



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 1, 2009

Mr. Mark B. Bezilla
Site Vice President
FirstEnergy Nuclear Operating Company
Mail Stop A-PY-A290
P.O. Box 97, 10 Center Road
Perry, OH 44081-0097

SUBJECT: PERRY NUCLEAR POWER PLANT, UNIT NO. 1 - ISSUANCE OF
AMENDMENT RE: LICENSE AMENDMENT REQUEST NO. 08-18 TO
INCORPORATE TECHNICAL SPECIFICATION TASK FORCE TRAVELERS 479
AND 497 (TAC NO. ME0204)

Dear Mr. Bezilla:

The U.S. Nuclear Regulatory Commission (the Commission) has issued the enclosed Amendment No. 151 to Facility Operating License No. NPF-58 for the Perry Nuclear Power Plant, Unit No. 1. This amendment revises the Technical Specifications in response to your application dated November 18, 2008 (Agencywide Documents Access and Management System Accession No. ML083390728).

This amendment modifies Technical Specification 5.5.6 to incorporate Technical Specification Task Force (TSTF) Travelers TSTF-479, "Changes to Reflect Revision of 10 CFR [Code of Federal Regulations] 50.55a," and TSTF-497, "Limit Inservice Testing Program SR [Surveillance Requirement] 3.0.2 Application to Frequencies of 2 Years or Less."

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

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Goodwin".

Cameron S. Goodwin, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-440

Enclosures:

1. Amendment No. 151 to NPF-58
2. Safety Evaluation

cc w/encls: Distribution via Listserv



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FIRSTENERGY NUCLEAR OPERATING COMPANY

FIRSTENERGY NUCLEAR GENERATION CORP.

OHIO EDISON COMPANY

DOCKET NO. 50-440

PERRY NUCLEAR POWER PLANT, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 151
License No. NPF-58

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for license filed by FirstEnergy Nuclear Operating Company, et al., (the licensee, FENOC) dated November 18, 2008, 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. 151 are hereby incorporated into this license. FENOC 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 its issuance and shall be implemented within 60 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Russell Gibbs, ACTING FOR". The signature is written in a cursive style.

Russell Gibbs, Chief
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications and Facility Operating License

Date of Issuance: May 1, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 151

FACILITY OPERATING LICENSE NO. NPF-58

DOCKET NO. 50-440

Replace the following pages of the Facility Operating License and 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.

Remove

License NPF-58
Page 4

TSs
5.0-10

Insert

License NPF-58
Page 4

TSs
5.0-10

renewal. Such sale and leaseback transactions are subject to the representations and conditions set forth in the above mentioned application of January 23, 1987, as supplemented on March 3, 1987, as well as the letter of the Director of the Office of Nuclear Reactor Regulation dated March 16, 1987, consenting to such transactions. Specifically, a lessor and anyone else who may acquire an interest under these transactions are prohibited from exercising directly or indirectly any control over the licenses of PNPP Unit 1. For purposes of this condition the limitations of 10 CFR 50.81, as now in effect and as may be subsequently amended, are fully applicable to the lessor and any successor in interest to that lessor as long as the license for PNPP Unit 1 remains in effect; these financial transactions shall have no effect on the license for the Perry Nuclear facility throughout the term of the license.

- (b) Further, the licensees are also required to notify the NRC in writing prior to any change in: (i) the terms or conditions of any lease agreements executed as part of these transactions; (ii) the PNPP Operating Agreement; (iii) the existing property insurance coverage for PNPP Unit 1; and (iv) any action by a lessor or others that may have an adverse effect on the safe operation of the facility.
- C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now and hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(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.

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 151, are hereby incorporated into the license. FENOC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Antitrust Conditions

- a. FirstEnergy Nuclear Generation Corp. and Ohio Edison Company

5.5 Programs and Manuals (continued)

5.5.6 Inservice Testing Program

This program provides controls for inservice testing of ASME Code Class 1, 2, and 3 components. The program shall include the following:

- a. Testing frequencies applicable to the ASME Code for Operation and Maintenance of Nuclear Power Plants (ASME OM Code) and applicable Addenda as follows:

<u>ASME OM Code and applicable Addenda terminology for inservice testing activities</u>	<u>Required frequencies for performing inservice testing activities</u>
Weekly	At least once per 7 days
Monthly	At least once per 31 days
Quarterly or every 3 months	At least once per 92 days
Semiannually or every 6 months	At least once per 184 days
Every 9 months	At least once per 276 days
Yearly or annually	At least once per 366 days
Biennially or every 2 years	At least once per 731 days

- b. The provisions of SR 3.0.2 are applicable to the above required Frequencies and to other normal and accelerated Frequencies specified as 2 years or less in the Inservice Testing Program for performing inservice testing activities;
- c. The provisions of SR 3.0.3 are applicable to inservice testing activities; and
- d. Nothing in the ASME OM Code shall be construed to supersede the requirements of any TS.

5.5.7 Ventilation Filter Testing Program (VFTP)

A program shall be established to implement the following required testing of Engineered Safety Feature (ESF) filter ventilation systems at the frequencies specified in Regulatory Guide 1.52, Revision 2.

(continued)



UNITED STATES
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WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 151 TO FACILITY OPERATING LICENSE NO. NPF-58

FIRSTENERGY NUCLEAR OPERATING COMPANY

FIRSTENERGY NUCLEAR GENERATION CORP.

OHIO EDISON COMPANY

PERRY NUCLEAR POWER PLANT, UNIT NO. 1

DOCKET NO. 50-440

1.0 INTRODUCTION

By letter to the U.S. Nuclear Regulatory Commission (NRC, the Commission) dated November 18, 2008 (Agencywide Documents Access and Management System Accession No. ML083390728), FirstEnergy Nuclear Operating Company, et al. (the licensee) requested changes to the technical specifications (TSs) for the Perry Nuclear Power Plant (PNPP), Unit No. 1. The proposed TS amendment would change the inservice testing (IST) requirements from the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (BPV) Code Section XI to ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code) and applicable addenda. This change would eliminate the ASME Code inconsistency between the IST program and the TS as required by Title 10 of the *Code of Federal Regulations* (10 CFR) 50.55a(f)(5)(ii). Additionally, the amendment would extend the applicability of Surveillance Requirement (SR) 3.0.2 provisions to other normal and accelerated frequencies specified as 2 years or less in the IST program. TS Section 5.5.6, IST Program, and the associated TS Bases would be revised under this TS amendment.

2.0 REGULATORY EVALUATION

Section 50.55a(f)(5)(ii) of 10 CFR requires that, if a revised IST program for a facility conflicts with the TS for that facility, the licensee shall apply to the NRC for amendment of the TS to conform the TS to the revised program. The licensee is required to submit the application, as specified in 10 CFR 50.4, at least 6 months before the start of the period during which the provisions become applicable, as determined by 10 CFR 50.55a(f)(4).

In 1990, ASME published the initial edition of the ASME OM Code, which provides requirements for IST of pumps and valves. The ASME OM Code was developed and is maintained by the ASME Committee on Operation and Maintenance of Nuclear Power Plants. The ASME OM Code was developed in response to the ASME Board on Nuclear Codes and Standards directive that transferred responsibility for development and maintenance of requirements for the IST of pumps and valves from the ASME BPV Code Section XI Subcommittee on Nuclear Inservice Inspection to the ASME OM Committee. ASME intended that the ASME OM Code replace

ASME BPV Code Section XI rules for IST of pumps and valves. The ASME BPV Code Section XI requirements for IST of pumps and valves that had been incorporated by reference into NRC regulations were deleted from ASME BPV Code Section XI in the 2000 Addenda. The PNPP third 10-year interval IST programs were developed to meet the requirements of the 2001 Edition through 2003 Addenda of the ASME OM Code pursuant to 10 CFR 50.55a(f)(4)(ii) as required by 10 CFR 50.55a(f)(4). The TS 5.5.6 reference to Section XI of the ASME BPV Code for IST requirements refers to a deleted portion of the Section XI ASME BPV Code. This amendment revises the TS references to the current ASME OM Code requirements. The licensee stated that the third 10-year IST interval for PNPP will begin on May 18, 2009.

Additionally, this amendment addresses Technical Specification Task Force (TSTF) travelers 479 and 497. NUREG-1434, "Standard Technical Specifications General Electric Plants, BWR/6", Revision 3.1, incorporated TSTF-479 in December 2005. This traveler addressed changes to Section 5.5.7, IST Program, in Revision 3.1 of the standard TS, to reflect the revisions of 10 CFR 50.55a referencing the ASME OM Code and the application of SR 3.0.2 to test frequencies specified in the IST program. The revised PNPP TS Section 5.5.6 contains identical wording to the NUREG-1434 standard TS Section 5.5.7. NUREG-1434 was again modified via TSTF-497 in October 2006. This traveler updates the standard TS Section 5.5.7.b to specify that the 25 percent extension applies only to IST frequencies of 2 years or less.

The NRC's findings with respect to authorizing the TS amendment are given below.

3.0 TECHNICAL EVALUATION

3.1 Specific Changes Requested

The licensee has proposed the following changes to the PNPP TSs:

For TS Section 5.5.6, IST Program, the reference to Section XI of the ASME BPV Code for IST requirements would be replaced with "ASME OM Code" in TS Sections: 5.5.6.a and 5.5.6.d.

For TS Section 5.5.6, IST Program, Section 5.5.6.b would be revised to apply SR 3.0.2 to other normal and accelerated frequencies specified as 2 years or less in the IST Program.

The associated TS SR Bases Sections B 3.4.4, B 3.4.6, B 3.5.1, B 3.6.1.6, B 3.6.1.7, and B 3.6.2.3 would be revised to replace references to the ASME BPV Code Section XI with references to the ASME OM Code for consistency with the TS changes.

3.2 Basis for Changes

TS 5.5.6, IST Program, establishes the SRs for IST of ASME Class 1, 2, and 3 components for PNPP. TS Section 5.5.6 currently references Section XI of the ASME BPV Code as the source of requirements for the IST of ASME Code Class 1, 2, and 3 pumps and valves.

The regulations in 10 CFR 50.55a(f)(4) established the effective Code edition and addenda to be used by licensees for performing IST of pumps and valves. The regulations in 10 CFR 50.55a(f)(4)(ii) require licensees to update their IST program to the latest approved edition and addenda of the ASME OM Code incorporated by reference into 10 CFR 50.55a(b).

The licensee states that the IST Program for the PNPP third interval was updated to comply with the appropriate revisions of the ASME OM Code and included the 2001 Edition through 2003 Addenda as the new Code of Record for performing IST at PNPP. As a consequence, the TS 5.5.6 reference to Section XI of the ASME BPV Code results in a reference to a deleted portion of the ASME BPV Code.

According to 10 CFR 50.55a(f)(5)(ii), if a revised IST program for a facility conflicts with the TSs for the facility, the licensee is required to apply to the NRC for amendment of the TSs to conform the TSs to the revised program. The licensee must submit the application, as specified in 10 CFR 50.4, at least 6 months before the start of the period during which the provisions become applicable as determined by 10 CFR 50.55a(f)(4). Since TS 5.5.6 and several TS bases reference ASME BPV Code Section XI for the IST requirements for pumps and valves, the TSs for PNPP require revision to change the IST code references from ASME BPV Code Section XI to the ASME OM Code.

The TSTF recognized that IST programs may have frequencies for testing that are based on risk and do not conform to standard testing frequencies specified in the TS. TSTF-479 proposed a change to the standard TSs contained in NUREG-1434, Revision 3.0, to extend the applicability of SR 3.0.2 to "other normal and accelerated frequencies specified in the IST program." These changes were incorporated in NUREG-1434 Revision 3.1, dated December 2005. The NRC staff expressed concern that applying the 25 percent extension permitted by SR 3.0.2 to frequencies in excess of 2 years (such as 5 or 10 years as permitted by the ASME OM Code in certain cases) would be inappropriate and has requested a change to TSTF-479 to revise the provision for applying SR 3.0.2 to IST test frequencies. TSTF-497, approved in October 2006, updates the standard TS 5.5.7.b to allow the 25 percent extension only for surveillance intervals of 2 years or less. The standard TS 5.5.7.b is identical in wording to revised PNPP TS 5.5.6.b. Application of SR 3.0.2 to frequencies of 2 years or less is consistent with the NRC staff position contained in NUREG-1482, "Guidelines for Inservice Testing at Nuclear Power Plants."

3.3 Evaluation

In 1990, the ASME published the initial edition of the ASME OM Code, which provides requirements for IST of pumps and valves. The ASME OM Code was developed and is maintained by the ASME Committee on Operation and Maintenance of Nuclear Power Plants. The ASME OM Code was developed in response to the ASME Board on Nuclear Codes and Standards directive that transferred responsibility for development and maintenance of rules for the IST of pumps and valves from the ASME BPV Code Section XI Subcommittee on Nuclear Inservice Inspection to the ASME OM Committee. The ASME intended the ASME OM Code to replace ASME BPV Code Section XI rules for IST of pumps and valves, and the ASME BPV Code Section XI rules for IST of pumps and valves that had been incorporated by reference into NRC regulations have been deleted from ASME BPV Code Section XI in the 2000 Addenda of the ASME BPV Code. The ASME generally publishes a new edition of the ASME OM Code every 3 years, and a new addendum every year. The PNPP third interval IST program was updated to comply with the 2001 Edition through 2003 Addenda of the ASME OM Code as required by 10 CFR 50.55a(f)(4)(ii).

As a consequence, the TS 5.5.6 reference to Section XI of the ASME BPV Code for IST requirements results in a reference to a deleted portion of the ASME BPV Code. The TS changes do not eliminate any tests and do not relinquish the licensee of its responsibility to seek

relief from ASME Code test requirements when they are impractical. The changes will eliminate the ASME Code inconsistency between the IST program and the TS as required by 10 CFR 50.55a(f)(5)(ii). The proposed change of the ASME Code from "ASME Section XI" to "ASME OM Code" will maintain consistency with the Code requirements; therefore, the NRC staff finds these proposed changes to be acceptable. Additionally, the proposed changes are consistent with the comparable Section 5.5.7 of the standard TSs, contained in NUREG-1434, Revision 3.1.

The licensee's proposed change to TS 5.5.6.b applies SR 3.0.2 to the frequencies specified in TS 5.5.6.a and other normal and accelerated frequencies specified as 2 years or less in the IST program. This change recognizes that the IST program may direct that additional tests be performed in accordance with the ASME OM Code that are not at the standard intervals listed in TS 5.5.6.a. This is consistent with the intent of the 25 percent extension as described in the Bases for SR 3.0.2, in that the extension would provide operational flexibility, but would not significantly degrade the reliability that results from performing the surveillance at the specified frequency. Further, the licensee's proposal to limit application of SR 3.0.2 to frequencies specified as 2 years or less limits the maximum incremental time period between surveillances that could be added by the 25 percent extension. Without this limitation, some components, such as safety and relief valves which may be tested at surveillance intervals significantly greater than 2 years, could have extensions applied which would be much greater than needed for operational flexibility. These aspects of the proposed change support ASME Code provisions which provide the basis for the IST program and are consistent with guidance contained in NUREG-1482 regarding maximum allowable extensions of test intervals. Therefore, the NRC staff finds this proposed change to be acceptable.

4.0 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.

5.0 ENVIRONMENTAL CONSIDERATION

This amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluent 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 (74 FR 4772-4773). 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.

6.0 CONCLUSION

The NRC 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 Contributor: Michael D. Orenak

Date: May 1, 2009

May 1, 2009

Mr. Mark B. Bezilla
Site Vice President
FirstEnergy Nuclear Operating Company
Mail Stop A-PY-A290
P.O. Box 97, 10 Center Road
Perry, OH 44081-0097

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Sincerely,

/RA/

Cameron S. Goodwin, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
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Docket No. 50-440

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