

72-14
(50-346)



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

December 20, 1995

Mr. John P. Stetz, Vice President-
Nuclear, Davis-Besse
Centerior Services Company
c/o Toledo Edison Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449

SUBJECT: ISSUANCE OF SCHEDULAR EXEMPTION FROM 10 CFR 72.82(e)
(TAC NO. L22174)

Dear Mr. Stetz:

By letter dated September 29, 1995, the U.S. Nuclear Regulatory Commission issued an environmental assessment and finding of no significant impact related to the consideration of your request dated September 22, 1995, for an exemption from the 30-day waiting period requirement in 10 CFR 72.82(e) for the Davis-Besse Independent Spent Fuel Storage Installation (ISFSI) (60 FR 52709). The NRC, in accordance with 10 CFR 72.7, has determined that an exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest.

Your exemption request proposed submission of the report of the preoperational test acceptance criteria and test results 3 days prior to receipt of spent fuel at your ISFSI in lieu of the 30-day period required by 10 CFR 72.82(e). The purpose of the 30-day waiting period is to allow the NRC an opportunity to review your test results prior to initial operation of the ISFSI. In this case, NRC staff conducted inspections at the fabrication facility, reviewed cask fabrication records, reviewed applicable procedures and results associated with pre-operational testing, observed portions of the preoperational test activities as they occurred, and reviewed the test criteria and results described in your 72.82(e) report received by the NRC Region III on December 14, 1995. We believe that the aforementioned activities provided an appropriate level of NRC oversight. Based on these observations and inspections, as well as on the criteria and results documented in your Section 72.82(e) report, NRC has adequate assurance that the cask can perform its intended safety functions and that you have the appropriate equipment and procedures in place, as well as appropriately trained personnel, to safely conduct spent fuel cask handling activities.

In view of the above, the NRC grants Toledo Edison Company an exemption from the 30-day waiting period requirement in 10 CFR 72.82(e). This exemption allows Toledo Edison Company to submit the report of preoperational test acceptance criteria and test results less than 30 days prior to the receipt of fuel at its ISFSI at the Davis-Besse plant. The effective date of the exemption shall be December 26, 1995. This exemption will allow the licensee, effective December 26, to commence loading spent fuel into the dry storage canister, for subsequent transfer to and storage in the Davis-Besse ISFSI. The exemption also permits the licensee, prior to December 26, to start any

NFO 11

9512280302 951220
PDR ADDCK 05000346
Y PDR

REGULATORY DIVISION COPY

Mr. John P. Stetz

2

necessary work that is a prerequisite to loading fuel on December 26. While not providing Toledo Edison Company the full schedular relief it requested, the exemption will result in the Company being able to begin dry storage activities approximately two weeks earlier than without the exemption. A copy of the Federal Register Notice for this decision is enclosed.

If you have any questions about this exemption, please contact Michael Raddatz on (301) 415-8544.

Sincerely,

Original /s/ by

William D. Travers, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Enclosure: Federal Register Notice

Docket 72-14 (50-346)

cc: Attached List

DISTRIBUTION: Control No. 010S
Docket 72-14(50-346)

SFLS R/F
SFPO R/F
CPaperiello
PEng

PA, RIII
NMSS R/F
SStasek, RInsp.
DFoster-Curseen, NRR

~~CONFIDENTIAL~~ PUBLIC

SGagner, PA
AKugler, NRR
LGundrum, NRR
GMarcus

NRC File Center
FSturz, SFPO
MFarber, RIII
MKnapp
AHowe

Coordinated with RLanksbury, RIII

*See previous concurrence.

OFC	SFPO	E	SFPO*	E	SFPO*	OGC*	E	NRR	E	SFPO	E	SFPO
NAME	MLusardi		VTharpe		MRaddatz	WReamer		JRoe		CHAughney		WTravers
DATE	12/20/95		11/20/95		11/20/95	12/20/95		12/20/95		12/20/95		12/20/95

C = COVER

E = COVER & ENCLOSURE
OFFICIAL RECORD COPY

N = NO COPY

G:DBEXEMPT.LTR

Mr. John P. Stetz
Toledo Edison Company

cc:
Mary E. O'Reilly
Centerior Energy Corporation
300 Madison Avenue
Toledo, Ohio 43652

Manager - Regulatory Affairs
Toledo Edison Company
Davis-Besse Nuclear Power Plant
5501 North State - Route 2
Oak Harbor, Ohio 43449

Gerald Charnoff, Esq.
Shaw, Pittman, Potts
and Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037

Regional Administrator
U.S. NRC, Region III
801 Warrenville Road
Lisle, Illinois 60523-4351

Mr. Robert B. Borsum
Babcock & Wilcox
Nuclear Power Generation Division
1700 Rockville Pike, Suite 525
Rockville, Maryland 20852

Resident Inspector
U. S. Nuclear Regulatory Commission
5503 N. State Route 2
Oak Harbor, Ohio 43449

Mr. John K. Wood, Plant Manager
Toledo Edison Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, Ohio 43449

Davis-Besse Nuclear Power Station
Unit No. 1

Robert E. Owen, Chief
Bureau of Radiological Health
Service
Ohio Department of Health
P. O. Box 118
Columbus, Ohio 43266-0118

Attorney General
Department of Attorney
General
30 East Broad Street
Columbus, Ohio 43216

Mr. James W. Harris, Director
Division of Power Generation
Ohio Department of Industrial
Regulations
P. O. Box 825
Columbus, Ohio 43216

Ohio Environmental Protection Agency
DERR--Compliance Unit
ATTN: Zack A. Layton
P. O. Box 1049
Columbus, Ohio 43266-0149

State of Ohio
Public Utilities Commission
180 East Broad Street
Columbus, Ohio 43266-0573

Mr. James R. Williams
State Liaison to the NRC
Adjutant General's Department
Office of Emergency Management
Agency
2825 West Granville Road
Columbus, Ohio 43235-2712

President, Board of County
Commissioners of Ottawa County
Port Clinton, Ohio 43452

UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of)

Toledo Edison Co.)
Davis-Besse Nuclear)
Power Station)
Independent Spent Fuel)
Storage Installation)

Docket No. 72-14
(50-346)

EXEMPTION

I.

Toledo Edison Company (the licensee), under the general license in Part 72, Subpart K, is authorized to receive and store spent fuel from its Davis-Besse Nuclear Power Station at an independent spent fuel storage installation (ISFSI) located on the Davis-Besse Nuclear Power Station site. This facility is located at the licensee's site in Oak Harbor, Ohio.

II.

Pursuant to 10 CFR 72.7, the Nuclear Regulatory Commission (NRC) may grant exemptions from the requirements of the regulations in 10 CFR Part 72 as it determines are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest.

Section 72.82(e) of 10 CFR Part 72 requires each licensee to provide a report of preoperational test acceptance criteria and test results to the appropriate NRC Regional Office with a copy to the Director, Office of Nuclear Material Safety and Safeguards, at least 30 days prior to receipt of spent fuel or high-level radioactive waste for storage in an ISFSI. The purpose of the 30-day waiting period is to allow the NRC an opportunity to review test

results prior to initial operation of the ISFSI. If an exemption from the requirement of 10 CFR 72.82(e) for a 30-day waiting period was granted, the licensee still would be required to submit the necessary report; however, the licensee could thereafter start loading the first cask before the end of the 30-day period.

III.

By letter dated September 22, 1995, the licensee requested a schedular exemption pursuant to 10 CFR 72.7 from the requirement of 10 CFR 72.82(e). The licensee committed to submit its report no less than 3 days prior to receipt of spent fuel at its ISFSI. The licensee's exemption request to reduce the 30-day waiting period to 3 days was based on the licensee's need to assure the availability of adequate storage space in Davis-Besse's spent fuel pool to support a refueling outage scheduled to begin in April 1996. To meet that schedule, spent fuel must be removed from the pool and loaded into the dry storage casks at the Davis-Besse plant for transport to the ISFSI prior to receipt of new fuel in February 1996. Because moving and loading the canisters into the horizontal storage modules occurs outside the auxiliary building, and because conducting such activities during inclement weather would complicate these activities, the licensee had planned to begin loading activities in October 1995. Delays, however, have forced the licensee to postpone its schedule. Nonetheless, the need for and underlying basis of the licensee's exemption requests remains. Granting the requested exemption from the 30-day waiting period in 10 CFR 72.82(e) would assist the licensee in assuring it has sufficient time to complete loading operations for dry cask storage before the end of January 1996 while, to the extent possible,

minimizing the need to conduct fuel handling activities during inclement weather. Moreover, as noted below, the NRC has completed review of the licensee's preoperational test report and therefore does not need the full 30 days contemplated by 10 CFR 72.82(e).

In a letter dated December 18, 1995, the licensee reiterated the need for the requested exemption and provided additional information on current circumstances supporting NRC approval. The December 18 letter (and additional information in it) are not necessary to a favorable consideration of the exemption request by NRC. However, the letter confirms the propriety of an exemption.

The NRC conducted an inspection related to the manufacture of the storage canisters at the vendor's fabrication site, and on July 7, 1995, issued a Confirmatory Action Letter to the vendor. The vendor responded to the Confirmatory Action Letter on September 5, 20, 22, and October 2 and 3, 1995. In a letter dated October 12, 1995, NRC found the vendor's responses acceptable. NRC was able to resolve the inspection issues based on the additional information provided by the vendor which included documentation of design changes and associated safety evaluations, engineering analysis regarding the minimum required canister wall thickness, the results of measurements of the actual wall thickness of the canisters, and detailed information on leak testing performed. NRC verified the adequacy of the additional information provided by the vendor and the safety of the canisters and the transfer cask by performing detailed reviews, engineering evaluations, and inspections.

Since receipt of the first canisters on site, NRC has observed selected portions of the preoperational testing activities and has reviewed associated

test procedures and results. The licensee submitted the report of preoperational test acceptance criteria and test results required by 10 CFR 72.82(e) to NRC Region III on December 14, 1995. The preoperational tests conducted by the licensee included, among other things, the actual exercise of the licensee's written procedures for loading and unloading the storage canisters. The licensee reviewed the results of these tests, made changes and subsequently approved the canister loading and unloading procedures. The NRC observed licensee's validation of the acceptability of these procedures and is satisfied with the results.

IV.

Based on the aforementioned oversight and inspection of the preoperational testing activities at the Davis-Besse ISFSI, as well as the NRC's review of the licensee's report of preoperational test criteria and results, the NRC finds that Toledo Edison has satisfactorily addressed all of the safety issues associated with cask loading, handling, and storage. The results of these NRC activities confirm there is adequate assurance that the cask can perform its intended safety functions and that Toledo Edison has the necessary equipment and procedures in place, as well as appropriately trained personnel, to safely conduct spent fuel cask handling activities.

Accordingly, the NRC has determined in accordance with 10 CFR 72.7 that this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the NRC hereby grants the licensee an exemption from the 30-day waiting period required by 10 CFR 72.82(e). The effective date of this exemption shall be December 26, 1995. This exemption will allow the licensee,

effective December 26, to commence loading spent fuel into the dry storage canister, for subsequent transfer to and storage in the Davis-Besse ISFSI. The exemption also permits the licensee, prior to December 26, to start any necessary work that is a prerequisite to loading fuel on December 26. While not providing Toledo Edison Company the full schedular relief it requested, the exemption will result in the Company being able to begin dry storage activities approximately two weeks earlier than without the exemption.

The documents related to this proposed action are available for public inspection and for copying (for a fee) at the NRC Public Document Room at the Gelman Building, 2120 L Street, NW, Washington, DC 20555, and at the Local Public Document Room located in the William Carlson Library, University of Toledo, 2801 West Bancroft Avenue, Toledo, Ohio 43605.

Pursuant to 10 CFR 51.32, the NRC has determined that granting this exemption will have no significant impact on the quality of the human environment (60 FR 52709).

FOR THE NUCLEAR REGULATORY COMMISSION

Original /s/ by

William D. Travers, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Dated at Rockville, Maryland
this 20 day of December 1995.

*See previous concurrence

OFC	SFPO	E	SFPO*	E	SFPO*		OGC	E	NRR	E	SFPO	E	SFPO
NAME	<i>ML</i> MLusardi		VTharpe		MRaddatz		WReamer		<i>GHM for</i> JRoe		<i>CAH</i> Cfaughney		<i>WDT</i> WTravers
DATE	12/20/95		11/20/95		11/20/95		12/20/95		12/20/95		12/20/95		12/20/95

C = COVER

E = COVER & ENCLOSURE
OFFICIAL RECORD COPY

N = NO COPY