

David B. Hamilton
Vice President

440-280-5382

April 26, 2017
L-17-043

10 CFR 50.90

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001**SUBJECT:**Perry Nuclear Power Plant
Docket No. 50-440, License No. NPF-58
Request for Licensing Action to Revise the Environmental Protection Plan

Pursuant to 10 CFR 50.90, FirstEnergy Nuclear Operating Company (FENOC) is requesting an amendment to the Perry Nuclear Power Plant (PNPP) Operating License, Appendix B, "Environmental Protection Plan (Nonradiological)."

An evaluation of the proposed amendment is enclosed. FENOC is requesting Nuclear Regulatory Commission (NRC) staff approval by April 30, 2018, and an implementation period of 60 days following issuance of the amendment.

There are no regulatory commitments contained in this submittal. If there are any questions or if additional information is required, please contact Mr. Thomas A. Lentz, Manager – Fleet Licensing, at (330) 315-6810.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 26, 2017.

Sincerely,



David B. Hamilton

Enclosure: Evaluation of Proposed License Amendment

cc: NRC Region III Administrator
NRC Resident Inspector
NRC Project Manager
Executive Director, Ohio Emergency Management Agency,
State of Ohio (NRC Liaison)
Utility Radiological Safety Board

EVALUATION OF PROPOSED LICENSE AMENDMENT

Page 1 of 9

Subject: Request to Amend the Perry Nuclear Power Plant Operating License

1.0 SUMMARY DESCRIPTION

2.0 DETAILED DESCRIPTION

3.0 TECHNICAL EVALUATION

4.0 REGULATORY EVALUATION

4.1 Significant Hazards Consideration

4.2 Applicable Regulatory Requirements/Criteria

4.3 Precedent

4.4 Conclusions

5.0 ENVIRONMENTAL CONSIDERATION

Attachments:

- 1. Proposed Changes to Appendix B of the Operating License (MARK-UP)**
- 2. Proposed Changes to Appendix B of the Operating License (RETYPED)**

1.0 SUMMARY DESCRIPTION

This evaluation supports a FirstEnergy Nuclear Operating Company (FENOC) request to amend the Perry Nuclear Power Plant (PNPP) Operating License (OL), Appendix B, "Environmental Protection Plan (Nonradiological)," to clarify and enhance wording, to remove duplicative or outdated program information, and to relieve the burden of submitting unnecessary or duplicative information to the Nuclear Regulatory Commission (NRC). There are no proposed changes to the primary objectives of the Environmental Protection Plan (EPP).

The proposed OL changes are marked in Attachment 1; the OL retyped pages incorporating the proposed changes are provided for information in Attachment 2.

2.0 DETAILED DESCRIPTION

FENOC proposes to clarify and enhance wording, to remove outdated program information, and to relieve the burden of submitting unnecessary or duplicative information. The proposed EPP changes, which include section revisions and section deletions, are detailed below. Evaluations of these proposed EPP changes are provided in Section 3.0.

EPP Section 2.2, "Terrestrial Issues"

Revise this section to delete the following statement:

- (1) Cooling tower drift was not expected to cause adverse effects but the need for operational data to confirm this conclusion was identified by the staff. (FES Section 5.5.1.5).

EPP Section 3.1, "Plant Design and Operation"

Revise this EPP section to delete the following requirement:

The licensee shall include as part of the Annual Environmental Operating Report (per Subsection 5.4.1) brief descriptions, analyses, interpretations, and evaluations of such changes, tests and experiments.

EPP Section 3.2, "Reporting Related to the NPDES Permit and State Certification"

Revise this EPP section, which currently states the following:

Changes to, or renewals of, the NPDES Permits or the State certification shall be reported to the NRC within 30 days following the date the change or renewal is approved. If a permit or certification, in part or in its entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted.

The licensee shall notify the NRC of changes to the effective NPDES Permit proposed by the licensee by providing NRC with a copy of the proposed change at the same time it is submitted to the permitting agency. The licensee shall provide the NRC a copy of the application for renewal of the NPDES Permit at the same time the application is submitted to the permitting agency.

With the proposed revision, EPP Section 3.2 will state the following:

The NRC shall be provided with a copy of the current NPDES Permit or State certification within 30 days of approval. Changes to the NPDES Permit or State certification shall be reported to the NRC within 30 days of the date the change is approved.

EPP Section 3.3, "Changes Required for Compliance with Other Environmental Regulations"

Revise this EPP section, which currently states the following:

Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with other Federal, State, and local environmental regulations are not subject to the requirements of Section 3.1.

With the proposed revision, EPP Section 3.3 will state the following:

Changes in plant design or operation and performance of tests or experiments that are either regulated or mandated by other Federal, State, and local environmental regulations are not subject to the requirements of Section 3.1.

If any environmental impacts of change are not evaluated under the Federal, State, or local environmental regulations, then those impacts are subject to the requirements of Section 3.1.

EPP Section 4.1, "Unusual or Important Environmental Events"

Revise this EPP section, which currently states the following:

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. The following are examples: excessive bird impaction events, onsite plant or animal disease outbreaks, mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973, fish kills, increase in nuisance organisms or conditions, and unanticipated or emergency discharge of waste water or chemical substances.

No routine monitoring programs are required to implement this condition.

With the proposed revision, EPP Section 4.1 will state the following:

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. If an event is reportable under 10 CFR 50.72, then a duplicate immediate report under this subsection is not required. The following are examples of unusual or important environmental events: excessive bird impaction events, onsite plant or animal disease outbreaks, mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973, fish kills, increase in nuisance organisms or conditions, and unanticipated or emergency discharge of waste water or chemical substances.

No routine monitoring programs are required to implement this condition.

EPP Section 4.2.2.1, "Aerial Remote Sensing"

Delete this EPP section, which currently states the following:

Vegetative communities of the site and vicinity within 1 kilometer of the cooling towers in all directions shall be aerially photographed to detect and assess the significance of damage, or lack thereof, as related to cooling tower drift dispersions. Photography shall be done by aerial overflight during August or September. Monitoring shall include a program of low altitude color infrared photography.

The scale for full coverage shall be adequate to enable identification of vegetative damage over relatively small areas of terrain. Some circumstances may warrant inspection of photographs discerning individual trees. Such scale should be adequate to resolve impacted features. Photographs shall be compared with baseline to ascertain changes in vegetation. Photographic interpretations shall be verified by ground inspection surveys to confirm areas of stress and non-stress. This program shall require aerial photographic monitoring during the first August-September period after the station has been in operation for one year and the program shall be repeated once the following year and alternate years for three (3) additional periods. A report shall be submitted as part of the annual report following each aerial photographic monitoring period. The report shall contain a description of the program, results, and interpretative analyses of environmental impacts. Results reported shall contain information encompassing but not limited to the following: sampling date; time of day; film types; and one (1) set of resultant color transparencies encompassing an area within approximately a one kilometer (1 km) radius of the Unit 1 and 2 towers.

EPP Section 5.2, "Records Retention"

Revise this EPP section, which currently states the following:

Records and logs relative to the environmental aspects of station operation shall be made and retained in a manner convenient for review and inspection. These records and logs shall be made available to NRC on request.

Records of modifications to station structures, systems and components determined to potentially affect the continued protection of the environment shall be retained for the life of the station. All other records, data and logs relating to this EPP shall be retained for five years or, where applicable, in accordance with the requirements of other agencies.

With the proposed revision, EPP Section 5.2 will state the following:

Records associated with this EPP shall be made and retained in a manner convenient for review and inspection. These records shall be made available to NRC upon request.

Records of modifications to station structures, systems and components determined to potentially affect the continued protection of the environment shall be retained until the date of the termination of the Operating License. All other records and procedures relating to this EPP shall be retained for five years or, where applicable, in accordance with the requirements of other agencies.

EPP Section 5.4.1, "Routine Reports"

Delete this EPP section, which currently states the following:

An Annual Environmental Operating Report describing implementation of this EPP for the previous year shall be submitted to the NRC prior to May 1 of each year. The initial report shall be submitted prior to May 1 of the year following issuance of the operating license.

The report shall include summaries and analyses of the results of the environmental protection activities required by Subsection 4.2 of this EPP for the report period, including a comparison with related preoperational studies, operational controls (as

appropriate), and previous nonradiological environmental monitoring reports, and an assessment of the observed impacts of the plant operation on the environment. If harmful effects or evidence of trends toward irreversible damage to the environment are observed, the licensee shall provide a detailed analysis of the data and a proposed course of mitigating action.

The Annual Environmental Operating Report shall also include:

- (1) A list of EPP noncompliances and the corrective actions taken to remedy them.
- (1) A list of all changes in station design or operation, tests, and experiments made in accordance with Subsection 3.1 which involved a potentially significant unreviewed environmental question.
- (3) A list of nonroutine reports submitted in accordance with Subsection 5.4.2.

In the event that some results are not available by the report due date, the report shall be submitted noting and explaining the missing results. The missing results shall be submitted as soon as possible in a supplementary report.

3.0 TECHNICAL EVALUATION

The technical evaluation for each of the proposed EPP section changes, which include the revisions and deletions detailed in Section 2.0 above, are discussed below.

Revise EPP Section 2.2, "Terrestrial Issues"

The proposed change to EPP Section 2.2 is to remove a monitoring requirement related to cooling tower drift and its potential effects on vegetation in the vicinity of the cooling towers. Per the final environmental statement for the PNPP (NUREG-0884, August 1982, Section 5.5.1.5), monitoring for the potential effects of cooling tower drift would be a "limited-term inspection program." As stated in the 1994 annual environmental report, "Historically, the vegetative stress that has been observed in the vicinity of PNPP has been attributable to factors unrelated to operation of the cooling tower." The annual report further states that "Since no impact has been noted since the [monitoring] program began, it is being discontinued following the 1994 results." A review of additional annual environmental reports, including the 2015 annual report, did not identify any documented issues attributable to cooling tower drift. Based on the temporary nature of the monitoring program, acceptable historical monitoring data at the PNPP, and the proposed deletion of EPP Section 4.2.2.1, "Aerial Remote Sensing," it is acceptable to remove the monitoring requirement from EPP Section 2.2.

Revise EPP Section 3.1, "Plant Design and Operation"

The proposed change to EPP Section 3.1 will delete the reference to the Annual Environmental Operating Report (AEOR). With the proposed deletion of Section 5.4.1, "Routine Reports," which discusses the annual report in detail, maintaining a reference to it in Section 3.1 is no longer required. As such, it is acceptable to delete the reference to the AEOR from EPP Section 3.1.

Revise EPP Section 3.2, "Reporting Related to the NPDES Permit and State Certification"

The proposed change to EPP Section 3.2 will clarify and enhance the wording associated with reporting changes to, or renewals of, the National Pollutant Discharge

Elimination System (NPDES) Permit and State certification. The requirements for providing the NRC with a copy of the current permit and certification, as well as reporting to the NRC changes to the permit and certification within 30 days, remain unchanged. The requirement to notify the NRC if a permit or certification is appealed and stayed will be deleted. With this EPP change, the NRC will receive approved changes rather than notifications of stays or proposed changes since the State is responsible for the issuance of permits and certifications. As such, it is acceptable to revise EPP Section 3.2.

Revise EPP Section 3.3, "Changes Required for Compliance with Other Environmental Regulations"

The proposed change to EPP Section 3.3 will clarify and enhance the wording associated with reporting changes in plant design or operation and performance of tests or experiments. As part of the change, a new statement is added to provide a reference back to the requirements in EPP Section 3.1, "Plant Design and Operation," for any environmental impacts of change that are not evaluated under other Federal, State, or local environmental regulations. The requirement for reporting changes remains unchanged. As such, it is acceptable to revise EPP Section 3.3.

Revise EPP Section 4.1, "Unusual or Important Environmental Events"

The proposed change to EPP Section 4.1 will enhance the wording related to required reports. Specifically, wording has been added to relieve the burden of submitting unnecessary or duplicative information to the NRC. Per 10 CFR 50.72(b)(2)(xi), the PNPP is required to report "Any event or situation, related to... protection of the environment, for which a news release is planned or notification to other government agencies has been or will be made." For those environmental events that require reporting under 10 CFR 50.72, a duplicate immediate report should not be required. As such, it is acceptable to revise EPP Section 4.1.

Delete EPP Section 4.2.2.1, "Aerial Remote Sensing"

This EPP section required aerial photographic monitoring of the vegetative communities of the site and vicinity within one kilometer of the cooling towers in all directions, which was to be performed during the first August-September period after the station had been in operation for one year and repeated once the following year and alternate years for three additional periods.

The PNPP was commercially licensed in November 1986 and all of the requirements of this EPP section have been completed. As stated in the 1994 annual environmental operating report for the PNPP, "Aerial remote sensing has been conducted at PNPP regularly as a requirement of the Environmental Protection Plan (Appendix B of the Operating License). It was first conducted in 1987 and followed in 1988, 1990, 1992 and the final year of study, 1994." The report further states that "Since no impact has been noted since the [monitoring] program began, it is being discontinued following the 1994 results." Additional or renewed monitoring per this EPP section is not expected. Currently, this EPP section only serves a historical purpose. As such, it is acceptable to delete EPP Section 4.2.2.1.

Revise EPP Section 5.2, "Records Retention"

The proposed change to EPP Section 5.2 is to clarify and enhance the wording associated with record retention. The proposed wording change from "Records and logs relative to the environmental aspects of station operation" to "Records associated

with this EPP...” provide more specificity by reducing the ambiguity of the original EPP statement. The proposed change to align the duration of records retention with the termination of the PNPP OL makes the requirement consistent with the retention requirements of other regulations, such as 10 CFR 50.59(d)(3). As such, it is acceptable to revise EPP Section 5.2.

Delete EPP Section 5.4.1, “Routine Reports”

This EPP section currently requires the PNPP to submit an AEOR prior to May 1 of each year that describes the implementation of the EPP during the previous year. The AEOR is primarily intended to include summaries and analyses of the monitoring required under EPP Section 4.2, “Environmental Monitoring.” The report was last submitted by FENOC on April 29, 2016 [NRC Accession No. ML16125A251].

The proposed change is to delete EPP Section 5.4.1 in its entirety. Required reports, including the reporting of unusual or important environmental events, are detailed in the proposed change to EPP Section 4.1, “Unusual or Important Environmental Events,” and in EPP Section 5.4.2, “Nonroutine Reports.” Deleting the AEOR requirement from Section 5.4.1 of this EPP would not alter how or when these other required reports are submitted. Activities related to the NPDES permit would continue to be reported to the NRC in accordance with EPP Section 3.2, “Reporting Related to the NPDES Permit and State Certification.”

Elimination of the AEOR would reduce the paperwork and regulatory burden involved in preparing and submitting a report. The information previously contained in the AEOR would continue to be gathered and maintained in accordance with EPP Section 5.2, “Records Retention,” would be available through other reporting or inspection mechanisms, and would be provided upon request.

4.0 REGULATORY EVALUATION

The proposed amendment would revise the Perry Nuclear Power Plant (PNPP) Operating License (OL), Appendix B, “Environmental Protection Plan (Nonradiological),” to clarify and enhance wording, to remove duplicative and outdated program information, and to relieve the burden of submitting unnecessary or duplicative information to the Nuclear Regulatory Commission (NRC). The proposed amendment does not involve a design modification or physical change to the plant, and does not change methods of plant operation or maintenance of equipment important to safety.

4.1 Significant Hazards Consideration

FirstEnergy Nuclear Operating Company (FENOC) has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, “Issuance of amendment,” as discussed below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

The proposed amendment involves changes to the Environmental Protection Plan (EPP), which provides for protection of nonradiological environmental values during operation of the nuclear facility. The proposed amendment does not change the objectives of the EPP, does not change the way the plant is maintained or operated, and does not affect any

accident mitigating feature or increase the likelihood of malfunction for plant structures, systems and components.

The proposed amendment will not change any of the analyses associated with the PNPP Updated Safety Analysis Report Chapter 15 accidents because plant operation, plant structures, systems, components, accident initiators, and accident mitigation functions remain unchanged.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

The proposed amendment involves changes to the EPP, which provides for protection of nonradiological environmental values during operation of the nuclear facility. The proposed amendment does not involve a physical alteration of the plant. No new or different type of equipment will be installed, and there are no physical modifications to existing installed equipment associated with the proposed changes. The proposed amendment does not change the way the plant is operated or maintained and does not create a credible failure mechanism, malfunction or accident initiator not already considered in the design and licensing basis.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Safety margins are applied to design and licensing basis functions and to the controlling values of parameters to account for various uncertainties and to avoid exceeding regulatory or licensing limits. The proposed amendment involves changes to the EPP, which provides for protection of nonradiological environmental values during operation of the nuclear facility. The proposed amendment does not involve a physical change to the plant, does not change methods of plant operation within prescribed limits, or affect design and licensing basis functions or controlling values of parameters for plant systems, structures, and components.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

Based on the responses to the three questions above, FENOC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.

4.2 Applicable Regulatory Requirements/Criteria

The proposed changes have been evaluated to determine whether applicable regulations and requirements continue to be met. The regulatory basis for the establishment of the EPP was 10 CFR 50.36b, "Environmental conditions." This regulation requires that any obligations in the environmental area identified by the NRC during their operating license

review be included in an attachment to the license. These conditions are derived from information contained in the environmental report and any supplements to the environmental report submitted, pursuant to 10 CFR 51.50 and 10 CFR 51.53. There are no environmental protection requirements established by other Federal, State, or local agencies that are being altered or revised by this license amendment request.

FENOC has determined that the proposed amendment is consistent with the regulatory requirements and criteria described in the above cited documents.

4.3 Precedent

The NRC recently approved similar "Environmental Protection Plan (Non-Radiological)" changes for PSEG Nuclear, as documented in the correspondence cited below. Approved PSEG changes that are similar to FENOC's proposed amendment include:

- The requirement to submit an annual environmental operating report was deleted.
- Reporting requirements related to changes and renewals of pollutant discharge elimination system permits and State certificates were revised.
- The requirement for making duplicate reports of unusual or important environmental events was deleted.

Several other PSEG changes are different from FENOC's proposed amendment. These differences are the result of both licensees having an EPP that is specific and unique to its own plant design, site location, administrative requirements, and environmental conditions. These differences are not expected to affect FENOC's proposed amendment.

Nuclear Regulatory Commission letter to PSEG Nuclear, Subject: "Hope Creek Generating Station and Salem Nuclear Generating Station, Unit Nos. 1 and 2, Issuance of Amendments re: Update of Appendix B to the Renewed Facility Operating Licenses (TAC Nos. MF5389, MF5390 and MF5391)," dated June 17, 2015. [NRC Accession No. ML15141A271]

4.4 Conclusions

In conclusion, based on the considerations discussed above, (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 the amendment will not be inimical to the common defense and security or to the health and safety of the public.

5.0 ENVIRONMENTAL CONSIDERATION

The proposed amendment is confined to (i) changes surety, insurance, and/or indemnity requirements, or (ii) changes to recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(10). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

Attachment 1

Proposed Changes to Appendix B of the Operating License

(MARK-UP)

(9 Pages Follow)

**NO CHANGE - PROVIDED
FOR CONTEXT ONLY**

PERRY NUCLEAR POWER PLANT

UNITS 1 AND 2

ENVIRONMENTAL PROTECTION PLAN

(NONRADIOLOGICAL)

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
1.0	Objectives of the Environmental Protection Plan	1-1
2.0	Environmental Protection Issues	2-1
2.1	Aquatic Issues	2-1
2.2	Terrestrial Issues	2-1
3.0	Consistency Requirements	3-1
3.1	Plant Design and Operation	3-1
3.2	Reporting Related to the NPDES Permit and State Certifications	3-2
3.3	Changes Required for Compliance with Other Environmental Regulations	3-2
4.0	Environmental Conditions	4-1
4.1	Unusual or Important Environmental Events	4-1
4.2	Environmental Monitoring	4-1
5.0	Administrative Procedures	5-1
5.1	Review and Audit	5-1
5.2	Records Retention	5-1
5.3	Changes in Environmental Protection Plan	5-1
5.4	Plant Reporting Requirements	5-1

1.0 Objectives of the Environmental Protection Plan

The Environmental Protection Plan (EPP) is to provide for protection of nonradiological environmental values during operation of the nuclear facility. The principal objectives of the EPP are as follows:

- (1) Verify that the facility is operated in an environmentally acceptable manner, as established by the Final Environmental Statement – Operating Licensing State (FES-OL) and other NRC environmental impact assessments.**
- (2) Coordinate NRC requirements and maintain consistency with other Federal, State and local requirements for environmental protection.**
- (3) Keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.**

Environmental concerns identified in the FES-OL which relate to water quality matters are regulated by way of the licensee's NPDES permit.

2.0 Environmental Protection Issues

In the FES-OL dated August 1982, the staff considered the environmental impacts associated with the operation of the two-unit Perry Nuclear Power Plant. Certain environmental issues were identified which required study or license conditions to resolve environmental concerns and to assure adequate protection of the environment.

2.1 Aquatic Issues

- (1) No specific nonradiological aquatic impact issues were identified by NRC staff in the FES-OL.
- (2) The presence of Asiatic clams (Corbicula, sp) in western Lake Erie renders their eventual presence near Perry as likely. Should the presence of Corbicula in the vicinity of Perry threaten the operation of a safety system, due to biofouling, measures to control Corbicula will be undertaken (FES Section 4.3.6.2).

2.2 Terrestrial Issues

- (1) ~~Cooling tower drift was not expected to cause adverse effects but the need for operational data to confirm this conclusion was identified by the staff. (FES Section 5.5.1.5) Deleted.~~
- (2) Herbicide use should conform with current Federal and State regulation. (FES Section 5.5.1.4)

3.0 Consistency Requirements

3.1 Plant Design and Operation

The licensee may make changes in station design or operation or perform tests or experiments affecting the environment provided such activities do not involve an unreviewed environmental question and do not involve a change in the EPP*. Changes in station design or operation or performance of tests or experiments which do not affect the environment are not subject to the requirements of this EPP. Activities governed by Section 3.3 are not subject to the requirements of this Section.

Before engaging in additional construction or operational activities which may significantly affect the environment, the licensee shall prepare and record an environmental evaluation of such activity. Activities are excluded from this requirement if all measurable nonradiological environmental effects are confined to the on-site areas previously disturbed during site preparation and plant construction. When the evaluation indicates that such activity involves an unreviewed environmental question, the licensee shall provide a written evaluation of such activity and obtain prior NRC approval. When such activity involves a change in the EPP, such activity and change to the EPP may be implemented only in accordance with an appropriate license amendment as set forth in Section 5.3 of this EPP.

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns: (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the FES-OL, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) a significant change in effluents or power level; or (3) a matter, not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include written evaluations which provide bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question or constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0. ~~The licensee shall include as part of the Annual Environmental Operating Report (per Subsection 5.4.1) brief descriptions, analyses, interpretations, and evaluations of such changes, tests and experiments.~~

* This provision does not relieve the licensee of the requirements of 10 CFR 50.59.

3.2 Reporting Related to the NPDES Permit and State Certification

~~Changes to, or renewals of, the NPDES Permits or the State certification shall be reported to the NRC within 30 days following the date the change or renewal is approved. If a permit or certification, in part or in its entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted.~~

~~The licensee shall notify the NRC of changes to the effective NPDES Permit proposed by the licensee by providing NRC with a copy of the proposed change at the same time it is submitted to the permitting agency. The licensee shall provide the NRC a copy of the application for renewal of the NPDES Permit at the same time the application is submitted to the permitting agency.~~

The NRC shall be provided with a copy of the current NPDES Permit or State certification within 30 days of approval. Changes to the NPDES Permit or State certification shall be reported to the NRC within 30 days of the date the change is approved.

3.3 Changes Required for Compliance with Other Environmental Regulations

~~Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with that are either regulated or mandated by other Federal, State, and local environmental regulations are not subject to the requirements of Section 3.1.~~

If any environmental impacts of change are not evaluated under other Federal, State, or local environmental regulations, then those impacts are subject to the requirements of Section 3.1.

4.0 Environmental Conditions

4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. If an event is reportable under 10 CFR 50.72, then a duplicate immediate report under this subsection is not required. The following are examples of unusual or important environmental events: excessive bird impaction events, onsite plant or animal disease outbreaks, mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973, fish kills, increase in nuisance organisms or conditions, and unanticipated or emergency discharge of waste water or chemical substances.

No routine monitoring programs are required to implement this condition.

4.2 Environmental Monitoring

4.2.1 Aquatic Monitoring

- (1) The certifications and permits required under the Clean Water Act provide mechanisms for protecting water quality and, indirectly, aquatic biota. The NRC will rely on the decisions made by the U.S. Environmental Protection Agency and the State of Ohio under the authority of the Clean Water Act for any requirements for aquatic monitoring.**

4.2.2 Terrestrial Monitoring

4.2.2.1 ~~Aerial Remote Sensing Deleted.~~

~~Vegetative communities of the site and vicinity within 1 kilometer of the cooling towers in all directions shall be aerially photographed to detect and assess the significance of damage, or lack thereof, as related to cooling tower drift dispersions. Photography shall be done by aerial overflight during August or September. Monitoring shall include a program of low altitude color infrared photography. The scale for full coverage shall be adequate to enable identification of vegetative damage over relatively small areas of terrain. Some circumstances may warrant inspection of photographs discerning individual trees. Such scale should be adequate to resolve impacted features. Photographs shall be compared with baseline to ascertain changes in vegetation. Photographic interpretations shall be verified by ground inspection surveys to confirm areas of stress and non-stress. This program shall require aerial photographic monitoring during the first August-September period after the station has been in operation for one year and the program shall be repeated once the following year and alternate years for three (3) additional periods. A report shall be submitted as part of the annual report following each aerial photographic monitoring period. The report shall contain a description of the program, results, and interpretative analyses of environmental impacts. Results reported shall contain information encompassing but not limited to the following: sampling date; time of day; film types; and one (1) set of resultant color transparencies encompassing an area within approximately a one kilometer (1 km) radius of the Unit 1 and 2 towers.~~

4.2.2.2 Herbicide Use

If herbicides are used, their use shall conform to the U.S. EPA regulations printed on the labels. Records of which herbicide was used, date of application, where herbicide was applied and quantity applied shall be made available for a five year period for inspection by NRC.

5.0 Administrative Procedures

5.1 Review and Audit

The licensee shall provide for review and audit of compliance with the EPP. The audits shall be conducted independently of the individual or groups responsible for performing the specific activity. A description of the organization structure utilized to achieve the independent review and audit function and results of the audit activities shall be maintained and made available for inspection.

5.2 Records Retention

~~Records and logs relative to the environmental aspects of station operation associated with this EPP~~ shall be made and retained in a manner convenient for review and inspection. These records ~~and logs~~ shall be made available to NRC upon request.

Records of modifications to station structures, systems and components determined to potentially affect the continued protection of the environment shall be retained ~~for the life of the station until the date of the termination of the~~ Operating License. All other records, ~~data and logs and procedures~~ relating to this EPP shall be retained for five years or, where applicable, in accordance with the requirements of other agencies.

5.3 Changes in Environmental Protection Plan

Requests for changes in the EPP shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the EPP.

5.4 Plant Reporting Requirements

5.4.1 ~~Routine Reports Deleted.~~

~~An Annual Environmental Operating Report describing implementation of this EPP for the previous year shall be submitted to the NRC prior to May 1 of each year. The initial report shall be submitted prior to May 1 of the year following issuance of the operating license.~~

~~The report shall include summaries and analyses of the results of the environmental protection activities required by Subsection 4.2 of this EPP for the report period, including a comparison with related preoperational studies, operational controls (as appropriate), and previous nonradiological environmental monitoring reports, and an assessment of the observed impacts of the plant operation on the environment. If harmful effects or evidence of trends toward irreversible damage to the environment are observed, the licensee shall provide a detailed analysis of the data and a proposed course of mitigating action.~~

~~The Annual Environmental Operating Report shall also include:~~

- ~~(1) A list of EPP noncompliances and the corrective actions taken to remedy them.~~
- ~~(2) A list of all changes in station design or operation, tests, and experiments made in accordance with Subsection 3.1 which involved a potentially significant unreviewed environmental question.~~
- ~~(3) A list of nonroutine reports submitted in accordance with Subsection 5.4.2.~~

~~In the event that some results are not available by the report due date, the report shall be submitted noting and explaining the missing results. The missing results shall be submitted as soon as possible in a supplementary report.~~

5.4.2 Nonroutine Reports

A written report shall be submitted to the NRC within 30 days of occurrence of a nonroutine event. The report shall (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact, and plant operating characteristics, (b) describe the probable cause of the event, (c) indicate the action taken to correct the reported event, (d) indicate the corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems, and (e) indicate the agencies notified and their preliminary responses.

Events reportable under this subsection which also require reports to other Federal, State or local agencies shall be reported in accordance with those reporting requirements in lieu of the requirements of this subsection. The NRC shall be provided with a copy of such report at the same time it is submitted to the other agency.

Attachment 2

Proposed Changes to Appendix B of the Operating License

(RETYPED)

(9 Pages Follow)

**NO CHANGE - PROVIDED
FOR CONTEXT ONLY**

PERRY NUCLEAR POWER PLANT

UNITS 1 AND 2

ENVIRONMENTAL PROTECTION PLAN

(NONRADIOLOGICAL)

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
1.0	Objectives of the Environmental Protection Plan	1-1
2.0	Environmental Protection Issues	2-1
2.1	Aquatic Issues	2-1
2.2	Terrestrial Issues	2-1
3.0	Consistency Requirements	3-1
3.1	Plant Design and Operation	3-1
3.2	Reporting Related to the NPDES Permit and State Certifications	3-2
3.3	Changes Required for Compliance with Other Environmental Regulations	3-2
4.0	Environmental Conditions	4-1
4.1	Unusual or Important Environmental Events	4-1
4.2	Environmental Monitoring	4-1
5.0	Administrative Procedures	5-1
5.1	Review and Audit	5-1
5.2	Records Retention	5-1
5.3	Changes in Environmental Protection Plan	5-1
5.4	Plant Reporting Requirements	5-1

1.0 Objectives of the Environmental Protection Plan

The Environmental Protection Plan (EPP) is to provide for protection of nonradiological environmental values during operation of the nuclear facility. The principal objectives of the EPP are as follows:

- (1) Verify that the facility is operated in an environmentally acceptable manner, as established by the Final Environmental Statement – Operating Licensing State (FES-OL) and other NRC environmental impact assessments.**
- (2) Coordinate NRC requirements and maintain consistency with other Federal, State and local requirements for environmental protection.**
- (3) Keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.**

Environmental concerns identified in the FES-OL which relate to water quality matters are regulated by way of the licensee's NPDES permit.

2.0 Environmental Protection Issues

In the FES-OL dated August 1982, the staff considered the environmental impacts associated with the operation of the two-unit Perry Nuclear Power Plant. Certain environmental issues were identified which required study or license conditions to resolve environmental concerns and to assure adequate protection of the environment.

2.1 Aquatic Issues

- (1) No specific nonradiological aquatic impact issues were identified by NRC staff in the FES-OL.
- (2) The presence of Asiatic clams (Corbicula, sp) in western Lake Erie renders their eventual presence near Perry as likely. Should the presence of Corbicula in the vicinity of Perry threaten the operation of a safety system, due to biofouling, measures to control Corbicula will be undertaken (FES Section 4.3.6.2).

2.2 Terrestrial Issues

- (1) Deleted.
- (2) Herbicide use should conform with current Federal and State regulation. (FES Section 5.5.1.4)

3.0 Consistency Requirements

3.1 Plant Design and Operation

The licensee may make changes in station design or operation or perform tests or experiments affecting the environment provided such activities do not involve an unreviewed environmental question and do not involve a change in the EPP*. Changes in station design or operation or performance of tests or experiments which do not affect the environment are not subject to the requirements of this EPP. Activities governed by Section 3.3 are not subject to the requirements of this Section.

Before engaging in additional construction or operational activities which may significantly affect the environment, the licensee shall prepare and record an environmental evaluation of such activity. Activities are excluded from this requirement if all measurable nonradiological environmental effects are confined to the on-site areas previously disturbed during site preparation and plant construction. When the evaluation indicates that such activity involves an unreviewed environmental question, the licensee shall provide a written evaluation of such activity and obtain prior NRC approval. When such activity involves a change in the EPP, such activity and change to the EPP may be implemented only in accordance with an appropriate license amendment as set forth in Section 5.3 of this EPP.

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns: (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the FES-OL, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) a significant change in effluents or power level; or (3) a matter, not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include written evaluations which provide bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question or constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0.

* This provision does not relieve the licensee of the requirements of 10 CFR 50.59.

3.2 Reporting Related to the NPDES Permit and State Certification

The NRC shall be provided with a copy of the current NPDES Permit or State certification within 30 days of approval. Changes to the NPDES Permit or State certification shall be reported to the NRC within 30 days of the date the change is approved.

3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments that are either regulated or mandated by other Federal, State, and local environmental regulations are not subject to the requirements of Section 3.1.

If any environmental impacts of change are not evaluated under other Federal, State, or local environmental regulations, then those impacts are subject to the requirements of Section 3.1.

4.0 Environmental Conditions

4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. If an event is reportable under 10 CFR 50.72, then a duplicate immediate report under this subsection is not required. The following are examples of unusual or important environmental events: excessive bird impaction events, onsite plant or animal disease outbreaks, mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973, fish kills, increase in nuisance organisms or conditions, and unanticipated or emergency discharge of waste water or chemical substances.

No routine monitoring programs are required to implement this condition.

4.2 Environmental Monitoring

4.2.1 Aquatic Monitoring

- (1) The certifications and permits required under the Clean Water Act provide mechanisms for protecting water quality and, indirectly, aquatic biota. The NRC will rely on the decisions made by the U.S. Environmental Protection Agency and the State of Ohio under the authority of the Clean Water Act for any requirements for aquatic monitoring.

4.2.2 Terrestrial Monitoring

4.2.2.1 Deleted.

4.2.2.2 Herbicide Use

If herbicides are used, their use shall conform to the U.S. EPA regulations printed on the labels. Records of which herbicide was used, date of application, where herbicide was applied and quantity applied shall be made available for a five year period for inspection by NRC.

5.0 Administrative Procedures

5.1 Review and Audit

The licensee shall provide for review and audit of compliance with the EPP. The audits shall be conducted independently of the individual or groups responsible for performing the specific activity. A description of the organization structure utilized to achieve the independent review and audit function and results of the audit activities shall be maintained and made available for inspection.

5.2 Records Retention

Records associated with this EPP shall be made and retained in a manner convenient for review and inspection. These records shall be made available to NRC upon request.

Records of modifications to station structures, systems and components determined to potentially affect the continued protection of the environment shall be retained until the date of the termination of the Operating License. All other records and procedures relating to this EPP shall be retained for five years or, where applicable, in accordance with the requirements of other agencies.

5.3 Changes in Environmental Protection Plan

Requests for changes in the EPP shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the EPP.

5.4 Plant Reporting Requirements

5.4.1 Deleted.

5.4.2 Nonroutine Reports

A written report shall be submitted to the NRC within 30 days of occurrence of a nonroutine event. The report shall (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact, and plant operating characteristics, (b) describe the probable cause of the event, (c) indicate the action taken to correct the reported event, (d) indicate the corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems, and (e) indicate the agencies notified and their preliminary responses.

Events reportable under this subsection which also require reports to other Federal, State or local agencies shall be reported in accordance with those reporting requirements in lieu of the requirements of this subsection. The NRC shall be provided with a copy of such report at the same time it is submitted to the other agency.