

April 23, 2004

Mr. William R. Kanda
Vice President - Nuclear, Perry
FirstEnergy Nuclear Operating Company
Perry Nuclear Power Plant
P.O. Box 97, A200
10 Center Road
Perry, OH 44081

SUBJECT: PERRY NUCLEAR POWER PLANT, UNIT 1 - ISSUANCE OF AMENDMENT
(TAC NO. MB7518)

Dear Mr. Kanda:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 129 to Facility Operating License No. NPF-58 for the Perry Nuclear Power Plant, Unit 1. This amendment revises the Technical Specifications (TS) in response to your application dated January 14, 2003.

This amendment revises TS 5.1.1, 5.4.1, and 5.5.1 which replaces the requirement for the plant manager to approve administrative procedures and the Offsite Dose Calculation Manual. The plant manager approval signature will be replaced with the signature of a procedurally authorized individual who would be the more appropriate authority for approval of the activity. Additionally, a change is proposed to revise License Condition 2.F to replace the 30-day reporting period with a direct reference to the Title 10 of the *Code of Federal Regulations* Part 50, Section 50.73 subsection that contains the reporting period. The License Condition currently references 10 CFR 50.73 for use in reporting plant issues.

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

Sincerely,

/RA/

Stephen P. Sands, 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. 129 to
License No. NPF-58
2. Safety Evaluation

cc w/encls: See next page

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ADAMS Accession No.: ML040340317 (Amendment)

ADAMS Accession No.: ML041170165 (Technical Specifications)

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Perry Nuclear Power Plant, Unit 1

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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. 129
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 January 14, 2003, 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. 129 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. License Condition 2.F

Additionally, the license is amended as indicated in License Condition 2.F of Facility Operating License No. NPF-58. Except for Section 2.C.(2), the licensee shall report any violations of the requirements contained in Section 2.C of this license in the following manner: Initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup in accordance with the procedures described in 10 CFR 50.73(a)(1), (b),(c), and (e).

4. 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: April 23, 2004

ATTACHMENT TO LICENSE AMENDMENT NO. 129

FACILITY OPERATING LICENSE NO. NPF-58

DOCKET NO. 50-440

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

<u>Remove</u>	<u>Insert</u>
5.0-1	5.0-1
5.0-5	5.0-5
5.0-6	5.0-6

Replace the following page of the Operating License (No. NPF-58), License Condition 2F, with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the area of change.

<u>Remove</u>	<u>Insert</u>
- 6 -	- 6 -

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 129 TO FACILITY OPERATING LICENSE NO. NPF-58

FIRSTENERGY NUCLEAR OPERATING COMPANY

PERRY NUCLEAR POWER PLANT

DOCKET NO. 50-440

1.0 INTRODUCTION

By letter dated January 14, 2003, FirstEnergy Nuclear Operating Company (FENOC), the licensee, submitted a license amendment request for the Perry Nuclear Power Plant (PNPP) to change Technical Specifications (TS) 5.1.1, 5.4.1, and 5.5.1. The proposed changes would replace the requirement for the plant manager to approve administrative procedures and the Offsite Dose Calculation Manual (ODCM) and clarify that the time for submitting written reports of violations of License Condition 2.C (except 2.C.(2)) is governed by Title 10 of the *Code of Federal Regulations*, Part 50, Section 50.73 (10 CFR 50.73).

2.0 BACKGROUND

In this license amendment request, the licensee proposes changes to TS 5.1.1, 5.4.1, and 5.5.1 which would replace the requirement for the plant manager to approve administrative procedures and the ODCM. The plant manager approval signature would be replaced with the signature of a procedurally authorized individual who would be the more appropriate authority for approval of the activity. Additionally, a change is proposed to revise License Condition 2.F to replace the 30-day reporting period with a direct reference to the 10 CFR 50.73 subsection that contains the reporting period. The License Condition already references 10 CFR 50.73 for use in reporting plant issues. Both changes are considered administrative in nature and, for the reasons set forth below, will still maintain an acceptable level of program control.

3.0 EVALUATION

The licensee proposes the following changes in their TS amendment request:

- TS 5.1, "Responsibility," Item 5.1.1, delete the phrase "and all administrative procedures," after the words "equipment that affect nuclear safety."
- TS 5.4.1, "Scope," insert as a new section, "Responsibility," then add the sentence, "The above procedures will be approved by procedurally authorized individuals."
- TS 5.5.1, "Offsite Dose Calculation Manual (ODCM)," delete the term "of the plant manager," after the words "Shall become effective after review and acceptance including approval," and replace with the term, "by the procedurally authorized individual."

The proposed change to License Condition 2.F of the Operating License deletes the phrase "within thirty (30) days," and adds subsection "(a)(1)" after the regulation 10 CFR 50.73 within the License Condition.

Regulatory Guide (RG) 1.33, "Quality Assurance Program Requirements (Operation)," provides guidance for administrative controls for nuclear power plants. The RG endorses American National Standards Institute (ANSI) N18.7-1976/ANS-3.2, "Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants." This standard provides acceptable processes for the development and implementation of administrative controls associated with site activities. FENOC is committed to RG 1.33 and ANSI N18.7-1976/ANS-3.2 standard, as documented in their Quality Assurance (QA) Program Manual.

The proposed change to replace the plant manager's approval with the approval authority listed as "procedurally authorized individuals," will allow other PNPP management personnel to approve activities when their position is designated as the approval authority. This change should improve effectiveness in the control of site activities since the person responsible for the activity implementation will be the direct authority for approval. The ODCM is controlled as a procedure at PNPP and therefore, the amendment request will not discriminate between procedures and the ODCM. Nuclear Regulatory Commission approval of this change will allow for designation in procedures of the most appropriate authority for activities affecting nuclear safety and will allow increased organizational flexibility and responsiveness, while continuing to meet ANSI/ANS. The changes proposed by the licensee are consistent with NUREG-1434, "Standard Technical Specifications General Electric Plants, BWR/6."

4.0 TECHNICAL EVALUATION

TS 5.1, 5.4.1, and 5.5.1

Technical Specifications 5.1, 5.4.1, and 5.5.1 identify the approval authority for plant procedures (including plant administrative procedures), Emergency Operating Procedures, quality assurance for effluent and environmental monitoring, as well as the ODCM. The proposed change to replace the plant manager approval with "procedurally authorized individuals," as the approval authority continues to meet the ANSI N18.7-1976/ANS 3.2 standard, entitled "Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants." The PNPP is currently committed to ANSI N18.7-1976/ANS 3.2 through its QA Program. ANSI N18.7-1976/ANS 3.2, Section 5.2.15, "Review, Approval, and Control of Procedures," states that such approvals be provided by "authorized personnel," and does not limit this to a single individual, such as the plant manager.

This change will allow for other PNPP plant management to approve these items when their position is designated the approval authority for the procedure controlling the activity. In addition, because the approval authority will be that established for the procedure, it is no longer necessary for TS 5.1.1 to provide for the delegation of approval to a designee by the plant manager. Because changes in the QA Program are controlled by the requirements of 10 CFR 50.54(a), the designation of "procedurally authorized individuals," and the ongoing commitment to ANSI N18.7-1976/ANS 3.2 in the QA Program will maintain proper control over items in TS 5.1.1 and 5.5.1. Also, the PNPP intends to designate section managers, superintendents, and supervisors as the approval authority for site procedures. Individuals in these positions must satisfy the qualification requirements of ANSI N18.1-1971, "Standard for Selection and Training of Personnel for Nuclear Power Plants," as stated in TS 5.3, "Unit Staff Qualifications," and the Updated Safety Analysis Report (USAR), Table 13.1-1, "Perry Staff

Titles and ANSI N18.1-1971 Equivalent.” The proposed change will not change these qualification requirements and changes to the USAR are controlled by the requirements of 10 CFR 50.59. In view of the foregoing, the proposed changes to TS 5.1, 5.4.1, and 5.5.1 are acceptable.

In addition, guidance for assigning approval authority for administrative controls associated with site activities is contained in plant procedures. This will provide a measure of control and aid in ensuring that the proper individuals will be assigned to approve procedures. This is also consistent with guidance contained in ANSI N18.7/ANS3.2 and provides acceptable guidance and processes for the development and implementation of administrative controls associated with site activities.

The staff reviewed the submitted information regarding the proposed TS changes. The staff established that the methodology employed has been approved by the NRC and satisfies the guidance in RG 1.33, “Quality Assurance Program Requirements,” and ANSI N18.7-1976/ANS3.2. The proposed changes are also in accordance with NUREG-1430, Revision 1, and are administrative in nature and are acceptable to the staff. The methodology was applied correctly by PNPP, thus, the proposal is acceptable.

License Condition 2.F

License condition 2.F references the use of 10 CFR 50.73 for the written reporting of particular events. The proposed change replaces the time frame listed in the TS associated with reporting in accordance with Title 10, Part 50, Section 50.73, of the *Code of Federal Regulations*, and directly references the portions of 10 CFR 50.73 that contain the reporting time period. The reporting periodicity is a requirement of the regulation, and is acceptable.

5.0 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.

6.0 ENVIRONMENTAL CONSIDERATIONS

This amendment relates to changes in recordkeeping, reporting, or administrative procedures or requirements. 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 (68 FR 15761). 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.

7.0 CONCLUSIONS

The staff has concluded, based on the considerations 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: Stephen P. Sands

Date: April 23, 2004