

November 2, 2001

Mr. Guy G. Campbell, Vice President - Nuclear
FirstEnergy Nuclear Operating Company
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1 - ISSUANCE OF
AMENDMENT (TAC NO. MB1690)

Dear Mr. Campbell:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 248 to Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Power Station, (DBNPS) Unit 1. The amendment revises the Technical Specifications (TSs) in response to your application dated April 4, 2001 (Serial Number 2687, Licensing Amendment Request No. 00-0007).

This License Amendment Request proposes deleting TS 1.7, Definitions - Reportable Events, and TS 6.6, Reportable Events Action, from the DBNPS Operating License and revising TS 6.5.3, Technical Review and Control - Activities, and TS Bases 4.0.3, Applicability. These changes are being proposed to delete TS that are redundant to requirements found in Title 10 of the *Code of Federal Regulations* Part 50 (10 CFR 50), update the TS Bases to reflect recent changes made to 10 CFR 50.73, revise the approval authorizations for procedures, plant modifications, tests and experiments, and reflect recent changes made to 10 CFR 50.59. The TS deletions are consistent with NUREG-1430, "Improved Standard Technical Specifications for Babcock and Wilcox Pressurized Water Reactors," Revision 1.

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/

Stephen P. Sands, 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. 248 to License No. NPF-3
2. Safety Evaluation

cc w/encls: See next page

Mr. Guy G. Campbell
FirstEnergy Nuclear Operating Company

Davis-Besse Nuclear Power Station, Unit 1

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Sincerely,

/RA/

Stephen P. Sands, Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-346

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cc w/encls: See next page

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FIRSTENERGY NUCLEAR OPERATING COMPANY

DOCKET NO. 50-346

DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 248
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 April 4, 2001, 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) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 248, 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

/RA/

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: November 2, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 248

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

I
XV
1-2
6-12
6-12a
B 3/4 0-3

Insert

I
XV
1-2
6-12
6-12a
B 3/4 0-3

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 248 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 April 4, 2001, the FirstEnergy Nuclear Operating Company submitted a request to amend the Technical Specifications (TSs) for the Davis-Besse Nuclear Power Station (DBNPS), Unit 1. The purpose of this request is to reflect recent changes in 10 CFR Part 50, to conform more closely with the applicable Standard Technical Specifications, to eliminate TS requirements that are redundant to regulations, to modify personnel requirements related to nuclear safety relevant change authorizations, and to reflect recent changes made to 10 CFR 50.59.

In this license amendment request, the licensee has proposed deleting TS 1.7, Definitions - Reportable Events, and TS 6.6 Reportable Events Action, from the DBNPS Operating License, and revising TS 6.5.3, Technical Review and Control - Activities, as well as Bases 4.0.3, Applicability. These requested changes are being proposed to delete specifications that are redundant to requirements found in 10 CFR 50; to update the TS Bases to reflect recent changes made to 10 CFR 50.73, revise the approval authorizations for plant modifications, tests, experiments, and procedures; and to reflect recent changes to 10 CFR 50.59 as well. These TS deletions are consistent with NUREG-1430, "Improved Standard Technical Specifications for Babcock and Wilcox Pressurized Water Reactors," Revision 1.

2.0 EVALUATION

The licensee proposed the following changes in their TS amendment request:

- Delete the definition in TS 1.7 for a Reportable Event that references 10 CFR 50.73.
- Delete TS 6.6, Reportable Event Action, which requires Reportable Events be reported to the Nuclear Regulatory Commission (NRC) and/or a report submitted in accordance with 10 CFR 50.73, and requires that each Reportable Event be reviewed by the Station Review Board, and the results of the review submitted to the Company Nuclear Review Board and the Vice President, Nuclear.
- Revise the requirements of TS Bases 4.0.3, Applicability, which states, in part:
"However, this does not negate the fact that the failure to have performed the surveillance

within the allowed surveillance interval, defined by the provisions of Specification 4.0.2, was a violation of the OPERABILITY requirements of a Limiting Condition for Operation that is subject to enforcement action. Further, the failure to perform a surveillance within the provisions of Specification 4.0.2 is a violation of a Technical Specification requirement and is, therefore, a reportable event under the requirements of 10 CFR 50.73 (a) (2) (i) (B) because it is a condition prohibited by the plant's Technical Specifications.”

to read as follows:

“However, this does not negate the fact that the failure to have performed the surveillance within the allowed surveillance interval, defined by the provisions of Specification 4.0.2, was a violation of the OPERABILITY requirements of a Limiting Condition for Operation that *may be* subject to enforcement action. Further, the failure to perform a surveillance within the provisions of Specification 4.0.2 is a violation of a Technical Specification requirement and, therefore, *the* reportable event requirements of 10 CFR 50.73 (a) (2) (i) (B) *should be reviewed for applicability.*”

This revises the text to be consistent with the recent revision to 10 CFR 50.73.

- Replace TS 6.5.3.1 requirements that specify the Plant Manager approve various procedures, plant modifications, and tests and experiments, with requirements that the approval authority be “procedurally authorized individuals.” NRC approval of this change will allow for designation in procedures of the most appropriate authority for activities affecting nuclear safety, and will allow increased organization flexibility and responsiveness, while continuing to meet ANSI/ANS-3.2-1982.
- Replace the term, “unreviewed safety question” in TS 6.5.3.1.f with reference to “prior NRC approval is required pursuant to 10 CFR 50.59” since the term “unreviewed safety question” has been removed from 10 CFR 50.59.

Specific discussion on the proposed changes and their effect on nuclear safety follows:

TS 1.7, Definitions - Reportable Event; TS 6.6, Reportable Event Action; and TS Bases 4.0.3, Applicability:

The proposed changes to delete TS 1.7, Definitions - Reportable Event, and TS 6.6, Reportable Event Action, are consistent with their absence from the improved “Standard Technical Specifications - Babcock and Wilcox Plants,” NUREG-1430, Revision 1, dated April, 1995.

Reportable Events are addressed by 10 CFR 50.73. There is no need to duplicate requirements in the TS that are already required and controlled by NRC regulation in 10 CFR Part 50. The plant's FirstEnergy Nuclear Operating Company Quality Assurance Program requirements are comparable to Technical Specification 6.6.1.b requirements. Specifically, the DBNPS is committed to ANSI/ANS-3.2-1982, "Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants," through its Quality Assurance Program. ANSI/ANS-3.2-1982 requires, in Sections 4.3, "Independent Review Program," and 4.4, "Review Activities of the Onsite Operating Organization," that the onsite operating organization (SRB) and independent review body (CNRB) review Reportable Events. ANSI/ANS-3.2-1982, Section 4.2, "Independent Review and Audit Program Description," requires a written program for the distribution of independent review and audit reports to management. Any future changes to this Quality Assurance Program would be controlled in accordance with 10 CFR 50.54(a). Furthermore, DBNPS updated safety analysis report (USAR) Section 13.4.1, Station Review Board, and Section 13.4.2, Company Nuclear Review Board, require Reportable Events be reviewed and the results provided to the Vice President, Nuclear. Any changes to the USAR would be controlled in accordance with applicable regulations, for example 10 CFR 50.59 or 10 CFR 50.71(e).

On December 27, 2000, the FirstEnergy Nuclear Operating Company submitted a revision of the current Quality Assurance Program, which is applicable to the DBNPS, to the NRC for approval under DBNPS letter Serial Number 2683. This change is under review by the staff as part of the earlier request. The earlier request proposes changing the commitment from ANSI/ANS-3.2-1982 to ANSI /N18.7-1976/ANS-3.2, "Administrative Controls and Quality Assurance for the Operational Phase of Nuclear Power Plants." The content of Sections 4.2, 4.3, and 4.4 is essentially the same and the conclusion of the above discussion is the same regardless of the commitment being to ANSI/ANS-3.2-1982 or ANSI N18.7-1976/ANS-3.2.

Based on the above, it is concluded that deleting these administrative requirements from the TS will have no adverse effect on nuclear safety and is acceptable to the staff.

The modification to TS Bases 4.0.3, Applicability, is being changed to reflect the recently revised requirements of 10 CFR 50.73 (a)(2)(i)(B) that a missed surveillance test is no longer reportable as long as the equipment passes the test when it is performed. Therefore, this proposed change will have no adverse effect on nuclear safety and is acceptable to the staff.

The proposed changes to the TS Index reflect the above proposed deletion of TS 1.7 and TS 6.6 and are, therefore, administrative in nature. Accordingly, these changes do not adversely affect nuclear safety and are acceptable to the staff.

TS 6.5.3, Technical Review and Control - Activities:

Technical Specification 6.5.3.1 identifies the approval authority for plant procedures, (including plant administrative procedures), Industrial Security Plan Implementing Procedures, Emergency Plan Implementing Procedures, plant modifications, proposed tests and experiments, and the designation of individuals for performing reviews of the above items. The proposed change to

replace the Plant Manager with the “procedurally authorized individuals” as the approval authority continues to meet the ANSI/ANS-3.2-1982 requirements to provide approval authority. The DBNPS is currently committed to ANSI/ANS-3.2-1982 through its Quality Assurance Program. ANSI/ANS-3.2-1982, Section 5.2.15, “Review, Approval and Control of Procedures,” requires such approvals be provided by “authorized personnel,” and does not limit this to a single individual, such as the Plant Manager.

This change will allow for other DBNPS plant management to approve these items when their position is designated the approval authority for the procedure controlling the activity. In addition, because the approval authority will be that established for the procedure, it is no longer necessary for TS 6.5.3.1.a to provide for the delegation of approvals to a lower management level than the Plant Manager. The designation of “procedurally authorized individuals” and the ongoing commitment to ANSI/ANS-3.2-1982 will maintain proper control over the items listed in TS 6.5.3.1. In addition, the TS 6.5.3.1.e requirement for individual reviewers to meet the qualification requirements of ANSI 18.1-1971, “Selection and Training of Nuclear Power Plant Personnel,” is not affected by the proposed changes.

As discussed earlier, the Quality Assurance Program commitment to ANSI/ANS-3.2-1982 has been proposed to be revised to ANSI N18.7-1976/ANS 3.2 by letter submitted to the NRC on December 27, 2000. The content of Section 5.2.15 concerning approval authority is essentially the same and the conclusion of the above discussion is the same regardless of the commitment being to ANSI/ANS-3.2-1982 or ANSI N18.7-1976/ANS-3.2.

The proposed change to TS 6.5.3.1.f that replaces the term “unreviewed safety question” is an administrative change consistent with the recent change to 10 CFR 50.59.

Based on the above, these proposed changes to TS 6.5.3.1 do not adversely affect nuclear safety and are acceptable to the staff.

3.0 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.

4.0 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.

5.0 CONCLUSION

The proposed changes are in accordance with NUREG-1430, Revision 1, or are administrative in nature and are acceptable to the staff. Therefore 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: D. Holland, NRR

Date: November 2, 2001