

John K. Wood  
Vice President, Nuclear

440-280-5224  
Fax: 440-280-8029

December 5, 2001  
PY-CEI/NRR-2600L

United States Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555

Perry Nuclear Power Plant  
Docket No. 50-440  
Operating License Amendment Request Pursuant to 10CFR50.90: Incorporation of  
Technical Specification Task Force (TSTF) TSTF-364, Revision 0, "Revision to Technical  
Specification Bases Control Program to Incorporate Changes to 10 CFR 50.59"

Ladies and Gentlemen:

In accordance with the provisions of 10 CFR 50.90, Nuclear Regulatory Commission (NRC) review and approval of a license amendment is requested for the Perry Nuclear Power Plant (PNPP). This request incorporates 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", into the PNPP Technical Specifications.

Attachment 1 provides a summary, a description, and a justification of the proposed change. Attachment 2 contains the annotated Technical Specification pages associated with the proposed change. Attachment 3 provides the Significant Hazards Consideration for the proposed change.

There are no regulatory commitments contained in this letter or its attachments. If you have questions or require additional information, please contact Mr. Gregory A. Dunn, Manager - Regulatory Affairs, at (440) 280-5305.

Very truly yours,



For John K. Wood

Attachments

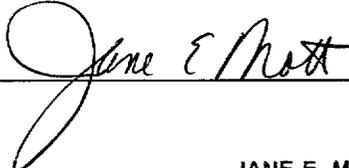
cc: NRC Project Manager  
NRC Resident Inspector  
NRC Region III  
State of Ohio

A001  
Rec'd  
01/31/02

I, Robert W. Schrauder, hereby affirm that (1) I am General Manager, Perry Nuclear Power Plant Department of the FirstEnergy Nuclear Operating Company, (2) I am duly authorized to execute and file this certification as the duly authorized agent for The Cleveland Electric Illuminating Company, Toledo Edison Company, Ohio Edison Company, and Pennsylvania Power Company, and (3) the statements set forth herein are true and correct to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Robert W. Schrauder

Subscribed to and affirmed before me, the 5<sup>th</sup> day of December, 2001

  
\_\_\_\_\_

JANE E. MOTT  
Notary Public, State of Ohio  
My Commission Expires Feb. 20, 2005  
(Recorded in Lake County)

## **SUMMARY**

This license amendment request eliminates an obsolete 10 CFR 50.59 term, specifically, the term “unreviewed safety question”, and replaces it with a direct reference to the 10 CFR 50.59 regulation. 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”, provides the bases for this license amendment request.

## **DESCRIPTION OF PROPOSED CHANGE**

The proposed change incorporates two changes into Technical Specification 5.5.11, “Technical Specifications (TS) Bases Control Program”:

- 1.) Item b. – Delete the phrase “do not involve” and replace with the phrase “do not require”, and
- 2.) Item b. 2. – Delete the entire phrase and replace with the phrase “a change to the USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.”

Page mark-ups showing these proposed changes are contained in Attachment 2.

## **SAFETY ANALYSIS**

In 1999, the Nuclear Regulatory Commission (NRC) revised its regulation controlling changes, tests, and experiments performed by licensees (Federal Register – Volume 64, Number 191, dated October 4, 1999). The changes to the regulation were prompted by the need to resolve differences in interpretation of the regulation’s requirements between the industry and the NRC. The rule change had two principal objectives: first, establishing clear definitions to promote common understanding of the rule’s requirements, and second, clarifying the criteria for determining when changes, tests, and experiments require prior NRC approval. The 1999 changes to the regulation satisfied these objectives.

The previous 10 CFR 50.59 regulation required changes, tests, or experiments be evaluated against a set of criteria which determined the changes, tests, or experiments that would require NRC approval prior to licensee implementation. This set of criteria was labeled as an “unreviewed safety question.”

The revised 10 CFR 50.59 regulation contains similar requirements. That is, changes, tests, or experiments will be evaluated against a set of criteria which determines the changes, tests, or experiments that require NRC approval prior to licensee implementation. Though the criteria is described within the regulation, no title has been given to the collective set of criteria.

In either version of the regulation, the NRC provides the requirements for evaluating changes, tests, or experiments to determine if the changes, tests, or experiments require NRC approval prior to licensee implementation.

The proposed change to TS 5.5.11, replaces the obsolete phrase “unreviewed safety question” with a reference to the use of the 10 CFR 50.59 regulation. As stated earlier, the process has remained unchanged. That is, with respect to modifying the TS Bases, a 10 CFR 50.59 evaluation is required to be performed to determine if the change requires prior NRC approval. The criteria to be used in the determination if prior NRC approval is necessary are contained within the rule. Therefore, it appears redundant to list the 10 CFR 50.59 criteria within the TS.

The proposed TS 5.5.11 modification also includes minor wording changes to ensure consistency within the Specification. These changes are considered editorial and have no impact upon the use of the 10 CFR 50.59 process which controls the TS Bases change process.

### **ENVIRONMENTAL CONSIDERATIONS**

The proposed Technical Specification change request was evaluated against the criteria of 10 CFR 51.22 for environmental considerations. The proposed change does not significantly increase individual or cumulative occupational radiation exposures, does not significantly change the types or significantly increase the amounts of effluents that may be released off-site and, as discussed in Attachment 3, does not involve a significant hazards consideration.

Based on the foregoing, it has been concluded that the proposed Technical Specification change meets the criteria given in 10 CFR 51.22(c)(9) for categorical exclusion from the requirement for an Environmental Impact Statement.

### **COMMITMENTS WITHIN THIS LETTER**

There are no regulatory commitments contained in this document. Any actions discussed in this document represent intended or planned actions, are described for the NRC's information, and are not regulatory commitments. Please notify the Manager - Regulatory Affairs at the Perry Nuclear Power Plant of any questions regarding this document.

## 5.5 Programs and Manuals

### 5.5.10 Safety Function Determination Program (SFDP) (continued)

The SFDP identifies where a loss of safety function exists. If a loss of safety function is determined to exist by this program, the appropriate Conditions and Required Actions of the LCO in which the loss of safety function exists are required to be entered.

### 5.5.11 Technical Specifications (TS) Bases Control Program

This program provides a means for processing changes to the Bases for these TS.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- 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.~~

INSERT

- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the USAR.
- d. Proposed changes that meet the criteria of Specification 5.5.11.b.1 or Specification 5.5.11.b.2 above shall be reviewed and approved by the NRC prior to implementation. ~~Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71(e).~~

A CHANGE TO THE USAR OR BASES THAT REQUIRES NRC APPROVAL PURSUANT TO 10 CFR 50.59.

### 5.5.12 Primary Containment Leakage Rate Testing Program

A program shall be established to implement the leakage rate testing of the primary containment as required by 10 CFR 50.54(o) and 10 CFR 50, Appendix J, Option B as modified by approved exemptions. This program shall be in accordance with the guidelines contained in Regulatory Guide 1.163, "Performance-Based Containment Leak-Test Program," dated September 1995, as modified by the following exceptions:

(continued)

## **SIGNIFICANT HAZARDS CONSIDERATION**

The standards used to arrive at a determination that a request for amendment involves no significant hazards considerations are included in the Commission's Regulation, 10CFR50.92, which state that the operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any previously evaluated, or (3) involve a significant reduction in a margin of safety.

**1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.**

The proposed change is consistent with the changes described in Technical Specification Task Force change TSTF-364, "Revision to TS Bases Control Program to Incorporate Changes to 10 CFR 50.59." Specifically, the proposed change deletes the reference to the term "unreviewed safety question" as defined in 10 CFR 50.59 (pre-1999 revision) and replaces it with the phrase "requires NRC approval pursuant to 10 CFR 50.59." The deletion of the definition of "unreviewed safety question" was approved by the NRC in the current revision of the 10 CFR 50.59 regulation (October 1999). Changes to the Technical Specification Bases will still be evaluated in accordance with the requirements of 10 CFR 50.59. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

**2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.**

The proposed change is to an administrative program. The change does not involve any physical modifications to the facility nor add new equipment. The methods of plant operation have not been altered. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

**3. The proposed change does not involve a significant reduction in a margin of safety.**

The proposed change is administrative in nature, based upon the current version of the 10 CFR 50.59 regulation. Changes to the Technical Specification Bases will still be evaluated by 10 CFR 50.59. The proposed change has no direct impact upon any plant safety analyses. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

On the basis of the above, it has been determined that the license amendment request does not involve a significant hazards consideration.