



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 109 TO FACILITY OPERATING LICENSE NO. NPF-58

FIRSTENERGY NUCLEAR OPERATING COMPANY

PERRY NUCLEAR POWER PLANT, UNIT 1

DOCKET NO. 50-440

1.0 INTRODUCTION

By application dated September 14, 1999, the FirstEnergy Nuclear Operating Company (the licensee) submitted a license amendment that would 1) eliminate License Condition 2.C.10 of the Operating License regarding controls over the containment air locks during plant outages, and 2) modify License Condition 2.F of the Operating License regarding reporting requirements for violations of the Technical Specifications (TSs) and the Environmental Protection Plan (EPP).

2.0 BACKGROUND

License Condition 2.C.10 - Containment Air Locks

License Condition 2.C.10 addresses administrative controls to be implemented when opening containment air lock doors during shutdown conditions and was added to the Operating License as part of Amendment No. 80, dated February 2, 1996. This amendment was a partial approval of the licensee's submittal of November 2, 1995, which requested a broader relaxation of system operability requirements during shutdown conditions. The partial approval provided immediate operational flexibility to the licensee while allowing additional time for the staff to address the remainder of the submittal. Similar license amendments and accompanying license conditions were approved for other licensees during this same time frame. The remainder of the licensee's amendment request was subsequently approved in Amendment No. 102, dated March 11, 1999. The staff found the licensee's submittal acceptable based on a revised fuel handling accident analysis, risk-informed considerations, and the licensee's Shutdown Safety administrative controls.

License Condition 2.C.10 states the following:

Primary Containment air lock penetrations may be open during CORE ALTERATIONS and movement of irradiated fuel within the primary containment, except when moving recently irradiated fuel (i.e., fuel that has occupied part of a critical reactor core within the previous seven days), provided the following conditions exist:

- *One door in each air lock is capable of being closed.*
- *Hoses and cables running through the air lock employ a means to allow safe, quick disconnect or severance, and are tagged at the air lock with specific instructions to expedite removal.*
- *The air lock is not blocked in such a way that it cannot be expeditiously closed.*
- *A designated individual is available to expeditiously close the air lock door.*

The licensee has proposed to delete License Condition 2.C.10 because it is redundant to 1) the Shutdown Safety administrative controls implemented by the licensee, and 2) commitments made by the licensee in support of License Amendment No. 102.

License Condition 2.F - Reporting Requirements

License Condition 2.F provides the reporting requirements for any violation of the requirements of Section 2.C of the Operating License. License Condition 2.F currently reads as follows:

Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, 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 within thirty (30) days in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e).

The licensee has proposed to modify License Condition 2.F to read 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 within thirty (30) days in accordance with the procedures described in 10 CFR 50.73(b), (c), and (e).

The licensee has proposed this change to eliminate the requirement to make a 24-hour notification to the NRC Operations Center for violations of the TSSs, thereby restoring the original intent of License Condition 2.F as it existed prior to implementing the Improved Standard Technical Specifications (ISTS) at Perry.

3.0 EVALUATION

License Condition 2.C.10 - Containment Air Locks

Part of the basis of the staff's approval of License Amendment No. 102 was that the licensee implemented Shutdown Safety administrative controls focusing on 1) procedures to assess the impact of removing systems from service during shutdown conditions, 2) the ability to implement

prompt methods to close both the primary containment and the fuel handling building in the event of a fuel handling accident, and 3) controls to avoid unmonitored releases. As described in the staff's evaluation supporting Amendment No. 102, the licensee committed to implement the recommendations of draft NUMARC 93-01, Section 11.2.6, "Safety Assessment for Removal of Equipment from Service During Shutdown Conditions," for controlling the removal from service of systems, structures, and components that were previously required by TSs during core alteration/fuel handling periods. The draft NUMARC document provides guidance to avoid unmonitored releases and using available filtration capabilities to reduce doses below those achieved from the decay of the source term and the scrubbing of the water in the spent fuel pool.

The licensee committed to utilize the guidance of draft NUMARC 93-01 until the document is endorsed as a formal industry position. The staff has reviewed the Perry administrative procedures for containment/fuel handling building closure and verified that the procedures include the same requirements found in License Condition 2.C.10 for the primary containment airlock penetrations.

The relaxation of controls for the containment airlock penetrations provided in Amendment No. 80 was only a small portion of the overall relaxation of technical specification requirements associated with Amendment No. 102. As previously described, the staff's safety evaluation was based, in part, on the licensee's commitment to the NUMARC guidance document. The staff approved the implementation of the licensee's Shutdown Safety administrative controls for multiple safety-related systems without the need to impose license conditions. Accordingly, the staff concludes that License Condition 2.C.10 is redundant to the administrative procedures mentioned above and, in light of the licensee's commitment to the NUMARC guidance document, is no longer necessary as a condition for approval. Therefore, the staff finds the licensee's proposal to eliminate License Condition 2.C.10 acceptable.

License Condition 2.F - Reporting Requirements

License Condition 2.F (quoted above) provides the reporting requirements for any violation of the requirements of Section 2.C of the Operating License. License Condition 2.F requires both an initial notification to the NRC Operations Center via the Emergency Notification System within 24 hours followed by written notification in accordance with the requirements of 10 CFR 50.73(b), (c), and (e).

By including the words "*Except as otherwise provided in the Technical Specifications or Environmental Protection Plan,*" License Condition 2.F makes a specific exception for reporting requirements for violations of the EPP or the TSs. This exception was made because both the EPP and the TSs included their own separate reporting requirements. A violation of the EPP must be reported in accordance with the guidance of Section 5.4.2, "Nonroutine Reports," of the EPP. This guidance encompasses reporting requirements for violations of the EPP and will not be changed by the proposed modification to License Condition 2.F.

Prior to Perry's conversion to the ISTS, the term "Reportable Event" was defined in the Perry TSs. This definition stated that a Reportable Event shall be any of those conditions specified in 10 CFR 50.73, "Licensee event report system." However, when Perry converted to the ISTS,

the term "Reportable Event" was taken out of the TSs and relocated to the Updated Safety Analysis Report. Therefore, since the Perry TSs no longer include reporting requirements, violations of the TSs must now be reported in accordance with License Condition 2.F (i.e., an initial telephone call to the NRC Operations Center within 24 hours followed by written notification pursuant to 10 CFR 50.73(b), (c), and (e)).

Immediate reporting requirements to the NRC Operations Center are included in 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors." The regulations at 10 CFR 50.72 specify those events requiring either a 1-hour or 4-hour notification via the Emergency Notification System and does not address violations of the TSs. Violations of TSs are addressed in 10 CFR 50.73 and the reporting requirements only include a 30-day letter. Thus, the regulations do not require a 24-hour notification via the Emergency Notification System following a violation of the TSs.

As a result of implementing the ISTS, Perry has inadvertently incurred the additional requirement of a 24-hour notification for violations of the TSs. The licensee has proposed to revise the reporting requirements of License Condition 2.F to include an exception to Section 2.C.(2) (i.e., operation of the Perry facility in accordance with the TSs and the EPP). This modification will eliminate the need to make a 24-hour notification to the NRC Operations Center for violations of the TSs. This requirement is beyond those requirements found in the regulations and does not provide any additional benefit for the public or the staff. Therefore, the staff agrees that the 24-hour notification for violations of the TSs is not necessary and concludes that the proposed revisions to License Condition 2.F are 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 relates to changes in recordkeeping, reporting, or administrative procedures or requirements. The 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 (64 FR 59803). Accordingly, this amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this amendment.

6.0 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, (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.

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Date: December 15, 1999