper; Monticello; Brunswick, Units 1 and 2; Hope Creek; Hatch, Units 1 and 2; and Browns Ferry, Units 1 and 2.

Affected US plants previously notified by vendor and provided information include: Susquehanna, Units 1 and 2 and Browns Ferry, Unit 3.

* * * UPDATE FROM DALE PORTER TO ERIC SIMPSON AT 1556 ON 09/27/2010 *
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The following update was received via fax:

"This letter provides a revision to the information transmitted on September 2, 2010 in MFN 10-245 concerning an evaluation being performed by GE Hitachi Nuclear Energy (GEH) regarding the failure to include seismic input in channel-control blade interference customer guidance. Two changes have been made in Revision 1:

"1) A statement was added regarding the applicability of this issue to the ABWR and ESBWR design certification documentation.

"2) The original MFN 10-245 referenced the Safety Communication SC 08-05 R1 that was transmitted to the US NRC via MFN 08-420. The references to SC 08-05 were changed to MFN 08-420 to prevent possible confusion.

"As stated herein, GEH has not concluded that this is a reportable condition in accordance with the requirements of 10CFR 21.21(d) and continued evaluation is required to determine the impact of a seismic event on the guidance contained in MFN 08-420."

Notified the R1DO (Gray), R2DO (Hopper), R3DO (Orth), R4DO (Farnholtz), NRR EO (Lee) and Part 21 Group (via email).

* * * UPDATE FROM DALE PORTER TO MARK ABRAMOVITZ AT 1723 ON 12/15/2010 * * *

The following update was received via fax:

"This letter provides information concerning an on-going evaluation being performed by GE Hitachi Nuclear Energy (GEH) regarding the failure to include seismic loads in the guidance provided in MFN 08-420. As stated herein, GEH has not concluded that this is a reportable condition in accordance with the requirements of 10CFR21.21(d) and continued evaluation is required to determine the impact of a seismic event on the guidance contained in MFN 08-420.

"GEH has not completed the evaluation of the impact of the seismic loads between the fuel channel and the control blade associated with an Operating Basis Earthquake (OBE), and a Safe Shutdown Earthquake (SSE) on BWR/2-5 plants."

GEH expects the task to be completed by August 15, 2011.

Notified the R1DO (Holody), R2DO (Henson), R3DO (Kozak), R4DO (Werner), NRR EO (Evans) and Part 21 Group (via email).

* * * UPDATE AT 1808 EDT ON 08/11/11 FROM DALE PORTER TO JOE O'HARA * * *

The following was received via fax:

"GE Hitachi Nuclear Energy (GEH) identified, in July 2010, that engineering evaluations did not address the potential impact of a seismic event on the ability to scram as it relates to the channel-control blade interference issue. GEH provided status of the on-going evaluation in [December 2010]. GEH has not completed the evaluation of the impact of the seismic loads between the fuel channel and the control blade associated with a bounding Safe Shutdown Earthquake (SSE) on BWR/2-5 plants. The scram capability is expected to be affected due to the added seismic loads at low reactor pressures [less than 1000 psig] in the BWR/2-5 plants. Additional evaluations are required to determine to what extent the maximum allowable friction limits specified for the BWR/2-5 plants are affected by the addition of SSE seismic loads at low reactor pressures.

"GEH issues this 60-Day Interim Report in accordance with the requirements set forth in 10CFR 21.21 (a)(2) to allow additional time for this evaluation to be completed."

The following sites are noted as having channel-control blade concerns:

Region 1: Nine Mile Point, Fitzpatrick, Pilgrim, Vermont Yankee, Oyster Creek, Limerick, Peach Bottom, Susquehanna, and Hope Creek

Region 2: Browns Ferry, Brunswick, Hatch,

Region 3: **Fermi**, Clinton, Dresden, LaSalle, Quad Cities, **Perry**, Duane Arnold, Monticello

Region 4: Columbia, Grand Gulf, River Bend, Cooper.

Notified R1DO (Powell), R2DO (Hopper), R3DO (Dickson), R4DO (Farnholtz) and NRR Part 21 Grp via email.
