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Vice President440-280-5382
Fax: 440-280-8029October 13, 2006
Docket Number 50-440
License Number NPF-58
PY-CEI/NRR-2976L

10 CFR 50.90

United States Nuclear Regulatory Commission
Document Control Desk
Washington, D.C. 20555

Subject: Perry Nuclear Power Plant
License Amendment Request to Eliminate Unnecessary Reporting Requirements
in the Operating License and the Administrative Controls Section of the Technical
Specifications

Nuclear Regulatory Commission (NRC) review and approval of a license amendment for the Perry Nuclear Power Plant (PNPP) is requested. The proposed amendment eliminates License Condition 2.F, which requires reporting violations of Operating License Section 2.C, and eliminates Technical Specification 5.6.6 which contains a reporting condition similar to Operating License Section 2.C.(6). The availability of this Operating License improvement was announced in the *Federal Register* on November 4, 2005 as part of the Consolidated Line Item Improvement Process (CLIP). Enclosure 1 includes an evaluation of the proposed amendment.

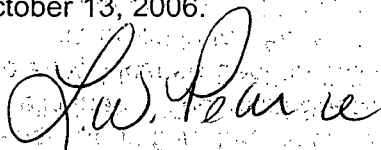
Approval of the license amendment is requested prior to September 28, 2007, with the amendment to be implemented within 90 days following its effective date. Though the amendment is not needed to directly support plant operations, it is beneficial in improving administrative efficiency.

The proposed change has been reviewed by the PNPP Plant Operations Review Committee and the Company Nuclear Review Board.

In accordance with 10 CFR 50.91, a copy of this application, with enclosure, is being provided to the designated Ohio official.

There are no regulatory commitments included in this letter or its attachments. If there are any questions or if additional information is required, please contact Mr. Gregory A. Dunn, Manager – FENOC Fleet Licensing, at 330-315-7243.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
October 13, 2006.



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Enclosure:

1. Perry Nuclear Power Plant Evaluation for Proposed License Amendment to Eliminate License Condition 2.F Which Requires Reporting Violations of Operating License Section 2.C and to Eliminate Technical Specification 5.6.6 Which Contains a Condition Similar to Operating License Section 2.C.(6)

cc: NRC Project Manager
NRC Resident Inspector
NRC Region III
N. Dragani, Executive Director, Ohio Emergency Management Agency, State of Ohio
(NRC Liaison)

PERRY NUCLEAR POWER PLANT
EVALUATION
FOR PROPOSED LICENSE AMENDMENT TO ELIMINATE
LICENSE CONDITION 2.F WHICH REQUIRES REPORTING VIOLATIONS OF
OPERATING LICENSE SECTION 2.C AND TO ELIMINATE TECHNICAL
SPECIFICATION 5.6.6 WHICH CONTAINS A CONDITION SIMILAR TO
OPERATING LICENSE SECTION 2.C.(6)

- 1.0 INTRODUCTION
- 2.0 DESCRIPTION OF PROPOSED AMENDMENT
- 3.0 BACKGROUND
- 4.0 TECHNICAL ANALYSIS
- 5.0 REGULATORY ANALYSIS
 - 5.1 NO SIGNIFICANT HAZARDS CONSIDERATION
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- 6.0 ENVIRONMENTAL EVALUATION
- 7.0 PRECEDENT
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1.0 INTRODUCTION

The proposed amendment deletes Section 2.F of the Perry Nuclear Power Plant (PNPP) Operating License (OL) (Facility Operating License NPF-58), which requires reporting of violations of the requirements in Section 2.C of the PNPP OL, and deletes Technical Specification 5.6.6, "Special Reports," which contains a reporting condition similar to Operating License Section 2.C.(6). The availability of this operating license improvement was announced in the *Federal Register* on November 4, 2005 as part of the Consolidated Line Item Improvement Process (CLIIP).

2.0 DESCRIPTION OF PROPOSED AMENDMENT

Consistent with the CLIIP Notice of Availability (70 FR 67202), the proposed amendment consists of deleting Section 2.F of the PNPP OL (NPF-58) and Technical Specification 5.6.6.

The current requirements of Section 2.F of the OL are as follows:

"Except for Section 2.C.(2), FENOC 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)."

The existing conditions in Section 2.C that are subject to the current reporting requirement consist of the following:

(1) **Maximum Power Level**

FENOC is authorized to operate the facility at reactor core power levels not in excess of 3758 megawatts thermal (100% power) in accordance with the conditions specified herein.

(3) **Antitrust Conditions**

- a. FirstEnergy Nuclear Generation Corp. and Ohio Edison Company shall comply with the antitrust conditions delineated in Appendix C to this license; Appendix C is hereby incorporated into this license.
- b. FENOC shall comply with the antitrust conditions delineated in Appendix C to this license as if named therein. FENOC shall not market or broker power or energy from the Perry Nuclear Power Plant, Unit No. 1. The Owners are responsible and accountable for the actions of FENOC to the extent that said actions affect the marketing or brokering of power or energy from the Perry Nuclear Power Plant, Unit No. 1, and in any way, contravene the antitrust condition contained in the license.

(6) Fire Protection (Section 9.5, SER, SSER #1, 2, 3, 4, 7, and 8)

FENOC shall comply with the following requirements of the fire protection program: FENOC shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report, as amended, for the Perry Nuclear Power Plant and as approved in the Safety Evaluation Report (NUREG-0887) dated May 1982 and Supplement Nos. 1 through 10 thereto, subject to the following provisions:

- a. FENOC may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

It should be noted that conditions 4, 5, 7, 8, 9, and 10 have been previously deleted.

The current requirement for Technical Specification 5.6.6 is the following:

Special Reports shall be submitted in accordance with 10 CFR 50.4 within the time period specified for each report.

The following Special Reports shall be submitted:

- a. Violations of the requirements of the fire protection program describe in the USAR which would have adversely affected the ability to achieve and maintain safe shutdown in the event of a fire shall be reported via the Licensee Event Report system.

3.0 BACKGROUND

The background for this application is adequately addressed by the NRC Notice of Availability published on November 4, 2005 (70 FR 67202) and the Notice of Opportunity to Comment published on August 29, 2005 (70 FR 51098).

4.0 TECHNICAL ANALYSIS

The FirstEnergy Nuclear Operating Company (FENOC) has reviewed the Safety Evaluation (SE) published on August 29, 2005, as part of the CLIP Notice of Opportunity to Comment. FENOC has concluded that the justifications presented in the SE prepared by the NRC staff are applicable to PNPP and justify this amendment of the facility operating license for PNPP.

5.0 REGULATORY ANALYSIS

A description of this proposed change and its relationship to applicable regulatory requirements and guidance was provided in the NRC Notice of Opportunity to Comment published on August 29, 2005 (70 FR 51098).

5.1 NO SIGNIFICANT HAZARDS CONSIDERATION

FENOC has reviewed the proposed no significant hazards consideration determination published on August 29, 2005 (70 FR 51098), as part of the CLIP Notice of Opportunity to Comment. FENOC has concluded that the proposed determination presented in the notice is applicable to PNPP and the determination is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

5.2 REGULATORY REQUIREMENTS AND GUIDANCE

The applicable regulatory requirements and guidance associated with this application are adequately addressed by the NRC Notice of Availability published on November 4, 2005 (70 FR 67202) and the Notice of Opportunity to Comment published on August 29, 2005 (70 FR 51098).

6.0 ENVIRONMENTAL EVALUATION

FENOC has reviewed the environmental evaluation included in the model SE published on August 29, 2005 (70 FR 51098), as part of the CLIP Notice of Opportunity to Comment. FENOC has concluded that the NRC staff's findings presented in that evaluation are applicable to PNPP and the evaluation is hereby incorporated by reference for this application.

7.0 PRECEDENT

This application is being made in accordance with the CLIP. FENOC is not proposing variations or deviations from the changes described in the NRC staff's model SE published on August 29, 2005 (70 FR 51098).

8.0 REFERENCES

1. *Federal Register* Notice of Opportunity to Comment on Model Safety Evaluation on Elimination of Typical License Condition Requiring Reporting of Violations of Section 2.C of Operating License Using the Consolidated Line Item Improvement Process, August 29, 2005 (70 FR 51098)
2. *Federal Register* Notice of Availability of Model Application Concerning Elimination of Typical License Condition Requiring Reporting of Violations of Section 2.C of Operating License Using the Consolidated Line Item Improvement Process, November 4, 2005 (70 FR 67202)

9.0 ATTACHMENTS

1. Proposed Operating License/Technical Specification Change (Hand Mark-up)
2. Operating License/Technical Specification Pages (With Proposed Change Incorporated)

**PROPOSED OPERATING LICENSE/TECHNICAL SPECIFICATION
CHANGE (HAND MARK-UP)**

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- D. FENOC is exempted from: 1) the requirements of Section III.D.2(b)(ii), containment airlock testing requirements, Appendix J to 10 CFR Part 50, due to the special circumstance described in Section 6.2.6 of SER Supplement No. 7 authorized by 10 CFR 50.12(a)(2)(iii) and 2) the requirements of Section IV.F., Full Participation Exercise, of Appendix E to 10 CFR Part 50, due to the special circumstance described in the Exemption dated November 6, 1986. These exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. The exemptions are hereby granted pursuant to 10 CFR 50.12. With the granting of these exemptions, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.
- E. FENOC shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans, including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (61 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Perry Nuclear Power Plant Physical Security Plan" submitted by letter dated September 9, 2004, and supplemented on September 30, 2004 and October 13, 2004.

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- F. Except for Section 2.C.(2), FENOC 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).

- G. The licensees shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1964, as amended, to cover public liability claims.

↑
THIS CHANGE

5.6 Reporting Requirements

5.6.5 Core Operating Limits Report (COLR) (continued)

4. LCO 3.3.1.1, RPS Instrumentation (SR 3.3.1.1.14), and
 5. LCO 3.3.1.3, Oscillation Power Range Monitor (OPRM) Instrumentation.
- b. The analytical methods used to determine the core operating limits shall be those previously reviewed and approved by the NRC in 1). NEDE-24011-P-A, General Electric Standard Application for Reactor Fuel or 2). NEDO-32465 "Reactor Stability Detect and Suppress Solutions Licensing Basis Methodology for Reload Applications". (The approved revision at the time reload analyses are performed shall be identified in the COLR.)
- c. The core operating limits shall be determined such that all applicable limits (e.g., fuel thermal mechanical limits, core thermal hydraulic limits, Emergency Core Cooling Systems (ECCS) limits, nuclear limits such as SDM, transient analysis limits, and accident analysis limits) of the safety analysis are met.
- d. The COLR, including any midcycle revisions or supplements, shall be provided upon issuance for each reload cycle to the NRC.

5.6.6 Special Reports

Special Reports shall be submitted in accordance with 10 CFR 50.4 within the time period specified for each report.

The following Special Reports shall be submitted:

- a. Violations of the requirements of the fire protection program described in the USAR which would have adversely affected the ability to achieve and maintain safe shutdown in the event of a fire shall be reported via the Licensee Event Report system.

Deleted. →

**OPERATING LICENSE/TECHNICAL SPECIFICATION PAGES
(WITH PROPOSED CHANGE INCORPORATED)**

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5.6 Reporting Requirements

5.6.5 Core Operating Limits Report (COLR) (continued)

4. LCO 3.3.1.1, RPS Instrumentation (SR 3.3.1.1.14), and
 5. LCO 3.3.1.3, Oscillation Power Range Monitor (OPRM) Instrumentation.
- b. The analytical methods used to determine the core operating limits shall be those previously reviewed and approved by the NRC in 1). NEDE-24011-P-A, General Electric Standard Application for Reactor Fuel or 2). NEDO-32465 "Reactor Stability Detect and Suppress Solutions Licensing Basis Methodology for Reload Applications". (The approved revision at the time reload analyses are performed shall be identified in the COLR.)
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- d. The COLR, including any midcycle revisions or supplements, shall be provided upon issuance for each reload cycle to the NRC.

5.6.6 Special Reports

Deleted
