



FirstEnergy Nuclear Operating Company

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Docket Number 50-346

10CFR50.90

License Number NPF-3

Serial Number 2767

June 4, 2002

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

Subject: Davis-Besse Nuclear Power Station  
Application for Technical Specification Change Regarding Missed Surveillance  
Using the Consolidated Line Item Improvement Process  
(License Amendment Request No. 01-0017)

Ladies and Gentlemen:

In accordance with the provisions of 10 CFR 50.90, the FirstEnergy Nuclear Operating Company (FENOC) is submitting a request for an amendment to the Technical Specifications (TS) for the Davis-Besse Nuclear Power Station (DBNPS), Unit 1.

The proposed amendment would modify TS requirements for missed surveillances in Specification 4.0.3.

Attachment 1 provides a description of the proposed change, the requested confirmation of applicability, and plant-specific verifications. Attachment 2 provides the existing TS pages marked up to show the proposed change. Attachment 3 provides revised (clean) TS pages. Attachment 4 provides a summary of the regulatory commitments made in this submittal. Attachment 5 provides the existing TS Bases pages marked up to show the proposed change (for information only).

FENOC requests approval of the proposed License Amendment by November 29, 2002, with the amendment being implemented within 120 days.

Approved

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In accordance with 10 CFR 50.91, a copy of this application, with attachments, is being provided to the designated State of Ohio official.

Should you have any questions or require additional information, please contact Mr. Patrick J. McCloskey, Manager - Regulatory Affairs, at (419) 321-7148.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. W. Byers". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Attachments:

1. Description and Assessment
2. Proposed Technical Specification Changes
3. Revised Technical Specification Pages
4. Regulatory Commitments
5. Proposed Technical Specification Bases Pages

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

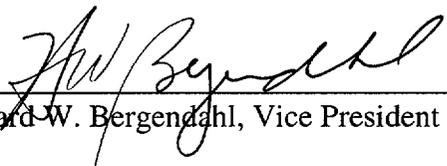
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APPLICATION FOR AMENDMENT  
TO FACILITY OPERATING LICENSE NPF-3  
DAVIS-BESSE NUCLEAR POWER STATION  
UNIT NUMBER 1

Attached is License Amendment Request 01-0017 that requests changes to the Davis-Besse Nuclear Power Station Unit Number 1, Facility Operating License Number NPF-3.

I declare under penalty of perjury that I am authorized by the FirstEnergy Nuclear Operating Company to make this request and the foregoing is true and correct.

Executed on: 6/5/02

By:   
Howard W. Bergendahl, Vice President - Nuclear

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Attachment 1  
Page 1

**DAVIS-BESSE NUCLEAR POWER STATION  
DESCRIPTION AND ASSESSMENT  
FOR  
LICENSE AMENDMENT REQUEST NUMBER 01-0017**

**Subject:** Application for Technical Specification Change Regarding Missed Surveillance Using the Consolidated Line Item Improvement Process.

**1.0 DESCRIPTION**

**2.0 ASSESSMENT**

**2.1 Applicability of Published Safety Evaluation**

**2.2 Optional Changes and Variations**

**3.0 REGULATORY ANALYSIS**

**3.1 No Significant Hazards Consideration Determination**

**3.2 Verification and Commitments**

**4.0 ENVIRONMENTAL CONSIDERATION**

## **1.0 DESCRIPTION**

The proposed amendment would modify technical specifications (TS) requirements for missed surveillances in Davis Besse Nuclear Power Station Unit 1 Specification 4.0.3.

The changes are consistent with Nuclear Regulatory Commission (NRC) approved Industry/Technical Specification Task Force (TSTF) Standard Technical Specifications (STS) change TSTF-358 Revision 5, as modified by Federal Register Notice 66FR32400, of June 14, 2001, and in response to public comments. The availability of this TS improvement was published in the Federal Register on September 28, 2001, as part of the consolidated line item improvement process (CLIP).

## **2.0 ASSESSMENT**

### **2.1 Applicability of Published Safety Evaluation**

FENOC has reviewed the safety evaluation dated June 14, 2001, as part of the CLIP. This review included a review of the NRC staff's evaluation, as well as the supporting information provided to support TSTF-358. FENOC has concluded that the justifications presented in the TSTF proposal and the safety evaluation prepared by the NRC staff are applicable to the DBNPS and justify this amendment for the incorporation of the changes to the DBNPS TS.

### **2.2 Optional Changes and Variations**

FENOC is proposing minor variations or deviations from the TS changes described in the fully modified TSTF-358 Revision 5 and the NRC staff's model safety evaluation dated June 14, 2001. The DBNPS Technical Specifications are formatted consistent with NUREG-0103, *Standard Technical Specification for Babcock and Wilcox Pressurized Water Reactors*, and therefore, references to SR 3.0.3 in TSTF-358 and the model application have been replaced with references to Specification 4.0.3. Minor wording changes are included for consistency with DBNPS TS terminology.

## **3.0 REGULATORY ANALYSIS**

### **3.1 No Significant Hazards Consideration Determination**

FENOC has reviewed the proposed no significant hazards consideration determination (NSHCD) published in the Federal Register as part of the CLIP. FENOC has concluded that the proposed NSHCD presented in the Federal

Register notice is applicable to the Davis-Besse Nuclear Power Station and is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

### **3.2 Verification and Commitments**

As discussed in the notice of availability published in the Federal Register on September 28, 2001, for this TS improvement, plant-specific verifications were performed as follows:

FENOC will establish TS Bases for Specification 4.0.3 which state that use of the delay period established by Specification 4.0.3 is a flexibility which is not intended to be used as an operational convenience to extend surveillance intervals, but only for the performance of missed surveillances.

The modification will also include changes to the Bases for Specification 4.0.3 that provide details on how to implement the new requirements. The Bases changes provide guidance for surveillance frequencies that are not based on time intervals but are based on specified unit conditions, operating situations, or requirements of regulations. In addition, the Bases changes state that FENOC is expected to perform a missed surveillance test at the first reasonable opportunity, taking into account appropriate considerations, such as the impact on plant risk and accident analysis assumptions, consideration of unit conditions, planning, availability of personnel, and the time required to perform the surveillance. The Bases also state that the risk impact should be managed through the program in place to implement 10 CFR 50.65(a)(4) and its implementation guidance, NRC Regulatory Guide 1.182, "Assessing and Managing Risks Before Maintenance Activities at Nuclear Power Plants," and that the missed surveillance should be treated as an emergent condition, as discussed in Regulatory Guide 1.182. In addition, the Bases state that the degree of depth and rigor of the evaluation should be commensurate with the importance of the component and that missed surveillances for important components should be analyzed quantitatively. The Bases also state that the results of the risk evaluation determine the safest course of action. In addition, the Bases state that all missed surveillances will be placed in the licensee's Corrective Action Program. Finally, FENOC has a Bases Control Program consistent with Section 5.5 of the STS.

## **4.0 ENVIRONMENTAL CONSIDERATION**

FENOC has reviewed the environmental evaluation included in the model safety evaluation dated June 14, 2001 as part of the CLIIP. FENOC has concluded that the NRC staff's findings presented in that evaluation are applicable to the DBNPS and the evaluation is hereby incorporated by reference for this application.

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Attachment 2

**PROPOSED MARK-UP  
OF  
TECHNICAL SPECIFICATION PAGES**

(1 page follows)

## APPLICABILITY

### SURVEILLANCE REQUIREMENTS

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4.0.1 Surveillance Requirements shall be applicable during the OPERATIONAL MODES or other conditions specified for individual Limiting Conditions for Operation unless otherwise stated in an individual Surveillance Requirement.

4.0.2 Each Surveillance Requirement shall be performed within the specified time interval with a maximum allowable extension not to exceed 25 percent of the specified surveillance interval.

4.0.3 Failure to perform a Surveillance Requirement within the allowed surveillance interval, defined by Specification 4.0.2, shall constitute noncompliance with the OPERABILITY requirements for a Limiting Condition for Operation (LCO), except as noted below.

If it is discovered that a Surveillance was not performed within its specified frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified frequency, whichever is greater. This delay period is permitted to allow performance of the Surveillance. A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours, and the risk impact shall be managed.

If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable ACTIONS must be entered.

When the Surveillance is performed within the delay period and the Surveillance is not met, the LCO must immediately be declared not met, and the applicable ACTIONS must be entered. The time limits of the ACTION requirements are applicable at the time it is identified that a Surveillance Requirement has not been performed.

The ACTION requirements may be delayed for up to 24 hours to permit the completion of the surveillance when the allowable (equipment inoperability) outage time limits of the ACTION requirements are less than 24 hours.

Surveillance requirements do not have to be performed on inoperable equipment.

4.0.4 Entry into an OPERATIONAL MODE or other specified applicability condition shall not be made unless the Surveillance Requirement(s) associated with the Limiting Condition for Operation have been performed within the stated surveillance interval or as otherwise specified.

4.0.5 Surveillance Requirements for inservice inspection and testing of ASME Code Class 1, 2 and 3 components shall be applicable as follows:

- a. Inservice inspection of ASME Code Class 1, 2 and 3 components shall be performed in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda as required by 10 CFR 50, Section 50.55a.

Inservice Testing of ASME Code Class 1, 2 and 3 pumps and valves shall be performed in accordance with the ASME Code for Operation and Maintenance of Nuclear Power Plants (ASME OM Code) and applicable Addenda as required by 10 CFR 50, Section 50.55a.

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**PROPOSED RETYPED  
TECHNICAL SPECIFICATION PAGES**

(1 page follows)

## APPLICABILITY

### SURVEILLANCE REQUIREMENTS

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4.0.1 Surveillance Requirements shall be applicable during the OPERATIONAL MODES or other conditions specified for individual Limiting Conditions for Operation unless otherwise stated in an individual Surveillance Requirement.

4.0.2 Each Surveillance Requirement shall be performed within the specified time interval with a maximum allowable extension not to exceed 25 percent of the specified surveillance interval.

4.0.3 Failure to perform a Surveillance Requirement within the allowed surveillance interval, defined by Specification 4.0.2, shall constitute noncompliance with the OPERABILITY requirements for a Limiting Condition for Operation (LCO), except as noted below.

If it is discovered that a Surveillance was not performed within its specified frequency, then compliance with the requirement to declare the LCO not met may be delayed, from the time of discovery, up to 24 hours or up to the limit of the specified frequency, whichever is greater. This delay period is permitted to allow performance of the Surveillance. A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours, and the risk impact shall be managed.

If the Surveillance is not performed within the delay period, the LCO must immediately be declared not met, and the applicable ACTIONS must be entered.

When the Surveillance is performed within the delay period and the Surveillance is not met, the LCO must immediately be declared not met, and the applicable ACTIONS must be entered.

Surveillance requirements do not have to be performed on inoperable equipment.

4.0.4 Entry into an OPERATIONAL MODE or other specified applicability condition shall not be made unless the Surveillance Requirement(s) associated with the Limiting Condition for Operation have been performed within the stated surveillance interval or as otherwise specified.

4.0.5 Surveillance Requirements for inservice inspection and testing of ASME Code Class 1, 2 and 3 components shall be applicable as follows:

- a. Inservice inspection of ASME Code Class 1, 2 and 3 components shall be performed in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda as required by 10 CFR 50, Section 50.55a.

Inservice Testing of ASME Code Class 1, 2 and 3 pumps and valves shall be performed in accordance with the ASME Code for Operation and Maintenance of Nuclear Power Plants (ASME OM Code) and applicable Addenda as required by 10 CFR 50, Section 50.55a.

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### **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 (419-321-7148) AT THE DBNPS OF ANY QUESTIONS REGARDING THIS DOCUMENT OR ANY ASSOCIATED REGULATORY COMMITMENTS.

#### **COMMITMENTS**

#### **DUE DATE**

1. FENOC will establish the Technical Specification Bases for Specification 4.0.3 as adopted with the applicable license amendment.

1. Implement with amendment.

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Attachment 5

**TECHNICAL SPECIFICATION BASES PAGES**

(2 pages follow)

*Note: The Bases pages are provided for information only.*

## APPLICABILITY

### BASES

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4.0.1 This specification provides that surveillance activities necessary to insure the Limiting Conditions for Operation are met and will be performed during the OPERATIONAL MODES or other conditions for which the Limiting Conditions for Operation are applicable. Provisions for additional surveillance activities to be performed without regard to the applicable OPERATIONAL MODES or other conditions are provided in the individual Surveillance Requirements.

4.0.2 The provisions of this specification provide allowable tolerances for performing surveillance activities beyond those specified in the nominal surveillance interval. These tolerances are necessary to provide operational flexibility because of scheduling and performance considerations. The phrase "at least" associated with a surveillance frequency does not negate this allowable tolerance value and permits the performance of more frequent surveillance activities.

The allowable tolerance for performing surveillance activities is sufficiently restrictive to ensure that the reliability associated with the surveillance activity is not significantly degraded beyond that obtained from the nominal specified interval. It is not intended that the allowable tolerance be used as a convenience to repeatedly schedule the performance of surveillances at the allowable tolerance limit.

The allowable tolerance for performing surveillance activities also provides flexibility to accommodate the length of a fuel cycle for surveillances that are specified to be performed at least once each REFUELING INTERVAL. It is the intent that REFUELING INTERVAL surveillances be performed in an OPERATIONAL MODE consistent with safe plant operation.

4.0.3 This specification establishes the failure to perform a Surveillance Requirement within the allowed surveillance interval, defined by the provisions of Specification 4.0.2, as a condition that constitutes a failure to meet the OPERABILITY requirements for a Limiting Condition for Operation. Under the provisions of this specification, systems and components are assumed to be OPERABLE when Surveillance Requirements have been satisfactorily performed within the specified time interval. However, nothing in this provision is to be construed as implying that systems or components are OPERABLE when they are found or known to be inoperable although still meeting the Surveillance Requirements.

Specification 4.0.3 establishes the flexibility to defer declaring affected equipment inoperable or an affected variable outside the specified limits when a Surveillance has not been completed within the specified Frequency. A delay period of up to 24 hours or up to the limit of the specified Frequency, whichever is greater, applies from the point in time that it is discovered that the Surveillance has not been performed in accordance with Specification 4.0.2, and not at the time that the specified Frequency was not met.

This delay period provides an adequate time to complete Surveillances that have been missed. This delay period permits the completion of a Surveillance before complying with required ACTIONS or other remedial measures that might preclude completion of the Surveillance.

The basis for this delay period includes consideration of unit conditions, adequate planning, availability of personnel, the time required to perform the Surveillance, the safety significance of the delay in completing the required Surveillance, and the recognition that the most probable result of any particular Surveillance being performed is the verification of conformance with the requirements.

## APPLICABILITY

### BASES

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When a Surveillance with a Frequency based not on time intervals, but upon specified unit conditions, operating situations, or requirements of regulations (e.g., prior to entering MODE 1 after each fuel loading, or in accordance with 10 CFR 50, Appendix J, as modified by approved exemptions, etc.) is discovered to not have been performed when specified, Specification 4.0.3 allows for the full delay period up to the specified Frequency to perform the Surveillance. However, since there is not a time interval specified, the missed Surveillance should be performed at the first reasonable opportunity.

Specification 4.0.3 provides a time limit for, and allowances for the performance of, Surveillances that become applicable as a consequence of MODE changes imposed by required ACTIONS.

Failure to comply with specified Frequencies for SRs is expected to be an infrequent occurrence. Use of the delay period established by Specification 4.0.3 is a flexibility which is not intended to be used as an operational convenience to extend Surveillance intervals. While up to 24 hours or the limit of the specified Frequency is provided to perform the missed Surveillance, it is expected that the missed Surveillance will be performed at the first reasonable opportunity. The determination of the first reasonable opportunity should include consideration of the impact on plant risk (from delaying the Surveillance as well as any plant configuration changes required to perform the Surveillance) and impact on any analysis assumptions, in addition to unit conditions, planning, availability of personnel, and time required to perform the Surveillance. This risk impact should be managed through the program in place to implement 10 CFR 50.65(a)(4) and its implementation guidance, NRC Regulatory Guide 1.182, "Assessing and Managing Risk Before Maintenance Activities at Nuclear Power Plants." This Regulatory Guide addresses consideration of temporary and aggregate risk impacts, determination of risk management action thresholds, and risk management action up to and including plant shutdown. The missed surveillance should be treated as an emergent condition as discussed in the Regulatory Guide. The risk evaluation may use quantitative, qualitative, or blended methods. The degree of depth and rigor of the evaluation should be commensurate with the importance of the component. Missed Surveillances for important components should be analyzed quantitatively. If the results of the risk evaluation determine the risk increase is significant, this evaluation should be used to determine the safest course of action. All missed Surveillances will be placed in the Corrective Action Program.

If a Surveillance is not completed within the allowed delay period, then the equipment is considered inoperable or the variable is considered outside the specified limits and the ACTIONS for the applicable LCO Conditions must be entered immediately upon expiration of the delay period. If a Surveillance is failed within the delay period, then the equipment is inoperable, or the variable is outside the specified limits and the ACTIONS for the applicable LCO Conditions must be entered immediately upon the failure of the Surveillance.

Completion of the Surveillance within the delay period allowed by this Specification, or within the time limits of the ACTIONS, restores compliance with this specification.

Surveillance Requirements do not have to be performed on inoperable equipment because the ACTION requirements define the remedial measures that apply. However, the Surveillance Requirements have to be met to demonstrate that inoperable equipment has been restored to OPERABLE status.