

February 14, 2000

Template No. NRR-058

Mr. Guy G. Campbell, Vice President - Nuclear
FirstEnergy Nuclear Operating Company
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SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1 - ISSUANCE OF
AMENDMENT RE: RELOCATION OF TECHNICAL SPECIFICATIONS TO
QUALITY ASSURANCE PROGRAM (TAC NO. MA6970)

Dear Mr. Campbell:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 236 to Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS). The amendment revises the Technical Specifications in response to your application dated November 8, 1999 (LAR Number 99-0003).

This amendment relocates Technical Specification (TS) 6.5.1, Station Review Board, and TS 6.5.2, Company Nuclear Review Board, to the DBNPS Updated Safety Analysis Report Chapter 17.2, Quality Assurance During the Operations Phase. These changes are consistent with the recommendations in NRC Administrative Letter 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," dated December 12, 1995.

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

Sincerely,
/RA/

Douglas V. Pickett, Senior Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-346

Enclosures: 1. Amendment No. 236 to
License No. NPF-3
2. Safety Evaluation

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Davis-Besse Nuclear Power Station, Unit 1

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

FIRSTENERGY NUCLEAR OPERATING COMPANY

DOCKET NO. 50-346

DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 236
License No. NPF-3

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by the FirstEnergy Nuclear Operating Company (the licensee) dated November 8, 1999, 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.

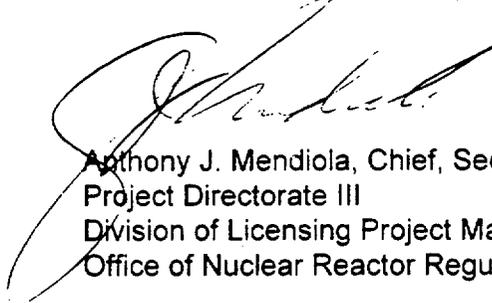
2. Accordingly, Facility Operating License No. NPF-3 is hereby amended to approve the relocation of certain Technical Specification requirements to the Updated Safety Analysis Report (USAR), as described in the licensee's application dated November 8, 1999, evaluated in the staff's Safety Evaluation attached to this amendment. This relocation shall be reflected in the next update of the USAR submitted to the NRC pursuant to 10 CFR 50.71(e). The license is also hereby amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-3 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 236, are hereby incorporated in the license. FirstEnergy Nuclear Operating Company shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented not later than 120 days after issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Anthony J. Mendiola, Chief, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications

Date of Issuance: February 14, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 236

FACILITY OPERATING LICENSE NO. NPF-3

DOCKET NO. 50-346

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

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6.3 FACILITY STAFF QUALIFICATIONS

6.3.1 Each member of the facility staff shall meet or exceed the minimum qualifications of ANSI N18.1-1971 for comparable positions, except for (1) the Manager - Radiological Control who shall meet or exceed the qualifications of Regulatory Guide 1.8, September 1975, (2) the Shift Technical Advisor who shall have a bachelor's degree or equivalent in a scientific or engineering discipline with specific training in plant design, and response and analysis of the plant for transients and accidents, and (3) the Manager - Plant Operations whose requirement for a senior reactor operator license is as stated in Specification 6.2.2.g.

6.4 Deleted

6.5 REVIEW AND AUDIT

6.5.1 Deleted

6.5.2 Deleted

Pages 6-6 through 6-11 have been deleted. The next page is 6-12.

ADMINISTRATIVE CONTROLS

6.5.3 TECHNICAL REVIEW AND CONTROL

ACTIVITIES

6.5.3.1 Activities which affect nuclear safety shall be conducted as follows:

- a. Plant procedures required by Section 6.8.1 and changes thereto shall be prepared, reviewed and approved. Each such procedure or procedure change shall be reviewed by an individual/group other than the individual/group which prepared the procedure or procedure change, but who may be from the same organization as the individual/group which prepared the procedure or procedure change. Plant procedures other than plant administrative procedures will be approved as delineated in writing by individuals holding positions not lower than one management level below the Plant Manager. The Plant Manager will approve plant administrative procedures, Industrial Security Plan Implementing Procedures and Davis-Besse Emergency Plan Implementing Procedures.
- b. Temporary approval of changes to plant procedures cited in Section 6.8.1 which clearly do not change the intent of the approved procedures, can be made by two members of the plant management staff, at least one of whom holds a Senior Reactor Operator's License. For changes to plant procedures, which may involve a change in intent of the approved



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 236 TO FACILITY OPERATING LICENSE NO. NPF-3

FIRSTENERGY NUCLEAR OPERATING COMPANY

DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1

DOCKET NO. 50-346

1.0 INTRODUCTION

By letter dated November 8, 1999, the FirstEnergy Nuclear Operating Company (FENOC, or the licensee) submitted a request for a license amendment to revise the administrative controls section of the Davis-Besse Nuclear Power Station (DBNPS) Technical Specifications (TSs) in accordance with NRC Administrative Letter (AL) 95-06, "Relocation of Technical Specifications Administrative Controls Related to Quality Assurance," dated December 12, 1995. The specific changes involve relocating the requirements of TS 6.5.1, Station Review Board, and TS 6.5.2, Company Nuclear Review Board, to the DBNPS Updated Safety Analysis Report (USAR) Chapter 17.2, Quality Assurance During the Operations Phase. DBNPS USAR Chapter 17.2 is also known as the Quality Assurance Program (QAP). Guidance on the proposed changes was developed by the NRC and provided in NUREG-1430, Revision 1, "Standard Technical Specifications - Babcock and Wilcox Plants," dated April 1995.

This evaluation addresses (1) the conformance of the proposed administrative controls section of the DBNPS TS (Section 6.5) to the format and content specified in NUREG-1430, Revision 1, and to the requirements of 10 CFR 50.36(c)(5), and (2) the proposed relocation of specific quality assurance-related administrative control provisions from the current TS to the DBNPS QAP in accordance with 10 CFR 50.36 which, once relocated to the QAP and controlled pursuant to 10 CFR 50.54(a), would constitute the bases for the licensee's continued compliance with the requirements of Appendix B to 10 CFR Part 50.

2.0 BACKGROUND

Section 182.a of the Atomic Energy Act of 1954, as amended, (the 'Act') requires applicants for nuclear power plant operating licenses to state TSs to be included as part of the license. The Commission's regulatory requirements related to the content of TSs are set forth in 10 CFR 50.36. That regulation requires that the TS include items in five specific categories, including (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements; (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TS.

The Commission has provided guidance for the contents of TS in its "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" ("Final Policy Statement"), 58 FR 39132 (July 22, 1993), in which the Commission indicated that compliance with the Final Policy Statement satisfies §182.a of the Act. In particular, the Commission indicated that certain items could be relocated from the TS to licensee-controlled documents, consistent with the standard enunciated in Portland General Electric Co. (Trojan Nuclear Plant), ALAB-531, 9 NRC 263, 273 (1979). In that case, the Atomic Safety and Licensing Appeal Board indicated that "technical specifications are to be reserved for those matters as to which the imposition of rigid conditions or limitations upon reactor operation is deemed necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety."

Consistent with this approach, the Final Policy Statement identified four criteria to be used in determining whether particular safety functions are required to be included in the TS, as follows: (1) installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary; (2) a process variable, design feature, or operating restriction that is an initial condition of a Design Basis Accident or Transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; (3) a structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a Design Basis Accident or Transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; (4) a structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety. The Commission adopted amendments to 10 CFR 50.36, pursuant to which the rule was revised to codify and incorporate these criteria. See Final Rule, "Technical Specifications," 60 FR 36593 (July 19, 1995). As a result, TS requirements which fall within or satisfy any of the criteria in the Final Policy statement must be retained in the TS, while those TS requirements which do not fall within or satisfy these criteria may be relocated to other, licensee-controlled documents.

The Commission's policy statement provides that those existing TS LCOs which do not satisfy these four specified criteria may be relocated to the Updated Final Safety Analysis Report (UFSAR), such that future changes could be made to these provisions pursuant to 10 CFR 50.59. Other requirements may be relocated to more appropriate documents (e.g., Security Plan, QAP, and Emergency Plan) and controlled by the applicable regulatory requirement. Similarly, while the required content of TS administrative controls is specified in 10 CFR 50.36(c)(5), particular details of administrative controls may be relocated to licensee-controlled documents where §50.54, §50.59, or other regulations provide adequate regulatory control.

While the criteria specifically apply to LCOs, in adopting the revision to the rule the Commission indicated that the intent of these criteria can be utilized to identify the optimum set of administrative controls in the TS, (60 FR 36958). Addressing administrative controls, 10 CFR 50.36 states that they are "the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner." The specific content of the administrative controls section of the TS is, therefore, that information which the Commission deems essential for the safe operation of the facility and which is not already adequately covered by other regulations. Accordingly, the staff has

determined that requirements that are not specifically required under §50.36(c)(5), and are not otherwise necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety, can be removed from administrative controls.

Relocating the specific requirements of the onsite and offsite review committees, along with their associated audit and related recordkeeping requirements from the TSs to the Quality Assurance chapter of the Final Safety Analysis Report (FSAR) allows these requirements to be controlled by the 10 CFR 50.54(a) change process rather than the TS amendment process. This can reduce the resources spent by the licensee and the NRC staff in preparing and reviewing license amendment requests.

3.0 EVALUATION

The licensee proposed that the requirements governing Station Review Board (SRB) review, and related recordkeeping functions specified in existing TS 6.5.1, as well as the requirements controlling Company Nuclear Review Board (CNRB) review, audit, and related recordkeeping functions specified in existing TS 6.5.2 be relocated from the DBNPS TS to the QAP description in Chapter 17 of the DBNPS USAR. Such relocation would result in future changes being made pursuant to 10 CFR 50.54(a). Section 13.4, "Operational Review," of NUREG-0800, the "Standard Review Plan" (SRP), provides the acceptance criteria used by the staff to evaluate provisions related to the plant staff review of operational activities performed by licensee organizational units fulfilling the review and audit function. These acceptance criteria are based on meeting the relevant requirements of 10 CFR Part 50, 10 CFR 50.40(b), as it relates to the licensee being technically qualified to engage in licensed activities, and Appendix B to 10 CFR Part 50, as it relates to the review and audit functions required by the licensee's quality assurance program. Therefore, TS provisions associated with the review and audit functions satisfy the criteria in Appendix B to 10 CFR Part 50, but 10 CFR 50.36(c)(5) does not require that they be included in TS. As stated above, these provisions do not satisfy the current criteria for inclusion in TS and can be relocated to the licensee's QA program description. The licensee has proposed that the DBNPS SRB and CNRB review and audit scope, and associated record requirements be relocated, verbatim, to Chapter 17 of the DBNPS USAR. Accordingly, subsequent changes associated with the SRB and CNRB requirements will be controlled under 10 CFR 50.54(a).

This approach is consistent with NRC AL 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," dated December 12, 1995, which provides guidance for relocating TS administrative requirements. This approach would also result in an equivalent level of regulatory authority while providing for a more appropriate change control process. On this basis, the staff has concluded that the review and audit functions identified above are not required to be included in the TS to protect the public health and safety, and may be relocated to the DBNPS QAP.

The NRC staff has evaluated the licensee's proposal related to the revision of certain TS administrative controls to conform to NUREG-1430, Revision 1, including the relocation of such administrative controls to the QAP. Based on this evaluation, the staff has concluded that (1) the proposed revision to the DBNPS TS is consistent with the format and content specified in NUREG-1430, Revision 1, and satisfies the requirements of 10 CFR 50.36(c)(5), and (2) the

proposed relocation of quality assurance-related administrative control provisions (TS 6.5.1, and TS 6.5.2.) from the DBNPS TS to the QAP satisfies AL 95-06 provisions and 10 CFR 50.36 requirements and, once relocated to the QAP and controlled pursuant to 10 CFR 50.54(a), will constitute the bases for the licensee's continued compliance with the requirements of Appendix B to 10 CFR Part 50 in accordance with NUREG-0800 (SRP Sections 13.4 and 17.2).

The staff concludes that the regulatory requirements under 10 CFR Part 50, Appendix B provide sufficient control of the plant records, and sufficient regulatory controls exist for future changes to the program pursuant to 10 CFR 50.54(a), such that removing these provisions from the TS is acceptable.

In conclusion, the above relocated requirements relating to administrative controls are not required to be in the TS under 10 CFR §50.36 or §182.a of the Atomic Energy Act, and are not required to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety. In addition, the staff finds that the resulting new administrative controls provide all of the requirements needed to satisfy 10 CFR 50.36(c)(5), and sufficient regulatory controls exist under 10 CFR 50.59 and 50.54(a), or other applicable regulation to assure continued protection of the public health and safety. Accordingly, the staff has concluded that these requirements may be relocated from the TS to the above specified document.

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

This amendment changes recordkeeping, reporting, or administrative procedures or requirements. 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) 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 Contributor: Douglas V. Pickett, NRR

Date: February 14, 2000