



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 30 TO FACILITY OPERATING LICENSE NO. NPF-58

THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.

PERRY NUCLEAR POWER PLANT, UNIT NO. 1

DOCKET NO. 50-440

1.0 INTRODUCTION

By letter dated September 17, 1987, the Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company (the licensees), requested an amendment to Facility Operating License No. NPF-58 for the Perry Nuclear Power Plant Unit No. 1. The proposed amendment would change the plant Technical Specifications (TSs) based on the recommendations provided by the staff in Generic Letter (GL) 87-09 related to the applicability of limiting conditions for operations (LCO) and the surveillance requirements of the TS 3.0 and 4.0. Specifically, the licensees have requested the following revisions to TS 3.0.4, 4.0.3 and 4.0.4 as follows:

Specification 3.0.4 would be revised to define when its provisions apply; i.e., when the affected action statements permit continued operation for an unlimited period of time, instead of defining when the provisions of Specification 3.0.4 do not apply.

Specification 4.0.3 would be revised to incorporate a 24-hour delay in implementing Action Requirements due to a missed surveillance when the Action Requirements provide a restoration time that is less than 24 hours.

Specification 4.0.4 would be revised to clarify that "This provision shall not prevent passage through or to OPERATIONAL CONDITIONS as required to comply with Action Requirements."

2.0 EVALUATION

The changes proposed by the licensees have been reviewed considering the limitations set forth in GL 87-09 for TS 3.0.4, 4.0.3 and 4.0.4 as follows.

Specification 3.0.4

GL 87-09 recognizes, in part, that Specification 3.0.4 unduly restricts facility operation when conformance to the Action Requirements provides an acceptable level of safety for continued operation in any mode. For an LCO that has Action Requirements permitting continued operation for an unlimited period of time, entry into an operational mode or other specified condition of operation

should be permitted in accordance with those Action Requirements. The restriction on change in operational modes or other specified conditions should apply only where the Action Requirements establish a specified time interval in which the LCO must be met or a shutdown of the facility would be required or where entry into that operational mode would result in entry into an Action Statement with such time constraints. However, nothing in the staff position stated in GL 87-09 should be interpreted as endorsing or encouraging plant startup with inoperable equipment. The GL 87-09 itself states that startup with inoperable equipment should be the exception rather than the rule.

By letter dated March 12, 1990, the licensees have provided confirmation that the remedial measures prescribed by the ACTION STATEMENT of each change involving Specification 3.0.4 is consistent with the Updated Safety Analysis Report and its supporting safety analyses. Further, the licensees have provided confirmation and certification that appropriate administrative controls and procedures are in place for limiting the use of Specification 3.0.4 exceptions in conjunction with the proposed TS change submitted in response to GL 87-09. Additionally, no changes are proposed that affect plant configuration, setpoints, operating parameters, or the operator/equipment interface.

Based on review of the licensees' proposal, and confirmations related above, the staff concludes in granting the exceptions proposed in response to GL 87-09 that: 1) the remedial measures prescribed by the ACTION STATEMENT for each change involving the applicability of the Specification 3.0.4 exception should provide a sufficient level of protection to permit operational mode changes and safe long-term operation consistent with the plant's Updated Safety Analysis Report; and 2) the licensees have in place adequate administrative controls and procedures which will ensure that it will be the exception rather than the rule that startup of the plant with important safety features inoperable will occur.

The staff, therefore, finds the following change to Specification 3.0.4 proposed by the licensees to be acceptable:

"Entry into an OPERATIONAL CONDITION or other specified condition shall not be made when the conditions for the Limiting Conditions for Operation are not met and the associated ACTION requires a shutdown if they are not met within a specified time interval. Entry into an OPERATIONAL CONDITION or specified condition may be made in accordance with Action Requirements when conformance to them permits continued operation of the facility for an unlimited period of time."

The licensees retain two disclaimer statements in TS 3.0.4 in addition to the above change. These are: "This provision shall not prevent passage through or to OPERATIONAL CONDITIONS as required to comply with ACTION requirements. Exceptions to these requirements are stated in the individual Specifications." These statements serve to clarify the use of TS 3.0.4 and are acceptable.

Specification 4.0.3

In GL 87-09 the staff stated that it is overly conservative to assume that systems or components are inoperable when a surveillance requirement has not been performed, because the vast majority of surveillances demonstrate that systems or components in fact are operable. Because the allowable outage time limits of some Action Requirements do not provide an appropriate time limit for performing a missed surveillance before shutdown requirements apply, the TS should include a time limit that would allow a delay of the required actions to permit the performance of the missed surveillance.

This time limit should be based on considerations of plant conditions, adequate planning, availability of personnel, the time required to perform the surveillance, as well as the safety significance of the delay in completion of the surveillance. After reviewing possible limits, the staff concluded that, based on these considerations, 24 hours would be an acceptable time limit for completing a missed surveillance when the allowable outage times of the Action Requirements are less than this time limit or when shutdown Action Requirements apply. The 24-hour time limit would balance the risks associated with an allowance for completing the surveillance within this period against the risks associated with the potential for a plant upset and challenge to safety systems when the alternative is a shutdown to comply with Action Requirements before the surveillance can be completed.

This limit does not waive compliance with Specification 4.0.3. Under Specification 4.0.3, the failure to perform a surveillance requirement will continue to constitute noncompliance with the operability requirements of an LCO and to bring into play the applicable Action Requirements.

Based on the above, the following change to Specification 4.0.3 is acceptable:

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

Additionally, the licensees have retained a clarifying statement in TS 4.0.3 which states: "Surveillance Requirements do not have to be performed on inoperable equipment." This clarifies that equipment which has been declared inoperable no longer requires surveillance to be performed since their purpose is to ensure operability. This statement is acceptable.

Specification 4.0.4

TS 4.0.4 prohibits entry into an OPERATIONAL CONDITION or other specified condition until all required surveillances have been performed. This could cause an interpretation problem when OPERATIONAL CONDITION changes are required in order to comply with ACTION statements. Specifically, two possible conflicts between TSs 4.0.3 and 4.0.4 could exist. The first conflict arises because TS 4.0.4 prohibits entry into an operational mode or other specified condition when surveillance requirements have not been performed within the specified surveillance interval. The licensees' proposed modification to resolve this conflict involves the revision to TS 4.0.3 to permit a delay of up to 24 hours in the application of the Action Requirements, as explained above, and a clarification of TS 4.0.4 to allow passage through or to operational modes as required to comply with Action Requirements. The second potential conflict between TSs 4.0.3 and 4.0.4 arises because an exception to the requirements of 4.0.4 is allowed when surveillance requirements can only be completed after entry into a mode or condition. However, after entry into this mode or condition, the requirements of TS 4.0.3 may not be met because the surveillance requirements may not have been performed within the allowable surveillance interval.

The licensees propose to resolve these conflicts by adding the following clarifying statement to TS 4.0.4:

"This provision shall not prevent passage through or to OPERATIONAL CONDITIONS as required to comply with ACTION requirements."

The NRC staff has provided in GL 87-09 a clarification that: (a) it is not the intent of 4.0.3 that the Action Requirements preclude the performance of surveillances allowed under any exception to TS 4.0.4; and (b) that the delay of up to 24 hours in TS 4.0.3 for the applicability of Action Requirements provides an appropriate time limit for the completion of surveillance requirements that become applicable as a consequence of any exception to TS 4.0.4.

Consequently the NRC staff finds the proposed changes to TS 4.0.4 acceptable.

3.0 ENVIRONMENTAL CONSIDERATION

This amendment involves a change to a requirement with respect to the installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 or a change to a surveillance requirement. The staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that this amendment involves no significant hazards

consideration and there has been no public comment on such finding. 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.

4.0 CONCLUSION

The staff has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (2) such activities will be conducted in compliance with the Commission's regulations and the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

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Dated: May 24, 1990