

February 21, 2002

Mr. Guy G. Campbell
Vice President - Nuclear, Perry
FirstEnergy Nuclear Operating Company
P.O. Box 97, A200
Perry, OH 44081

SUBJECT: PERRY NUCLEAR POWER PLANT, UNIT 1 - ISSUANCE OF AMENDMENT
(TAC NO. MB3594)

Dear Mr. Campbell:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 121 to Facility Operating License No. NPF-58 for the Perry Nuclear Power Plant, Unit 1. This amendment revises the Technical Specifications (TSs) in response to your application dated December 5, 2001 (PY-CEI/NRR-2600L).

This amendment revises TS 5.5.11, "Technical Specification Bases Control Program" to implement Technical Specification Task Force (TSTF) Standard Technical Specification Traveler, TSTF-364, Revision 0, "Revision to Technical Specification Bases Control Program to Incorporate Changes to 10 CFR 50.59."

A copy of the Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's next biweekly Federal Register notice.

Sincerely,

/RA/

Douglas V. Pickett, Sr. Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-440

Enclosures: 1. Amendment No. 121 to
License No. NPF-58
2. Safety Evaluation

cc w/encls: See next page

February 21, 2002

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ADAMS ACCESSION NUMBER: ML020100004

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OFFICIAL RECORD COPY

Guy G. Campbell
FirstEnergy Nuclear Operating Company

Perry Nuclear Power Plant, Unit 1

cc:

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FIRSTENERGY NUCLEAR OPERATING COMPANY

DOCKET NO. 50-440

PERRY NUCLEAR POWER PLANT, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 121
License No. NPF-58

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by the FirstEnergy Nuclear Operating Company (the licensee) dated December 5, 2001, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-58 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 121 are hereby incorporated into this license. The FirstEnergy Nuclear Operating Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 90 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Anthony J. Mendiola, Chief, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications

Date of Issuance: February 21, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. _____

FACILITY OPERATING LICENSE NO. NPF-58

DOCKET NO. 50-440

Replace the following page of the Appendix "A" Technical Specifications with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove

5.0-15

Insert

5.0-15

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 121 TO FACILITY OPERATING LICENSE NO. NPF-58
FIRSTENERGY NUCLEAR OPERATING COMPANY
PERRY NUCLEAR POWER PLANT, UNIT 1
DOCKET NO. 50-440

1.0 INTRODUCTION

By application dated December 5, 2001, FirstEnergy Nuclear Operating Company (the licensee), submitted a request for changes to the Perry Nuclear Power Plant, Unit 1 (PNPP), Technical Specifications (TSs). The requested changes would revise TS 5.5.11, "Technical Specification (TS) Bases Control Program," to be consistent with the Nuclear Energy Institute (NEI) Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF-364 Revision 0, "Revision to TS Bases Control Program to Incorporate Changes to 10 CFR 50.59." The approval of TSTF-364, Revision 0, was documented in a Nuclear Regulatory Commission (NRC) letter to Mr. James Davis, Director Operations Department - NEI dated June 16, 2000.

2.0 EVALUATION

PNPP's existing TS Bases Control Program was approved as part of their conversion to the Improved TSs in Amendment No. 69 on June 23, 1995. TS 5.5.11.b currently reads as follows:

- 5.5.11.b Licensees may make changes to Bases without prior NRC approval provided the changes do not involve either of the following:
1. a change in the TS incorporated in the license; or
 2. a change to the USAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59.

On October 4, 1999, the NRC amended 10 CFR 50.59 (64 FR 53582) to clarify the specific types of changes, tests, and experiments conducted at a licensed facility or by a certificate holder that require evaluation, and revise the criteria that licensees and certificate holders must use to determine when NRC approval is needed before such changes, tests, or experiments can be implemented. As part of this change, the term "unreviewed safety question," which was previously used to identify those changes, tests, or experiments that required prior NRC review and approval, was eliminated. While the amended 10 CFR 50.59 provides new criteria identifying those changes, tests, or experiments that must receive prior NRC review and approval, no similar term was included to identify these criteria.

TSTF-364, Revision 0, is an industry generated document that provides guidance to upgrade TSs to implement the amended requirements of 10 CFR 50.59. Specifically, TSTF-364 includes the following changes for facilities having Bases Control Programs with the pre-1999 10 CFR 50.59 references:

1. With respect to TS 5.5.11.b.1, the phrase "do not involve" is replaced with "do not require."
2. With respect to TS 5.5.11.b.2, the phrase "involves an unreviewed safety question as defined in 10 CFR 50.59" is replaced with "requires NRC approval pursuant to 10 CFR 50.59."

Therefore, the licensee has proposed modifying TS 5.5.11.b to read as follows:

- 5.5.11.b Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:
1. a change in the TS incorporated in the license; or
 2. a change to the USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.

As previously discussed, the staff has endorsed the above modifications included in TSTF-364. The staff considers the proposed change to TS 5.5.11.b.1 to be editorial in nature and acceptable. The proposed change to TS 5.5.11.b.2 removes reference to the outdated term "unreviewed safety question" and provides the appropriate reference to the amended 10 CFR 50.59. Therefore, the staff also finds this proposed change acceptable.

3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Ohio State official was notified of the proposed issuance of the amendment. The State official had no comments.

4.0 ENVIRONMENTAL CONSIDERATION

This amendment relates to changes in recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration and there has been no public comment on such finding (67 FR 927).

5.0 CONCLUSION

The staff has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: Douglas V. Pickett, NRR

Date: February 21, 2002