



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

October 19, 2017

Mr. David B. Hamilton
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 CONCERNING REVISIONS TO THE ENVIRONMENTAL
PROTECTION PLAN (CAC NO. MF9652; EPID L-2017-LLA-0226) (L-17-043)

Dear Mr. Hamilton:

The U.S. Nuclear Regulatory Commission (the NRC or Commission) has issued the enclosed Amendment No. 178 to Facility Operating License No. NPF-58 for Perry Nuclear Power Plant, Unit No. 1 (PNPP). The amendment consists of changes to Appendix B of the operating license in response to your application dated April 26, 2017.

The amendment revises the PNPP Environmental Protection Plan (Nonradiological) to clarify and enhance wording, to remove duplicative or outdated program information, and to relieve the burden of submitting unnecessary or duplicative information to the NRC.

A copy of our safety evaluation is also enclosed. The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly J. Green", is positioned above the typed name.

Kimberly J. Green, Senior Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-440

Enclosures:

1. Amendment No. 178 to NPF-58
2. Safety Evaluation

cc w/encls: Distribution via ListServ



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

FIRSTENERGY NUCLEAR OPERATING COMPANY

FIRSTENERGY NUCLEAR GENERATION, LLC

DOCKET NO. 50-440

PERRY NUCLEAR POWER PLANT, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 178
License No. NPF-58

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment filed by FirstEnergy Nuclear Operating Company, et al. (the licensee, FENOC), dated April 26, 2017, 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.

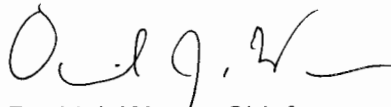
2. Accordingly, the license is amended by changes to the Environmental Protection Plan contained in Appendix B, as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-58 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 178, are hereby incorporated into the 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



David J. Wrona, Chief
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Facility Operating
License No. NPF-58 and
Environmental Protection Plan

Date of Issuance: October 19, 2017

ATTACHMENT TO LICENSE AMENDMENT NO. 178

PERRY NUCLEAR POWER PLANT, UNIT NO. 1

FACILITY OPERATING LICENSE NO. NPF-58

DOCKET NO. 50-440

Replace the following pages of the Facility Operating License and Appendix B Environmental Protection Plan (Nonradiological) with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

REMOVE

INSERT

License NPF-58

License NPF-58

- 4 -

- 4 -

Appendix B

Appendix B

2-1

2-1

3-1

3-1

3-2

3-2

4-1

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4-2

5-1

5-1

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5-2

- 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 or 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. 178, 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, LLC

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.



UNITED STATES
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WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 178 TO FACILITY OPERATING LICENSE NO. NPF-58
FIRSTENERGY NUCLEAR OPERATING COMPANY
FIRSTENERGY NUCLEAR GENERATION, LLC
PERRY NUCLEAR POWER PLANT, UNIT NO. 1
DOCKET NO. 50-440

1.0 INTRODUCTION

By application dated April 26, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17116A575), FirstEnergy Nuclear Operating Company (the licensee or FENOC) requested changes to Appendix B to the operating license for the Perry Nuclear Power Plant, Unit 1 (PNPP). The proposed changes would revise the PNPP Environmental Protection Plan (Nonradiological) (EPP) 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 U.S. Nuclear Regulatory Commission (NRC or Commission).

2.0 REGULATORY EVALUATION

The EPP was established during initial plant licensing to require monitoring of environmental issues. The regulatory basis for establishment of the EPP is contained in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.36b, "Environmental conditions." This section provides that a license may include conditions to protect the environment during operation and decommissioning. Such conditions will be derived from information contained in the environmental report, or the supplement to the environmental report, required by 10 CFR 51.50, "Environmental report – construction permit, early site permit, or combined license stage," and 10 CFR 51.53, "Postconstruction environmental reports," as analyzed and evaluated in the NRC record of decision. The regulations in 10 CFR 50.36b(b), state, in part, that these conditions "will identify the obligations of the licensee in the environmental area, including, as appropriate, requirements for reporting and keeping records of environmental data, and any conditions and monitoring requirement for the protection of the nonaquatic environment." In the March 12, 1984, statements of consideration for the final rule that created Section 50.36b, the Commission stated that the NRC "may also include additional environmental conditions as appropriate."

The regulations in 10 CFR 50.90, "Application for amendment of license, construction permit, or early site permit," allow a licensee to amend or change the original license. The requirements contained in 10 CFR 50.92, "Issuance of amendment," state, in part, that the NRC staff will be guided by the considerations which govern the issuance of initial licenses to the extent

applicable and appropriate in determining whether an amendment will be issued to the applicant.

3.0 TECHNICAL EVALUATION

FENOC proposed several changes to the PNPP EPP. Each change is described below by EPP section number and title. A technical evaluation follows each description of the proposed change. The evaluation considers whether the proposed change would continue to meet the requirements of 10 CFR 50.36b and whether the proposed change would result in any conflicts with environmental protection requirements established by other Federal, State, or local agencies.

3.1 Section 2.2, "Terrestrial Issues"

Proposed Change

FENOC proposes 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).

Technical Evaluation

In Section 5.5.1.5, "Monitoring," of the "Final Environmental Statement [FES] related to the operation of Perry Nuclear Power Plant, Units 1 and 2," NUREG-0884 (ADAMS Accession No. ML15134A060), the NRC staff concluded that:

... the potential for damage to the surrounding ecosystem caused by the water and chemicals in drift from the PNPP cooling towers will be small. Nevertheless, the staff believes it is prudent to undertake a limited-term inspection program because a margin of uncertainty still exists in the foregoing conclusion. An acceptable monitoring program could rely on infrared aerial photography with accompanying ground verification.

The NRC defined the limited-term inspection program, i.e., aerial remote sensing, in Section 4.2.2.1 of the EPP. The technical evaluation of the proposal to delete the requirement for aerial photographic monitoring from Section 4.2.2.1 of the EPP is addressed in Section 3.6 of this safety evaluation (SE). The reference to potential effects from cooling tower drift and the need for operational data is no longer necessary because the monitoring program has concluded and is also being removed from EPP Section 4.2.2.1.

The proposed change to Section 2.2 is editorial in nature and, therefore, does not alter the intent of EPP Section 2.0 and does not conflict with any NRC regulatory requirement or environmental protection requirements established by other Federal, State, or local agencies. Accordingly, the NRC staff concludes that the proposed change to EPP Section 2.2 is acceptable.

3.2 Section 3.1, "Plant Design and Operation"

Proposed Change

FENOC proposes 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.

Technical Evaluation

The technical evaluation of the proposal to delete the Annual Environmental Operating Report requirement from EPP Section 5.4.1 is addressed in Section 3.8 of this SE. The proposed change to Section 3.1 is editorial in nature and, therefore, not in conflict with the applicable regulations or environmental protection requirements established by other Federal, State, or local agencies. Accordingly, the NRC staff concludes that the proposed change to EPP Section 3.1 is acceptable.

3.3 Section 3.2, "Reporting Related to the NPDES [National Pollutant Discharge Elimination System] Permit and State Certification"

Proposed Change

FENOC proposes to replace the language in this section with 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.

Technical Evaluation

The EPP requires the licensee to provide the NRC with copies of changes to or renewals of the NPDES permit or the State certification within 30 days following the date the change or renewal is approved. The licensee must also provide the NRC with a copy of the application for renewal of the NPDES permit at the same time the application is submitted to the permitting agency. This section also requires the licensee to notify the NRC of appeals or stays, whether in part or in whole, of a permit or certification. The proposed change would relieve the licensee of the requirement to submit copies of proposed changes to or renewals of NPDES permits and State certifications to the NRC and the requirement to notify the NRC of appeals or stays.

As addressed in 10 CFR 51.10, "Purpose and scope of subpart; application of regulations of Council on Environmental Quality," paragraph (c), the NRC does not have authority or responsibility in the Federal regulation of nonradiological pollutant discharges into receiving waters under the Federal Pollution Control Act; this authority lies with the U.S. Environmental Protection Agency (EPA) and its authorized states. In the State of Ohio, the EPA has delegated the responsibility for reviewing and issuing NPDES permits under the Clean Water Act (CWA) to the Ohio EPA.

Because the NRC does not issue or oversee NPDES permits, requiring the licensee to submit the proposed NPDES permit changes to the NRC is of little value to the NRC staff. The paragraph that will replace the current EPP language will continue to require the licensee to provide the NRC staff with copies of approved permit revisions and to notify the NRC of changes to permits within 30 days of the State's approval of any changes. This requirement will allow the NRC staff to remain cognizant of the NPDES permit status and the environmental impacts of plant operations related to the permit limitations.

Section 3.1 of the EPP will continue to require the licensee to evaluate plant changes for unreviewed environmental questions. This requirement ensures that significant changes to the environmental impacts of plant operation, such as significant changes in station effluents, will receive NRC staff review independent of the Ohio State's NPDES permit review process. While the NRC staff would still have no role in issuing or overseeing the NPDES permit, the NRC staff would consider other impacts (e.g., impacts to aquatic species Federally listed as endangered or threatened under the EPA) that may not be addressed under the CWA as part of the NPDES permit review process.

The proposed change does not conflict with any NRC regulatory requirement or environmental protection requirements established by other Federal, State, or local agencies. Based on the preceding evaluation, the NRC staff concludes that the proposed change to EPP Section 3.2 is acceptable.

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

Proposed Change

FENOC proposes to clarify and enhance the wording associated with reporting changes in plant design or operation and performance of tests or experiments as follows:

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.

FENOC also proposes to add the following language to the section:

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.

Technical Evaluation

The proposed wording enhancement does not eliminate any reporting requirements. The current Section 3.3 applies the exemption from Section 3.1 only to those changes, tests, or experiments that are required to achieve compliance with the regulations of various agencies. The revision expands this exemption to include environmental impacts that are evaluated by these various agencies. This change has the effect of focusing Section 3.1 on those environmental impacts that will not otherwise receive a review by a cognizant Federal, State, or local agency. Impacts that are the subject of the expansion of the exemption will still be evaluated by the appropriate cognizant agency.

Section 3.1 of the EPP requires that 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.

The proposed additional wording clarifies that if the environmental impacts of a change to the plant design or operation and performance of tests or experiments are not evaluated under other regulations, then they are subject to requirements of the EPP.

The proposed changes do not conflict with any NRC regulatory requirement or environmental protection requirements established by other Federal, State, or local agencies. Based on the preceding evaluation, the NRC staff concludes that the proposed changes to EPP Section 3.3 are acceptable.

3.5 Section 4.1, "Unusual or Important Environmental Events"

Proposed Change

FENOC proposes to reduce the burden of submitting unnecessary or duplicative information to the NRC by adding the following statement:

If an event is reportable under 10 CFR 50.72, then a duplicate immediate report under this subsection is not required.

FENOC also proposes to clarify the sentence that lists examples of events that are required to be reported by adding, "of unusual or important environmental events," prior to listing the examples.

Technical Evaluation

This section of the EPP requires the licensee to record and report to the NRC any unusual or important environmental event that indicates or could result in significant environmental impacts causally related to plant operation within 24 hours of occurrence of such an event. The licensee must also follow-up any such reports with a written report submitted to the NRC within 30 days of the event in accordance with Section 5.4.2, "Nonroutine Reports," of the EPP.

Immediate notification requirements for operating nuclear power reactors are specified under 10 CFR 50.72. Among other reporting requirements, licensees must report to the NRC within four hours the occurrence of any event or situation related to the health and safety of the public or onsite personnel or protection of the environment for which a news release is planned or notification to other government agencies has been or will be made (10 CFR 50.72(b)(2)(xi)).

The additional language that the licensee proposes to add to this section of the EPP would clarify that the licensee need not make duplicative reports if an unusual or important event is also reportable under 10 CFR 50.72. The proposed change would neither relieve the licensee of the requirement to report unusual or important events nor eliminate the requirement for the licensee to submit written follow-up reports. Additionally, the proposed change would not be in conflict with the applicable NRC regulations.

FENOC also proposes to clarify the sentence that lists examples of events that are required to be reported by adding, "of unusual or important environmental events," prior to listing the examples. This proposed change is editorial in nature.

The proposed changes do not alter the intent of Section 4.1 of the EPP and do not conflict with any NRC regulatory requirement or environmental protection requirements established by other Federal, State, or local agencies. Based on the preceding evaluation, the NRC staff concludes that the proposed changes to Section 4.1 are acceptable.

3.6 Section 4.2.2.1, "Aerial Remote Sensing"

Proposed Change

FENOC proposes to delete this section in its entirety.

Technical Evaluation

Section 4.2.2.1 of the EPP requires that aerial photographic monitoring of the vegetative communities of the site and vicinity within one kilometer of the cooling towers in all directions be conducted during the first August-September period after the station is in operation for 1 year, that the monitoring be repeated once the following year and alternate years for three additional periods, and that the results be reported as part of the annual report (environmental).

PNPP received its operating license in November 1986, and began commercial operation in November 1987. FENOC reported the results of aerial remote sensing, i.e., examination of color infrared photographs taken by plane, in the Annual Environmental Operating Reports for 1987, 1988, 1990, 1992, and 1994. The licensee concluded that, although the results at times indicated there was some vegetative stress in some locations, the stress was not directly attributed to salt drift dispersion from the cooling tower, and the environmental impact of salt drift was determined not to be significant.

The NRC staff has reviewed Annual Environmental Operating Reports for the years cited above, and has confirmed that the licensee previously satisfied the requirements outlined in EPP Section 4.2.2.1 related to aerial photographic monitoring. As such, the requirement is no longer needed.

The proposed change does not conflict with any NRC regulatory requirement or environmental protection requirements established by other Federal, State, or local agencies. Based on the preceding evaluation, the NRC staff concludes that the proposed change to Section 4.2.2.1 is acceptable.

3.7 Section 5.2, "Records Retention"

Proposed Change

FENOC proposes to provide more specificity to the records that must be retained by revising the language in this section as follows:

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 the 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.

Technical Evaluation

The licensee proposes to change the first sentence of this section from, "Records and logs relative to the environmental aspects of station operation..." to "Records associated with this EPP shall be made and retained..." This change specifies the scope of records that will be retained, i.e., those that specifically pertain to Appendix B. This change removes ambiguity regarding the scope of records that will be retained to make it clear that the Section 5.2 record maintenance requirements apply specifically to records required by Appendix B of the license. This is consistent with the direction in the "Final Environmental Statement related to the operation of Perry Nuclear Power Plant, Units 1 and 2," NUREG-0884, Section 5.1, which states that the EPP will require maintenance of "specific environmentally related records" (ADAMS Accession No. ML15134A060).

The licensee also proposes to change the first sentence of the second paragraph from, "Records...shall be retained for the life of the station," to "Records...shall be retained until the date of the termination of the Operating License." This change would make the record retention requirement consistent with requirements of other regulations, such as those in 10 CFR 50.59(d)(3) for records retention regarding changes to facilities and procedures.

The proposed changes are not in conflict with the applicable NRC regulations or environmental protection requirements established by other Federal, State, or local agencies. Based on the preceding evaluation, the NRC staff concludes that the proposed changes to Section 5.2 are acceptable.

3.8 Section 5.4.1, "Routine Reports"

Proposed Change

FENOC proposes to delete this section in its entirety, which would remove the requirement for FENOC to submit an Annual Environmental Operating Report to the NRC each year.

Technical Evaluation

This section requires the licensee to submit an Annual Environmental Operating Report to the NRC prior to May 1 of each year that includes: (1) a list of EPP non-compliances 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 that involved a potentially significant unreviewed environmental question; and (3) a list of non-routine reports submitted in accordance with Section 5.4.2. Elimination of this requirement would reduce the regulatory burden and paperwork associated with submitting the report. However, all information currently required to be included in the report would continue to be submitted in accordance with other sections of the EPP or would be available for NRC inspection as follows.

EPP non-compliances and the corrective actions taken to remedy them: Section 5.1, "Review and Audit," of the EPP would continue to require FENOC to conduct independent audits of its compliance with the EPP. Records of such reviews would be available for NRC inspection in accordance with Section 5.2, "Records Retention." Removing the requirement for FENOC to

submit an Annual Environmental Operating Report would not affect the requirement for FENOC to perform independent audits of its EPP non-compliance or affect the NRC's ability to review records associated with such audits.

Changes in station design or operation, tests, and experiments made in accordance with Subsection 3.1 that involved a potentially significant unreviewed environmental question:

Section 3.1 of the EPP would continue to require FENOC to maintain records of all changes to the facility design or operation, including determinations regarding unreviewed environmental questions. Such records would be maintained onsite and would be available for NRC inspection in accordance with Section 5.2. In addition, if it is determined that an activity involves an unreviewed environmental question, Section 3.1, requires prior NRC approval. Removing the requirement for FENOC to submit an Annual Environmental Operating Report would not affect the requirements of Sections 3.1 and 5.2. In addition, any such changes, tests, and experiments evaluated by the licensee under 10 CFR 50.59 and determined not to require prior NRC approval would continue to be captured in periodic updates to the final safety analysis report in accordance with 10 CFR 50.71(e) and in reports prepared and submitted in accordance with 10 CFR 50.59(d)(2).

Non-routine reports submitted in accordance with Section 5.4.2: Section 5.4.2 of the EPP would continue to require FENOC to submit non-routine reports following unusual or important events to the NRC. Removing the requirement for FENOC to submit an Annual Environmental Operating Report would not affect the requirements of Section 5.4.2.

The proposed change is not in conflict with the applicable NRC regulations or environmental protection requirements established by other Federal, State, or local agencies. Based on the preceding evaluation, the NRC staff concludes that the proposed change to Section 5.4.1 is acceptable.

3.9 Technical Evaluation Conclusion

Based on the technical evaluations in SE, Sections 3.1 through 3.8, the NRC staff concludes that the proposed amendment is acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Ohio State official was notified on September 13, 2017, of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment relates to changes in recordkeeping, reporting, or administrative procedures or requirements. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration and there has been no public comment on such finding (82 FR 31097, dated July 5, 2017). Accordingly, the 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 the amendment.

6.0 CONCLUSION

The Commission 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) there is reasonable assurance that 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.

Principal Contributors: K. Green, NRR
B. Grange, NRR

Date of issuance: October 19, 2017

SUBJECT: PERRY NUCLEAR POWER PLANT, UNIT NO. 1 - ISSUANCE OF
AMENDMENT CONCERNING REVISION TO ENVIRONMENTAL
PROTECTION PLAN (CAC NO. MF9652; EPID L-2017-LLA-0226) DATED
OCTOBER 19, 2017

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ADAMS Accession No. ML17257A098

OFFICE	NRR/DORL/LPL3/PM	NRR/DORL/LPL3/LA	NRR/DMLR/MENB
NAME	KGreen	SRohrer	BBeasley
DATE	10/04/17	09/18/17	10/05/17
OFFICE	OGC (NLO)	NRR/DORL/LPL3/BC	NRR/DORL/LPL3/PM
NAME	JGillespie	DWrona	KGreen
DATE	10/16/17	10/19/17	10/19/17

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