

September 25, 2003

Mr. Lew W. Myers
Chief Operating Officer
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1 - ISSUANCE OF
AMENDMENT RE: STARTUP TEST REPORTS (TAC NO. MB9478)

Dear Mr. Myers:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 258 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 December 4, 2001.

This amendment revises the DBNPS Operating License, Appendix A, TS Section 6.9, "Administrative Controls - Reporting Requirements," to eliminate the requirement to submit startup test reports to the Nuclear Regulatory Commission.

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 by JHopkins for/

Jon B. Hopkins, 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. 258 to
License No. NPF-3
2. Safety Evaluation

cc w/encls: See next page

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ADAMS Accession Number: ML03 (Package)
 ADAMS Accession Number: ML032230071 (Letter) **Previously concurred
 ADAMS Accession Number: ML03 (Technical Specifications) *SE dated 7/9/03

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Davis-Besse Nuclear Power Station, Unit 1

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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. 258
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 December 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. Accordingly, the license is 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. 258, 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 the date of issuance and shall be implemented within 90 days of the date of issuance. In addition, the licensee shall include the revised information in the Updated Safety Analysis Report submitted to the NRC, pursuant to 10 CFR 50.71(e), as described in the licensee's application dated December 4, 2001, and evaluated in the staff's safety evaluation for this amendment.

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: September 25, 2003

ATTACHMENT TO LICENSE AMENDMENT NO. 258

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

6-14e
6-15

Insert

6-14e
6-15

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 258 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 application dated December 4, 2001, FirstEnergy Nuclear Operating Company (FENOC, or the licensee) requested an amendment to the Davis-Besse Nuclear Power Station, Unit No. 1 (DBNPS), Facility Operating License NPF-3. The amendment would revise the DBNPS Operating License, Appendix A, Technical Specifications (TS) Section 6.9, "Administrative Controls - Reporting Requirements," to eliminate the requirement to submit startup test reports to the Nuclear Regulatory Commission (NRC).

Specifically, the licensee proposed to eliminate the requirements contained in Sections 6.9.1.1, 6.9.1.2 and 6.9.1.3 of the DBNPS TS. The current TS requirements are summarized below:

- TS 6.9.1.1 requires the licensee to submit a summary report of plant startup and power ascension testing to the NRC following (1) receipt of the operating license, (2) an increase in licensed power level, (3) the installation of nuclear fuel with a different design or manufacturer than the current fuel, and (4) modifications that may have significantly altered the nuclear, thermal, or hydraulic performance of the plant.
- TS 6.9.1.2 provides requirements for the content of the startup test report, including the types of testing to be described and corrective actions that were required to obtain satisfactory operation.
- TS 6.9.1.3 provides requirements regarding the timeliness of submittal of the startup test report. In general, the startup test report shall be submitted within 90 days following an event which requires submittal of the report.

Under the provisions of the DBNPS TS Section 6.9, the licensee would be required to submit a startup test report within 90 days following completion of the startup test program associated with a planned power level increase. The licensee has requested this license amendment to support a planned future increase in licensed power level.

2.0 REGULATORY EVALUATION

The regulatory requirements for the content of the TS are according to Section 50.36 of Title 10 of the *Code of Federal Regulations* (10 CFR), "Technical Specifications." With regard to the content of the administrative controls section of the TS, 10 CFR 50.36(c)(5), "Administrative Controls," states that "administrative controls are the provisions related to organization and management, procedures, record keeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner." 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, "Administrative Controls," startup test 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. However, the revised standard TS applicable to Babcock and Wilcox plants, contained in NUREG-1430, "Standard Technical Specifications - Babcock and Wilcox Plants," Revision 2, dated April 2001, no longer includes requirements for submitting a startup test report to the NRC.

Currently, DBNPS Updated Safety Analysis Report (USAR) Section 3.D.2.16, "Safety Guide (SG) 16, Reporting of Operating Information," states that "in compliance with SG 16, Station Technical Specifications specify station operating reports along with the frequency which must be provided to the Nuclear Regulatory Commission." SG 16, Regulatory Position C.1.a.(1) identified a summary startup test report as a station operating report that must be provided to the NRC.

The licensee noted in their amendment request that, since the startup test report was required to be provided to the NRC staff within 90 days following completion of startup testing, the report was not necessary to assure operation of the facility in a safe manner for the interval between completion of the startup testing and issuance of the startup test report. Additionally, because there was no requirement for the NRC staff to approve the report, the startup test report is not necessary to assure operation of the facility in a safe manner. Therefore, the licensee considered removal of this requirement to be acceptable.

3.0 TECHNICAL EVALUATION

This licensee has proposed to eliminate the TS requirement to submit summary startup test reports to the NRC. Because a startup test report was required to be submitted to the NRC within 90 days of the completion of startup testing, the report provided a mechanism for the NRC staff to review the appropriateness of licensee activities after the testing was completed and normal operations resumed. However, the TS requirements contained no requirement for NRC staff review and approval of the startup test report. Furthermore, the NRC staff determined that elimination of the startup test report does not eliminate the need to perform startup testing. Appropriate testing and retention of startup test records will continue to be performed in accordance with the requirements of 10 CFR Part 50 Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," Criterion XI, "Test Control," and in accordance with the FENOC's Quality Assurance Program Manual, Revision 3, Section B.8, "Test Control." The startup test records will be maintained for the life of the plant in accordance the licensee's Quality Assurance Program Manual which commits the licensee to the provisions of Regulatory Guide 1.88 "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records," Revision 2, dated October 1976. To the extent the performance of startup testing is described in the USAR, it is also subject to the regulatory controls of 10 CFR 50.59, "Changes, Tests and Experiments." Therefore, the NRC staff concludes that submitting the startup report is not required to assure safe operation of the facility.

The NRC staff also noted that the requested change to the administrative controls section of the TS is consistent with NUREG-1430, Revision 2. On the basis that the startup test report is not necessary to assure operation of the facility in a safe manner, deletion of the startup test report requirements is consistent with 10 CFR 50.36(c)(5); therefore, the NRC staff finds that

the proposed TS amendment is acceptable. In their December 4, 2001, letter, the licensee committed to revise USAR Appendix 3D.2.16 to reflect the change in startup report requirements upon implementation of the proposed amendment.

4.0 SUMMARY

Based on the above, the staff concludes that elimination of startup test report requirements from TS is consistent with 10 CFR 50.36(c)(5) and is therefore acceptable.

5.0 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.

6.0 ENVIRONMENTAL CONSIDERATION

This amendment changes a reporting requirement. 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.

7.0 CONCLUSION

The staff 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 this amendment will not be inimical to the common defense and security or to the health and safety of the public.

8.0 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 Pressurized Water Reactors," Revision 0, dated September 1992.
5. NUREG 1430, "Standard Technical Specifications - Babcock and Wilcox Pressurized Water Reactors," Revision 1, dated April 1995.
6. NUREG 1430, "Standard Technical Specifications - Babcock and Wilcox Pressurized Water Reactors," Revision 2, dated April 2001.
7. FENOC Quality Assurance Program Manual, Revision 3.

8. Regulatory Guide 1.88, "Collection, Storage, and Maintenance of Nuclear Power Plant Quality Assurance Records," Revision 2, dated October 1976.
9. "Safety Guide 16 - Reporting of Operating Information," dated October 27, 1971.
10. NRR Office Instruction LIC-101, "License Amendment Review Procedures," Revision 2, dated December 12, 2002.

Principal Contributors: F. Talbot
K. Coyne

Date: September 25, 2003