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Docket Number 50-346

10CFR50.90

License Number NPF-3

Serial Number 2739

December 4, 2001

United States Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

Subject: Davis-Besse Nuclear Power Station
License Amendment Application to Revise Technical Specification Section 6.9, "Administrative Controls – Reporting Requirements," to Eliminate the Requirement to Submit Startup Reports to the NRC
(License Amendment Request No. 01-0011)

Ladies and Gentlemen:

Pursuant to 10 CFR 50.90, the following amendment is requested for the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS). The proposed amendment would revise Technical Specification (TS) Section 6.9, "Administrative Controls – Reporting Requirements," to eliminate the requirement to submit startup reports to the NRC. Under the current provisions of TS Section 6.9, the DBNPS would be required to submit a startup report within 90 days following completion of the startup test program associated with a planned power level increase. A planned power increase is pending NRC approval of License Amendment Request No. 00-0006 dated October 12, 2001 (DBNPS Serial Number 2692). Plant modifications associated with this planned power level increase are scheduled to be completed during the upcoming Thirteenth Refueling Outage. The proposed amendment, if approved under the requested schedule, would eliminate the need to submit startup reports to the NRC. Enclosure 1 to this letter contains the technical justification for these proposed changes and the proposed "No Significant Hazards Consideration" determination.

This submittal has been prepared using the guidance of the Nuclear Energy Institute's "Standard Format for Operating License Amendment Requests from Commercial Reactor Licensees."

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Approval of the proposed amendment is requested by May 31, 2002. Once approved, the amendment shall be implemented within 120 days following NRC issuance.

The proposed changes have been reviewed by the DBNPS Station Review Board and Company Nuclear Review Board.

Should you have any questions or require additional information, please contact Mr. David H. Lockwood, Manager - Regulatory Affairs, at (419) 321-8450.

Very truly yours,

Enclosures

cc: J. E. Dyer, Regional Administrator, NRC Region III
S. P. Sands, NRC/NRR Project Manager
D. J. Shipley, Executive Director, Ohio Emergency Management Agency, State of Ohio (NRC Liaison)
D. S. Simpkins, NRC Region III, DB-1 Resident Inspector
Utility Radiological Safety Board

APPLICATION FOR AMENDMENT

TO

FACILITY OPERATING LICENSE NUMBER NPF-3

DAVIS-BESSE NUCLEAR POWER STATION

UNIT NUMBER 1

Attached are the requested changes to the Davis-Besse Nuclear Power Station, Unit Number 1, Facility Operating License Number NPF-3.

The proposed changes concern:

Appendix A, Technical Specifications (TS):

Section 6.9, Administrative Controls – Reporting Requirements

I, Guy G. Campbell, state that (1) I am Vice President - Nuclear of the FirstEnergy Nuclear Operating Company, (2) I am duly authorized to execute and file this certification on behalf of the Toledo Edison Company and The Cleveland Electric Illuminating Company, and (3) the statements set forth herein are true and correct to the best of my knowledge, information and belief.

By: _____
Guy G. Campbell, Vice President - Nuclear

Affirmed and subscribed before me this 4th day of December, 2001.

_____
Notary Public, State of Ohio - Nora L. Flood
My commission expires September 4, 2002.

Docket Number 50-346
License Number NPF-3
Serial Number 2739
Enclosure 1

DAVIS-BESSE NUCLEAR POWER STATION
EVALUATION
FOR
LICENSE AMENDMENT REQUEST NUMBER 01-0011

(13 pages follow)

DAVIS-BESSE NUCLEAR POWER STATION
EVALUATION
FOR
LICENSE AMENDMENT REQUEST NUMBER 01-0011

Subject: Revise Technical Specification Section 6.9, "Administrative Controls – Reporting Requirements," to Eliminate the Requirement to Submit Startup Reports to the NRC

1.0 DESCRIPTION

2.0 PROPOSED CHANGE

3.0 BACKGROUND

4.0 TECHNICAL ANALYSIS

5.0 REGULATORY SAFETY ANALYSIS

5.1 No Significant Hazards Consideration (NSHC)

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1.0 DESCRIPTION

This letter is a request to amend the Davis-Besse Nuclear Power Station (DBNPS), Unit Number 1, Facility Operating License Number NPF-3.

The proposed changes would revise the Operating License, Appendix A, Technical Specification (TS) Section 6.9, "Administrative Controls – Reporting Requirements," to eliminate the requirement to submit startup reports to the NRC. Each of the proposed changes is described in detail in Section 2.0.

2.0 PROPOSED CHANGE

Technical Specification Section 6.9.1.1 presently states:

> A summary report of plant startup and power escalation testing shall be submitted following (1) receipt of an operating license, (2) amendment to the license involving a planned increase in power level, (3) installation of fuel that has a different design or has been manufactured by a different fuel supplier, and (4) modifications that may have significantly altered the nuclear, thermal, or hydraulic performance of the plant.

Technical Specification Section 6.9.1.2 presently states:

> The report shall address each of the tests identified in the FSAR and shall include a description of the measured values of the operating conditions or characteristics obtained during the test program and a comparison of these values with design predictions and specifications. Any corrective actions that were required to obtain satisfactory operation shall also be described. Any additional specific details required in license conditions based on other commitments shall be included in this report.

Technical Specification Section 6.9.1.3 presently states:

> Startup reports shall be submitted within (1) 90 days following completion of the startup test program, (2) 90 days following resumption or commencement of commercial power operation, or (3) 9 months following initial criticality, whichever is earliest. If the Startup Report does not cover all three events (i.e., initial criticality, completion of startup test program, and resumption or commencement of commercial power operation), supplementary reports shall be submitted at least every three months until all three events have been completed.

The proposed changes would delete TS Sections 6.9.1.1, 6.9.1.2, and 6.9.1.3, as shown in the marked-up TS pages in Attachment 1 to this LAR.

3.0 BACKGROUND

In general, TS Section 6.0, "Administrative Controls," are those requirements not covered by other TS sections, but which are necessary to assure operation of the facility in a safe manner.

The current DBNPS TS Section 6.9 startup report requirements are based on the requirements included in Revision 1 of NUREG-0103, "Standard Technical Specifications for Babcock and Wilcox Pressurized Water Reactors," dated January 1977. The NUREG-0103 startup report requirements were included in Revision 0 of NUREG-1430, "Standard Technical Specifications - Babcock and Wilcox Plants," dated September 1992. Based on guidance contained in an October 25, 1993 NRC letter to the Owner's Groups (Reference 7), Standard Technical Specification Change Traveler BWOG-09 (Reference 8) was initiated to revise NUREG-1430. Included in the revision proposed by the traveler was the removal of the startup report requirements. As justification for removal of the startup report requirements, the traveler included the following discussion:

> The approved 10 CFR 50, Appendix B, QA Plan and Startup Testing Program (FSAR) provide assurance the listed activities are adequately performed and that appropriate corrective actions, if required, are taken.
>
> Inasmuch as this report was required to be provided to staff within 90 days following completion of the respective milestone, it was clearly not necessary to assure operation of the facility in a safe manner for the interval between completion of the startup testing and submittal of the report. Additionally, because there was no requirement for the staff to approve the report, the Startup Report is not necessary to assure operation of the facility in a safe manner. Therefore, the removal of this requirement is considered acceptable.

The removal of the startup report requirements was incorporated in Revision 1 of NUREG-1430, "Standard Technical Specifications - Babcock and Wilcox Plants," dated April 1995. In this respect, the current revision of NUREG-1430, Revision 2, is consistent with Revision 1.

Under the current provisions of TS Section 6.9, the DBNPS would be required to submit a startup report within 90 days following completion of the startup test program associated with a planned power level increase. A planned power increase is pending NRC approval of License Amendment Request No. 00-0006 dated October 12, 2001 (DBNPS Serial Number 2692). Plant modifications associated with this planned power level increase are scheduled to be completed during the upcoming Thirteenth Refueling Outage. The proposed amendment described herein, if approved under the requested schedule, would eliminate the need to submit startup reports to the NRC.

The proposed license amendment only proposes to eliminate the requirement to submit certain reports to the NRC. It does not eliminate the need to perform testing. Appropriate testing will continue to be performed in accordance with the requirements of 10 CFR 50 Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," Criterion XI, "Test Control," and in accordance with the FirstEnergy Nuclear Operating Company Quality Assurance Program Manual, Section B.8, "Test Control." The performance of

testing is also subject to the regulatory controls of 10 CFR 50.59, "Changes, Tests, and Experiments."

4.0 TECHNICAL ANALYSIS

Deletion of the startup report requirements is consistent with current NRC staff guidance as reflected in Revision 2 of NUREG-1430, "Standard Technical Specifications - Babcock and Wilcox Plants," dated April 2001.

The proposed changes are administrative changes that will have no adverse effect on nuclear safety.

5.0 REGULATORY SAFETY ANALYSIS

5.1 No Significant Hazards Consideration

The proposed changes would revise the Operating License, Appendix A, Technical Specification (TS) 6.9, "Administrative Controls – Reporting Requirements," to eliminate the requirement to submit startup reports to the NRC. This change would make the TS consistent with current NRC staff guidance as reflected in NUREG-1430, "Standard Technical Specifications - Babcock and Wilcox Plants," Revision 2, dated April 2001.

An evaluation has been performed to determine whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of Amendment," as discussed below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

   Response: No.

   The proposed change is administrative in nature. As such, it does not affect any accident initiators and does not affect containment isolation, plant responses to accidents, or radiological effluents. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

   Response: No.

The proposed change is administrative in nature. As such, it does not introduce any new or different accident initiators. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change is administrative in nature and does not reduce or adversely affect the capabilities of any plant structures, systems, or components to perform their safety functions Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, it is concluded that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.

5.2 Applicable Regulatory Requirements/Criteria

As discussed in Appendix 3D.2.0, "NRC Safety Guides," of the DBNPS Updated Safety Analysis Report (USAR), the design of the DBNPS takes into consideration various NRC Safety Guides. USAR Appendix 3D.2.16, "Safety Guide 16 – 'Reporting of Operating Information' (October 1971)," states: "In compliance with Safety Guide 16, Station Technical Specifications specify station operating reports along with their frequency which must be provided to the Nuclear Regulatory Commission."

Safety Guide 16 lists reports that are to be included as part of an acceptable reporting program. The Safety Guide states that the information provided in the reports should be sufficient to permit an assessment by the Commission of safety-related activities during and following the startup of the facility. The Safety Guide further states:

> Such information is used: (1) in determining whether the nuclear power plant is being operated and maintained in a safe manner, (2) in evaluating conditions at the facility having safety or safeguards significance and (3) in assessing system reliability as it may affect the safe operation of the facility.

Included in the Safety Guide 16 report listing is the requirement for a "Startup Report." Section C.1.a.(1) of the Safety Guide includes the following discussion of the startup report requirements:

> A summary report of plant startup and power escalation testing and the evaluation of the results from these test programs should be submitted for newly licensed facilities and facilities that have been modified to an extent that the nuclear, thermal, or hydraulic performance of the plant may be significantly altered. The test results should be compared with design predictions and specifications. Startup reports should be submitted within 60 days following commencement of commercial power operation (i.e., following synchronization of the turbo-generator to produce commercial power).

As previously discussed, the proposed deletion of the startup report requirements from TS Section 6.9 is consistent with current NRC staff guidance as reflected in Revision 2 of NUREG-1430, "Standard Technical Specifications - Babcock and Wilcox Plants," dated April 2001. Upon implementation of the proposed amendment, DBNPS USAR Appendix 3D.2.16 will be revised to reflect the updated NRC staff guidance with respect to startup report requirements.

In conclusion, based on the considerations discussed above, (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.

6.0 ENVIRONMENTAL CONSIDERATION

The proposed amendment is confined to (i) changes to surety, insurance, and/or indemnity requirements, or (ii) changes to record keeping, reporting, or administrative procedures or requirements. Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(10). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

7.0 REFERENCES

1. DBNPS Operating License NPF-3, Appendix A Technical Specifications through Amendment 247.

2. DBNPS Updated Safety Analysis Report through Revision 22.

3. NUREG-0103, "Standard Technical Specifications for Babcock and Wilcox Pressurized Water Reactors," Revision 1, dated January 1977.

4. NUREG-1430, Standard Technical Specifications - Babcock and Wilcox Plants, Revision 0, dated September 1992.

5. NUREG-1430, Standard Technical Specifications - Babcock and Wilcox Plants, Revision 1, dated April 1995.

6. NUREG-1430, Standard Technical Specifications - Babcock and Wilcox Plants, Revision 2, dated April 2001.

7. NRC Letter dated October 25, 1993, William T. Russell, Associate Director for Inspection & Technical Assessment, Office of Nuclear Reactor Regulation, to the Owner's Group Technical Specification Committee Chairpersons.

8. Standard Technical Specification Change Traveler BWOG-09, January 30, 1994.

9. License Amendment Request No. 00-0006 dated October 12, 2001 (DBNPS Serial Number 2692).

8.0 ATTACHMENTS

1. Proposed Mark-Up of Technical Specification Pages

2. Proposed Retyped Technical Specification Pages

LAR 01-0011
Attachment 1

PROPOSED MARK-UP
OF
TECHNICAL SPECIFICATION PAGES

(2 pages follow)

6.9 REPORTING REQUIREMENTS

ROUTINE REPORTS

6.9.1 In addition to the applicable reporting requirements of Title 10, Code of Federal Regulations, the following reports shall be submitted to the appropriate Regional Office unless otherwise noted.

STARTUP REPORT

6.9.1.1 Deleted ~~A summary report of plant startup and power escalation testing shall be submitted following (1) receipt of an operating license, (2) amendment to the license involving a planned increase in power level, (3) installation of fuel that has a different design or has been manufactured by a different fuel supplier, and (4) modifications that may have significantly altered the nuclear, thermal, or hydraulic performance of the plant.~~

6.9.1.2 Deleted ~~The report shall address each of the tests identified in the FSAR and shall include a description of the measured values of the operating conditions or characteristics obtained during the test program and a comparison of these values with design predictions and specifications. Any corrective actions that were required to obtain satisfactory operation shall also be described. Any additional specific details required in license conditions based on other commitments shall be included in this report.~~

6.9.1.3 Deleted ~~Startup reports shall be submitted within (1) 90 days following completion of the startup test program, (2) 90 days following resumption or commencement of commercial power operation, or (3) 9 months following initial criticality, whichever is earliest. If the Startup Report does not cover all three events (i.e., initial criticality, completion of startup test program, and resumption or commencement of commercial~~

~~power operation), supplementary reports shall be submitted at least every three months until all three events have been completed.~~

ANNUAL OPERATING REPORT

6.9.1.4 Annual reports covering the activities of the unit during the previous calendar year shall be submitted prior to March 31 of each year.

6.9.1.5 Reports required on an annual basis shall include:

a. A tabulation on an annual basis of the number of station, utility and other personnel (including contractors) receiving exposures greater than 100 mrem/yr and their associated man rem exposure according to work and job functions[1]/, e.g., reactor operations and surveillance, inservice inspection, routine maintenance, special maintenance (described maintenance), waste processing, and refueling. The dose assignment to various duty functions may be estimates based on pocket dosimeter, TLD, or film badge measurements. Small exposures totalling less than 20% of the individual total dose need not be accounted for. In the aggregate, at least 80% of the total whole body dose received from external sources shall be assigned to specific major work functions.

b. The complete results of steam generator tube inservice inspections (Specification 4.4.5.5.b).

c. The results of specific activity analysis in which the primary coolant exceeded the limits of Specification 3.4.8. The following information shall be included: (1) Reactor power history starting 48 hours prior to the first sample in which the limit was exceeded; (2) Results of the last isotopic analysis for radioiodine performed prior to exceeding the limit, results of analysis while limit was exceeded and results of one analysis after the radioiodine activity was reduced to less than limit. Each result should include date and time of sampling and the radioiodine concentrations; (3) Clean-up system flow history starting 48 hours prior to the first sample in which the limit was exceeded; (4) Graph of the I-131 concentration and one other radioiodine isotope concentration in

[1]/ This tabulation supplements the requirements of §20.407 of 10 CFR Part 20.

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Attachment 2

PROPOSED RETYPED
TECHNICAL SPECIFICATION PAGES
(2 pages follow)

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Docket Number 50-346
License Number NPF-3
Serial Number 2739
Enclosure 2

COMMITMENT LIST

THE FOLLOWING LIST IDENTIFIES THOSE ACTIONS COMMITTED TO BY THE DAVIS-BESSE NUCLEAR POWER STATION (DBNPS) IN THIS DOCUMENT. ANY OTHER ACTIONS DISCUSSED IN THE SUBMITTAL REPRESENT INTENDED OR PLANNED ACTIONS BY THE DBNPS. THEY ARE DESCRIBED ONLY FOR INFORMATION AND ARE NOT REGULATORY COMMITMENTS. PLEASE NOTIFY THE MANAGER – REGULATORY AFFAIRS (419-321-8450) AT THE DBNPS OF ANY QUESTIONS REGARDING THIS DOCUMENT OR ANY ASSOCIATED REGULATORY COMMITMENTS.

COMMITMENTS	DUE DATE
1. USAR Appendix 3D.2.16 will be revised to reflect the updated NRC staff guidance with respect to startup report requirements.	1. Upon implementation of the proposed amendment.