

January 13, 1992

Docket No. 50-440

DISTRIBUTION:

Mr. Michael D. Lyster, Vice President
Nuclear - Perry
The Cleveland Electric Illuminating
Company
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Dear Mr. Lyster:

SUBJECT: AMENDMENT NO. 39 TO FACILITY OPERATING LICENSE NO. NPF-58
(TAC NO. M75594)

The Commission has issued the enclosed Amendment No. 39 to Facility Operating License No. NPF-58 for the Perry Nuclear Power Plant, Unit No. 1. This amendment revises the Technical Specifications (TS) in response to your application dated December 18, 1989.

The amendment revises TS 4.0.2 to remove the 3.25 limit on the time interval for three consecutive surveillance tests, in accordance with NRC Generic Letter 89-14, dated August 21, 1989. The maximum allowable extension of a surveillance interval will remain at 25% of the specified interval. In addition, the Bases section is revised to reflect that this provision is not intended to be used as a convenience to routinely extend intervals for surveillances not performed during refueling outages.

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

Sincerely,

Original Signed By:

James R. Hall, Sr. Project Manager
Project Directorate III-3
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation

Enclosures:

1. Amendment No. 39 to License No. NPF-58
2. Safety Evaluation

cc w/enclosures:
See next page

Office: LA/PDIII-3/DRPW
Surname: ~~PKreutzer~~
Date: 12/24/91

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JFOI
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.

DOCKET NO. 50-440

PERRY NUCLEAR POWER PLANT, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 39
License No. NPF-58

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by The Cleveland Electric Illuminating Company, Centerior Service Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company (the licensees) dated December 18, 1989 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:

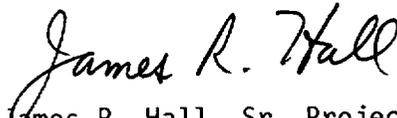
9201240227 920113
PDR ADOCK 05000440
P PDR

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 39 are hereby incorporated into this license. The Cleveland Electric Illuminating Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



James R. Hall, Sr. Project Manager
Project Directorate III-3
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of issuance: January 13, 1992

ATTACHMENT TO LICENSE AMENDMENT NO. 39

FACILITY OPERATING LICENSE NO. NPF-58

DOCKET NO. 50-440

Replace the following pages of the Appendix "A" Technical Specifications with the attached pages. The revised pages are identified by Amendment number and contain vertical lines indicating the area of change. Overleaf pages are provided to maintain document completeness.

Remove

3/4 0-2

B 3/4 0-4

Insert

3/4 0-2

B 3/4 0-4

3/4.0 APPLICABILITY

LIMITING CONDITION FOR OPERATION

3.0.1 Compliance with the Limiting Conditions for Operation contained in the succeeding Specifications is required during the OPERATIONAL CONDITIONS or other conditions specified therein; except that upon failure to meet the Limiting Conditions for Operation, the associated ACTION requirements shall be met.

3.0.2 Noncompliance with a Specification shall exist when the requirements of the Limiting Condition for Operation and associated ACTION requirements are not met within the specified time intervals. If the Limiting Condition for Operation is restored prior to expiration of the specified time intervals, completion of the Action requirements is not required.

3.0.3 When a Limiting Condition for Operation is not met, except as provided in the associated ACTION requirements, within one hour action shall be initiated to place the unit in an OPERATIONAL CONDITION in which the Specification does not apply by placing it, as applicable, in:

1. At least STARTUP within the next 6 hours,
2. At least HOT SHUTDOWN within the following 6 hours, and
3. At least COLD SHUTDOWN within the subsequent 24 hours.

Where corrective measures are completed that permit operation under the ACTION requirements, the ACTION may be taken in accordance with the specified time limits as measured from the time of failure to meet the Limiting Condition for Operation. Exceptions to these requirements are stated in the individual Specifications.

This Specification is not applicable in OPERATIONAL CONDITIONS 4 or 5.

3.0.4 Entry into an OPERATIONAL CONDITION or other specified condition shall not be made when the conditions for the Limiting Conditions for Operation are not met and the associated ACTION requires a shutdown if they are not met within a specified time interval. Entry into an OPERATIONAL CONDITION or other specified condition may be made in accordance with the ACTION requirements when conformance to them permits continued operation of the facility for an unlimited period of time. This provision shall not prevent passage through or to OPERATIONAL CONDITIONS as required to comply with ACTION requirements. Exceptions to these requirements are stated in the individual Specifications.

APPLICABILITY

SURVEILLANCE REQUIREMENTS

4.0.1 Surveillance Requirements shall be met during the OPERATIONAL CONDITIONS or other conditions specified for individual Limiting Conditions for Operation unless otherwise stated in an individual Surveillance Requirement.

4.0.2 Each Surveillance Requirement shall be performed within the specified surveillance interval with a maximum allowable extension not to exceed 25 percent of the specified surveillance interval.

4.0.3 Failure to perform a Surveillance Requirement within the allowed surveillance interval, defined by Specification 4.0.2, shall constitute noncompliance with the OPERABILITY requirements for a Limiting Condition for Operation. The time limits of the ACTION requirements are applicable at the time it is identified that a Surveillance Requirement has not been performed. The ACTION requirements may be delayed for up to 24 hours to permit the completion of the surveillance when the allowable outage time limits of the ACTION requirements are less than 24 hours. Surveillance Requirements do not have to be performed on inoperable equipment.

4.0.4 Entry into an OPERATIONAL CONDITION or other specified applicable condition shall not be made unless the Surveillance Requirement(s) associated with the Limiting Condition for Operation have been performed within the applicable surveillance interval or as otherwise specified. This provision shall not prevent passage through or to OPERATIONAL CONDITIONS as required to comply with ACTION requirements.

4.0.5 Surveillance Requirements for inservice inspection and testing of ASME Code Class 1, 2, and 3 components shall be applicable as follows:

- a. Inservice inspection of ASME Code Class 1, 2, and 3 components and inservice testing of ASME Code Class 1, 2, and 3 pumps and valves shall be performed in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda as required by 10 CFR 50, Section 50.55a(g), except where specific written relief has been granted by the Commission pursuant to 10 CFR 50, Section 50.55a(g)(6)(i).
- b. Surveillance intervals specified in Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda for the inservice inspection and testing activities required by the ASME Boiler and Pressure Vessel Code and applicable Addenda shall be applicable as follows in these Technical Specifications:

ASME Boiler and Pressure Vessel Code and applicable Addenda terminology for inservice inspection and testing activities

Required frequencies for performing inservice inspection and testing activities

Weekly
Monthly
Quarterly or every 3 months
Semiannually or every 6 months
Every 9 months
Yearly or annually

At least once per 7 days
At least once per 31 days
At least once per 92 days
At least once per 184 days
At least once per 276 days
At least once per 366 days

3/4.0 APPLICABILITY

BASES (Continued)

time to reach COLD SHUTDOWN, or other OPERATIONAL CONDITION, is not reduced. For example, if STARTUP is reached in 2 hours, the time allowed to reach HOT SHUTDOWN is the next 11 hours because the total time to reach HOT SHUTDOWN is not reduced from the allowable limit of 13 hours. Therefore, if remedial measures are completed that would permit a return to POWER operation, a penalty is not incurred by having to reach a lower CONDITION of operation in less than the total time allowed.

The same principle applies with regard to the allowable outage time limits of the ACTION requirements, if compliance with the ACTION requirements for one specification results in entry into an OPERATIONAL CONDITION or condition of operation for another specification in which the requirements of the Limiting Condition for Operation are not met. If the new specification becomes applicable in less time than specified, the difference may be added to the allowable outage time limits of the second specification. However, the allowable outage time limits of ACTION requirements for a higher CONDITION of operation may not be used to extend the allowable outage time that is applicable when a Limiting Condition for Operation is not met in a lower CONDITION of operation.

The shutdown requirements of Specification 3.0.3 do not apply in CONDITIONS 4 and 5, because the ACTION requirements of individual specifications define the remedial measures to be taken.

Specification 3.0.4 establishes limitations on a change in OPERATIONAL CONDITIONS when a Limiting Condition for Operation is not met. It precludes placing the facility in a higher CONDITION of operation when the requirements for a Limiting Condition for Operation are not met and continued noncompliance to these conditions would result in a shutdown to comply with the ACTION requirements if a change in CONDITIONS were permitted. The purpose of this specification is to ensure that facility operation is not initiated or that higher CONDITIONS of operation are not entered when corrective action is being taken to obtain compliance with a specification by restoring equipment to OPERABLE status or parameters to specified limits. Compliance with ACTION requirements that permit continued operation of the facility for an unlimited period of time provides an acceptable level of safety for continued operation without regard to the status of the plant before or after a change in OPERATIONAL CONDITIONS. Therefore, in this case, entry into an OPERATIONAL CONDITION or other specified condition may be made in accordance with the provisions of the ACTION requirements. The provisions of this specification should not, however, be interpreted as endorsing the failure to exercise good practice in restoring systems or components to OPERABLE status before plant startup.

When a shutdown is required to comply with ACTION requirements, the provisions of Specification 3.0.4 do not apply because they would delay placing the facility in a lower CONDITION of operation.

Specifications 4.0.1 through 4.0.5 establish the general requirements applicable to Surveillance Requirements. These requirements are based on the

3/4.0 APPLICABILITY

BASES (Continued)

Surveillance Requirements stated in the Code of Federal Regulations, 10 CFR 50.36(c)(3):

"Surveillance requirements are requirements relating to test, calibration, or inspection to ensure that the necessary quality of systems and components is maintained, that facility operation will be within safety limits, and that the limiting conditions of operation will be met."

Specification 4.0.1 establishes the requirement that surveillances must be performed during the OPERATIONAL CONDITIONS or other conditions for which the requirements of the Limiting Conditions for Operation apply unless otherwise stated in an individual Surveillance Requirement. The purpose of this specification is to ensure that surveillances are performed to verify the operational status of systems and components and that parameters are within specified limits to ensure safe operation of the facility when the plant is in an OPERATIONAL CONDITION or other specified condition for which the individual Limiting Conditions for Operation are applicable. Surveillance Requirements do not have to be performed when the facility is in an OPERATIONAL CONDITION for which the requirements of the associated Limiting Condition for Operation do not apply unless otherwise specified. The Surveillance Requirements associated with a Special Test Exception are only applicable when the Special Test Exception is used as an allowable exception to the requirements of a specification.

Specification 4.0.2 establishes the limit for which the specified time interval for Surveillance Requirements may be extended. It permits an allowable extension of the specified surveillance interval to facilitate surveillance scheduling and consideration of plant operating conditions that may not be suitable for conducting the surveillance; e.g., transient conditions or other ongoing surveillance or maintenance activities. It also provides flexibility to accommodate the length of a fuel cycle for surveillances that are performed at each refueling outage and are specified with an 18 month surveillance interval.

It is not intended that this provision be used repeatedly as a convenience to extend surveillance intervals beyond that specified for surveillances that are not performed during refueling outages. The limitation of Specification 4.0.2 is based on engineering judgment and the recognition that the most probable result of any particular surveillance being performed is the verification of conformance with the Surveillance Requirements. This provision is sufficient to ensure that the reliability ensured through surveillance activities is not significantly degraded beyond that obtained from the specified surveillance interval.

Specification 4.0.3 establishes that the failure to perform a Surveillance Requirement within the allowed surveillance interval, defined by the provisions of Specification 4.0.2, is a condition that constitutes a failure to meet the OPERABILITY requirements for a Limiting Condition for Operation. Under the provisions of this specification, systems and components are assumed to be OPERABLE when Surveillance Requirements have been satisfactorily performed within the specified time interval. However, nothing in this provision is to be construed as implying that systems or components are OPERABLE when they are found or known to be inoperable although still meeting the Surveillance Requirements. This specification also clarifies that the ACTION requirements are applicable when Surveillance Requirements have not been completed within the allowed surveillance interval and that the time limits of the ACTION requirements apply from the



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 39 TO FACILITY OPERATING LICENSE NO. NPF-58
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.
PERRY NUCLEAR POWER PLANT, UNIT NO. 1
DOCKET NO. 50-440

1.0 INTRODUCTION

By letter dated December 18, 1989, the Cleveland Electric Illuminating Company (the licensee) proposed changes to the Technical Specifications (TSs) for the Perry Nuclear Power Plant, Unit 1. The proposed changes would remove the provision of TS 4.0.2 that limits the combined time interval for three consecutive surveillances to less than 3.25 times the specified interval. Also, the Bases would be revised to state that the provision is not intended to be used as a convenience to extend intervals beyond those specified for surveillances that are not performed during refueling outages. Guidance on this proposed change was provided to all power reactor licensees and applicants in NRC Generic Letter 89-14, dated August 21, 1989.

2.0 EVALUATION

Specification 4.0.2 includes the provision that allows a surveillance interval to be extended by 25 percent of the specified time interval. This extension provides flexibility for scheduling the performance of surveillances and permits consideration of plant operating conditions that may not be suitable for conducting a surveillance at the specified time interval. Such operating conditions include transient plant operation or ongoing surveillance or maintenance activities. Specification 4.0.2 further limits the allowance for extending surveillance intervals by requiring that the combined time interval for any three consecutive surveillances not exceed 3.25 times the specified time interval. The purpose of this provision is to assure that surveillances are not extended repeatedly as an operational convenience to provide an overall increase in the surveillance interval.

Experience has shown that the 18-month surveillance interval, with the provision to extend it by 25 percent, is usually sufficient to accommodate normal variations in the length of a fuel cycle. However, the NRC staff has routinely granted requests for one-time exceptions to the 3.25 limit in extending refueling surveillances because the risk to safety is low in

contrast to the alternative of a forced shutdown to perform those surveillances. Therefore, the 3.25 limitation on extending surveillances has not been a practical limit on the use of the 25 percent allowance for extending surveillances that are performed on a refueling outage basis.

Extending surveillance intervals during plant operation can also result in a benefit to safety when a scheduled surveillance is due at a time that is not suitable for conducting the surveillance. This may occur when transient plant operating conditions exist or when safety systems are out of service for maintenance or other surveillance activities. In such cases, the benefit to safety of extending a surveillance interval would exceed any safety benefit derived by limiting the use of the 25 percent allowance to extend a surveillance. Furthermore, there is the administrative burden associated with tracking the use of the 25 percent allowance to ensure compliance with the 3.25 limit.

In view of these findings, the staff concluded that Specification 4.0.2 should be changed to remove the 3.25 limit for all surveillances because its removal will have an overall positive effect on safety. The guidance provided in Generic Letter 89-14 consists of the following change to this specification, which removes the 3.25 limit on three consecutive surveillances with the following statement:

"4.0.2 Each Surveillance Requirement shall be performed within the specified surveillance interval with a maximum allowable extension not to exceed 25 percent of the specified surveillance interval."

In addition, the Bases of this specification were updated to reflect this change by noting that it is not the intent of the allowance for extending surveillance intervals that it be used repeatedly merely as an operational convenience to extend surveillance intervals beyond those specified.

The licensee has proposed changes to TS 4.0.2 and the associated Bases that are consistent with the guidance of Generic Letter 89-14, as discussed above. On that basis, the staff finds that the proposed changes to the TS for the Perry Nuclear Power Plant, Unit 1 are 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 involves a change to a requirement with respect to the installation or use of a facility component located within the restricted area as

defined in 10 CFR Part 20 and a change to a surveillance requirement. The staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that this amendment involves no significant hazards consideration and there has been no public comment on such finding (55 FR 2433). Accordingly, this amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this amendment.

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 Contributors: Thomas G. Dunning
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Date: January 13, 1992

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Cleveland Electric Illuminating Company

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