

June 10, 2002
PY-CEI/NRR-2639L

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

Perry Nuclear Power Plant
Docket No. 50-440
License Amendment Request pursuant to 10 CFR 50.90: Modification to the Technical Specifications regarding Missed Surveillances per the Consolidated Line Item Improvement Process

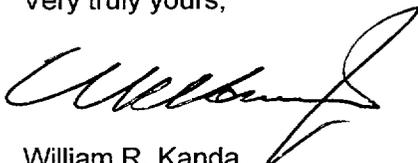
Gentleman:

A license amendment is requested to the Technical Specifications (TS) for the Perry Nuclear Power Plant (PNPP). The proposed amendment would modify the TS requirements in Surveillance Requirement (SR) 3.0.3 with respect to inadvertently missed surveillances. The changes are consistent with Technical Specification Task Force (TSTF) change TSTF-358, Revision 6. The availability of this TS improvement was published in the *Federal Register* on September 28, 2001, as part of the Consolidated Line Item Improvement Process (CLIIP). Revision 6 to TSTF-358 incorporates changes made during the public review and comment period for the CLIIP.

The Nuclear Regulatory Commission (NRC) requested verifications and confirmations of plant-specific applicability of the generic changes to PNPP are included in the attachments to this letter.

If you have questions or require additional information, please contact Mr. Gregory A. Dunn, Manager - Regulatory Affairs, at (440) 280-5305.

Very truly yours,



William R. Kanda
Vice-President - Nuclear

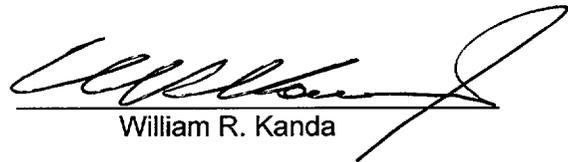
Attachments:

1. Notarized Affidavit
2. An evaluation of the changes, including a Summary, Description of the Change, Technical Analysis, Regulatory Analysis/Commitments, Environmental Consideration, and a Significant Hazards Consideration
3. Proposed Technical Specification Changes (mark-up)
4. Information copy of Technical Specification Bases (mark-up)

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

A001

I, William R. Kanda, hereby affirm that (1) I am Vice President - Perry, 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.


William R. Kanda

Subscribed to and affirmed before me, the 11 day of June 2002



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

SUMMARY

The proposed amendment would modify the Perry Nuclear Power Plant (PNPP) Technical Specification (TS) requirements for missed surveillances in Surveillance Requirement (SR) 3.0.3.

The changes are consistent with Technical Specification Task Force (TSTF) change TSTF-358, Revision 6. A notice of opportunity to comment on a Model Safety Evaluation, Environmental Consideration, and a No Significant Hazards Consideration for this change to SR 3.0.3 was published in the *Federal Register* on June 14, 2001, as part of the Consolidated Line Item Improvement Process (CLIIP). Resolution of comments on the published CLIIP, and a notice of availability of this TS improvement were published in the *Federal Register* on September 28, 2001. Revision 6 of TSTF-358 incorporates changes made as a result of the public comments on the CLIIP, and is equivalent to the "fully modified Revision 5" discussed in the September *Federal Register* notice.

DESCRIPTION OF THE CHANGE

The change to SR 3.0.3 will allow a longer period of time to perform a missed surveillance. The time is extended from the current limit of "up to 24 hours or up to the limit of the specified Frequency, whichever is less"; to a new limit of "up to 24 hours or up to the limit of the specified Frequency, whichever is greater". The change will also add a sentence to SR 3.0.3 stating that "A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed."

Optional Changes and Variations

No variations or deviations are proposed from the TS change described in TSTF-358 Revision 6 or the Nuclear Regulatory Commission (NRC) staff's Model Safety Evaluation dated June 14, 2001 (as modified by the public comments published in the September 28, 2001 *Federal Register*).

With respect to the model Bases included in TSTF-358, no deletions are being proposed, and only two minor additions to the Bases discussion are proposed (the Bases markups are provided in Attachment 4 for information, as they are not a formal part of the Technical Specifications):

- the word "inadvertently" is added, to reinforce that this allowance applies to inadvertently missed surveillances and is not to be used as an operational convenience to extend surveillance intervals.
- a reference is added to the Nuclear Energy Institute (NEI) document that is endorsed by Regulatory Guide (RG) 1.182 "Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants." The following words are added immediately after a reference in the Bases to the Regulatory Guide:

... and in the standard which it endorses, NUMARC 93-01, Revision 3, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants."

This industry standard is the document which includes the guidance for evaluation of emergent conditions such as the discovery of missed surveillances. Adding this reference will avoid future questions at PNPP similar to Comment 3 raised in the September 28, 2001 *Federal Register*.

TECHNICAL ANALYSIS

Applicability of the Published Model Safety Evaluation

A review has been performed of the model safety evaluation published June 14, 2001, as modified in response to the public comments published in the September 28, 2001 *Federal Register*. This review included the NRC staff's safety evaluation, as well as the information provided to support TSTF-358.

The review concluded that the justifications presented in the TSTF proposal and the safety evaluation prepared by the NRC staff are applicable to PNPP, and justify this amendment to SR 3.0.3 in the PNPP Technical Specifications.

REGULATORY ANALYSIS/COMMITMENTS

Plant-specific Verification of Conformance/Applicability to PNPP

As requested in the notice of availability published in the *Federal Register* on September 28, 2001, for this TS improvement, plant-specific verifications were performed as follows:

- The existing TS Bases for SR 3.0.3 (a copy is included in Attachment 4) already state that use of the delay period established by Surveillance Requirement 3.0.3 is a flexibility which is not intended to be used as an operational convenience to extend surveillance intervals. The concept that this delay is only for the performance of missed surveillances is maintained in the proposed markups. Also, as noted above, the words "inadvertently missed" are being added into the SR 3.0.3 Bases to further reinforce this concept.
- The modification will also include changes to the Bases for SR 3.0.3 that provide details on how to implement the new requirements. The Bases changes provide guidance for surveillance frequencies that are not based on time intervals but are based on specified unit conditions, operating situations, or requirements of regulations. In addition, the Bases changes state that a missed surveillance test is expected to be performed at the first reasonable opportunity, taking into account appropriate considerations, such as the impact on plant risk and accident analysis assumptions, consideration of unit conditions, planning, availability of personnel, and the time required to perform the surveillance. The Bases also state that the risk impact should be managed through the program in place to implement 10 CFR 50.65(a)(4) and its implementation guidance, NRC Regulatory Guide 1.182, "Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants", and that the missed surveillance should be treated as an emergent condition, as discussed in Regulatory Guide 1.182 and in the standard which it endorses, NUMARC 93-01, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants", Revision 3. In addition, the Bases state that the degree of depth and rigor of the evaluation should be commensurate with the importance of the component and that missed surveillances for important components should be analyzed quantitatively. The Bases also state that the results of the risk evaluation determine the safest course of action. In addition, the Bases state that all missed surveillances will be placed into the Corrective Action Program.
- Finally, PNPP Specification 5.5.11 "Technical Specifications (TS) Bases Control Program" is consistent with Section 5.5 of the improved Standard Technical Specifications. A copy of PNPP Specification 5.5.11 is included for information in Attachment 3.

Commitments

The following table identifies the actions that are considered to be regulatory commitments. Any other 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 or any associated regulatory commitments.

Commitments

1. Changes to the TS Bases for SR 3.0.3 (markups are included in Attachment 4) will be implemented concurrent with this license amendment.

ENVIRONMENTAL CONSIDERATION

An Environmental Consideration was included as Section 5.0 of the Model Safety Evaluation in the June 14, 2001 *Federal Register*. The modifications to TSTF-358 and the Model Safety Evaluation due to the public comments published on September 28, 2001, do not affect the June 14, 2001 Environmental Consideration. A review of the Environmental Consideration concluded that the staff's findings are applicable to PNPP, and it is hereby incorporated by reference for this application.

SIGNIFICANT HAZARDS CONSIDERATION

A Proposed No Significant Hazards Consideration Determination was published in the *Federal Register* on June 14, 2001. The modifications to TSTF-358 and the Model Safety Evaluation due to the public comments published on September 28, 2001, do not affect the June 14, 2001 No Significant Hazards Consideration Determination. A review of the Proposed No Significant Hazards Consideration Determination has concluded that it is applicable to PNPP, and it is hereby incorporated by reference for this application.

3.0 SURVEILLANCE REQUIREMENT (SR) APPLICABILITY

SR 3.0.1 SRs shall be met during the MODES or other specified conditions in the Applicability for individual LCOs, unless otherwise stated in the SR. Failure to meet a Surveillance, whether such failure is experienced during the performance of the Surveillance or between performances of the Surveillance, shall be failure to meet the LCO. Failure to perform a Surveillance within the specified Frequency shall be failure to meet the LCO except as provided in SR 3.0.3. Surveillances do not have to be performed on inoperable equipment or variables outside specified limits.

SR 3.0.2 The specified Frequency for each SR is met if the Surveillance is performed within 1.25 times the interval specified in the Frequency, as measured from the previous performance or as measured from the time a specified condition of the Frequency is met.

For Frequencies specified as "once," the above interval extension does not apply.

If a Completion Time requires periodic performance on a "once per . . ." basis, the above Frequency extension applies to each performance after the initial performance.

Exceptions to this Specification are stated in the individual Specifications.

SR 3.0.3 If it is discovered that a Surveillance was not performed within its specified Frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified Frequency, whichever is ~~less~~. This delay greater period is permitted to allow performance of the Surveillance. A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed. If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

When the Surveillance is performed within the delay period and the Surveillance is not met, the LCO must immediately be declared not met, and the applicable Condition(s) must be entered.

(continued)

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 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.

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).

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:

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No changes
to this page,
provided for
information.

BASES

SR 3.0.2
(continued)

The 25% extension does not significantly degrade the reliability that results from performing the Surveillance at its specified Frequency. This is based on the recognition that the most probable result of any particular Surveillance being performed is the verification of conformance with the SRs. The exceptions to SR 3.0.2 are those Surveillances for which the 25% extension of the interval specified in the Frequency does not apply. These exceptions are stated in the individual Specifications. The requirements of regulations take precedence over the TS. An example is in the Primary Containment Leakage Rate Testing Program. This program establishes testing requirements and Frequencies in accordance with the requirements of regulations. The TS cannot in and of themselves extend a test interval specified in the regulations.

As stated in SR 3.0.2, the 25% extension also does not apply to the initial portion of a periodic Completion Time that requires performance on a "once per..." basis. The 25% extension applies to each performance after the initial performance. The initial performance of the Required Action, whether it is a particular Surveillance or some other remedial action, is considered a single action with a single Completion Time. One reason for not allowing the 25% extension to this Completion Time is that such an action usually verifies that no loss of function has occurred by checking the status of redundant or diverse components or accomplishes the function of the inoperable equipment in an alternative manner.

No changes
to this page;
provided for
information

The provisions of SR 3.0.2 are not intended to be used repeatedly merely as an operational convenience to extend Surveillance intervals (other than those consistent with refueling intervals) or periodic Completion Time intervals beyond those specified.

SR 3.0.3



SR 3.0.3 establishes the flexibility to defer declaring affected equipment inoperable or an affected variable outside the specified limits when a Surveillance has not been completed within the specified Frequency. A delay period of up to 24 hours or up to the limit of the specified

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Note: Page 4 of 4 provides a clean re-typed version of these paragraphs.

BASES

greater

SR 3.0.3
(continued)

Frequency, whichever is less, applies from the point in time that it is discovered that the Surveillance has not been performed in accordance with SR 3.0.2, and not at the time that the specified Frequency was not met. This delay period provides adequate time to complete Surveillances that have been missed. This delay period permits the completion of a Surveillance before complying with Required Actions or other remedial measures that might preclude completion of the Surveillance.

inadvertently

The basis for this delay period includes consideration of unit conditions, adequate planning, availability of personnel, the time required to perform the Surveillance, the safety significance of the delay in completing the required Surveillance, and the recognition that the most probable result of any particular Surveillance being performed is the verification of conformance with the requirements.

, operating situations, or requirements of regulations (e.g., prior to entering MODE 1 after each fuel loading, or in accordance with 10 CFR 50, Appendix J, as modified by approved exemptions, etc.)

When a Surveillance with a Frequency based not on time intervals, but upon specified unit conditions ~~or operational situations~~, is discovered not to have been performed when specified, SR 3.0.3 allows the full delay period of 24 hours to perform the Surveillance.

up to the specified Frequency

SR 3.0.3 also provides a time limit for completion of Surveillances that become applicable as a consequence of MODE changes imposed by Required Actions.

However, since there is not a time interval specified, the missed Surveillance should be performed at the first reasonable opportunity.

Failure to comply with specified Frequencies for SRs is expected to be an infrequent occurrence. Use of the delay period established by SR 3.0.3 is a flexibility which is not intended to be used as an operational convenience to extend Surveillance intervals.

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If a Surveillance is not completed within the allowed delay period, then the equipment is considered inoperable or the variable then is considered outside the specified limits and the Completion Times of the Required Actions for the applicable LCO Conditions begin immediately upon expiration of the delay period. If a Surveillance is failed within the delay period, then the equipment is inoperable, or the variable is outside the specified limits and the Completion Times of the Required Actions for the applicable LCO Conditions begin immediately upon the failure of the Surveillance.

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, and allowances for the performance of,

INSERT 1 for Bases page B 3.0-13

While up to 24 hours or the limit of the specified Frequency is provided to perform the inadvertently missed Surveillance, it is expected that the missed Surveillance will be performed at the first reasonable opportunity. The determination of the first reasonable opportunity should include consideration of the impact on plant risk (from delaying the Surveillance as well as any plant configuration changes required or shutting the plant down to perform the Surveillance) and impact on any analysis assumptions, in addition to unit conditions, planning, availability of personnel, and the time required to perform the Surveillance. This risk impact should be managed through the program in place to implement 10 CFR 50.65(a)(4) and its implementation guidance, NRC Regulatory Guide 1.182, 'Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants.' This Regulatory Guide addresses consideration of temporary and aggregate risk impacts, determination of risk management action thresholds, and risk management action up to and including plant shutdown. The missed Surveillance should be treated as an emergent condition as discussed in the Regulatory Guide and in the standard which it endorses, NUMARC 93-01, Revision 3, 'Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants.' The risk evaluation may use quantitative, qualitative, or blended methods. The degree of depth and rigor of the evaluation should be commensurate with the importance of the component. Missed Surveillances for important components should be analyzed quantitatively. If the results of the risk evaluation determine the risk increase is significant, this evaluation should be used to determine the safest course of action. All missed Surveillances will be placed in the Corrective Action Program.

Retype of Bases Paragraphs with Significant Markups (Bases Page B 3.0-13)

... the most probable result of any particular Surveillance being performed is the verification of conformance with the requirements.

When a Surveillance with a Frequency based not on time intervals, but upon specified unit conditions, operating situations, or requirements of regulations (e.g., prior to entering MODE 1 after each fuel loading, or in accordance with 10 CFR 50, Appendix J, as modified by approved exemptions, etc.) is discovered to not have been performed when specified, SR 3.0.3 allows for the full delay period of up to the specified Frequency to perform the Surveillance. However, since there is not a time interval specified, the missed Surveillance should be performed at the first reasonable opportunity.

SR 3.0.3 provides a time limit for, and allowances for the performance of, Surveillances that become applicable as a consequence of MODE changes imposed by Required Actions.

Failure to comply with specified Frequencies for SRs is expected to be an infrequent occurrence. Use of the delay period established by SR 3.0.3 is a flexibility which is not intended to be used as an operational convenience to extend Surveillance intervals. While up to 24 hours or the limit of the specified Frequency is provided to perform the inadvertently missed Surveillance, it is expected that the missed Surveillance will be performed at the first reasonable opportunity. The determination of the first reasonable opportunity should include consideration of the impact on plant risk (from delaying the Surveillance as well as any plant configuration changes required or shutting the plant down to perform the Surveillance) and impact on any analysis assumptions, in addition to unit conditions, planning, availability of personnel, and the time required to perform the Surveillance. This risk impact should be managed through the program in place to implement 10 CFR 50.65(a)(4) and its implementation guidance, NRC Regulatory Guide 1.182, "Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants". This Regulatory Guide addresses consideration of temporary and aggregate risk impacts, determination of risk management action thresholds, and risk management action up to and including plant shutdown. The missed Surveillance should be treated as an emergent condition as discussed in the Regulatory Guide and in the standard which it endorses, NUMARC 93-01, Revision 3, "Industry Guideline for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants". The risk evaluation may use quantitative, qualitative, or blended methods. The degree of depth and rigor of the evaluation should be commensurate with the importance of the component. Missed Surveillances for important components should be analyzed quantitatively. If the results of the risk evaluation determine the risk increase is significant, this evaluation should be used to determine the safest course of action. All missed Surveillances will be placed in the Corrective Action Program.

If a Surveillance is not completed within the allowed delay period, then ...