

June 24, 2004

Mr. Mark B. Bezilla  
Vice President-Nuclear, Davis-Besse  
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, WITHDRAWAL OF  
EXEMPTION FROM THE REQUIREMENTS OF 10 CFR PART 50, APPENDIX R,  
SUBSECTION III.L.1 (TAC NO. MC1632)

Dear Mr. Bezilla:

The Commission has approved withdrawal of an exemption granted August 20, 1984, from the specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Appendix R, Subsection III.L.1 for the Davis-Besse Nuclear Power Station, Unit 1. This action is in response to your letter of December 17, 2003.

A copy of the exemption withdrawal has been forwarded to the Office of the Federal Register for publication.

Sincerely,

**/RA/**

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

Enclosure: Withdrawal

cc w/enclosure: See next page

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PUBLIC	PDIII-2 R/F	TMarsh	WRuland
AMendiola	JHopkins	PCoates	OGC
ACRS	SReynolds, RIII		

**ADAMS Accession Number: ML041350327**

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NAME	JHopkins	PCoates	SWeerakkody	RHoefling	AMendiola	WRuland	TMarsh
DATE	06/15/04	06/15/04	6/14/04	06/22/04	06/23/04	06/24/04	06/24/04

**OFFICIAL RECORD COPY**

Davis-Besse Nuclear Power Station, Unit 1

cc:

Mary E. O'Reilly  
FirstEnergy Corporation  
76 South Main St.  
Akron, OH 44308

Manager - Regulatory Affairs  
FirstEnergy Nuclear Operating Company  
Davis-Besse Nuclear Power Station  
5501 North State - Route 2  
Oak Harbor, OH 43449-9760

Director, Ohio Department of Commerce  
Division of Industrial Compliance  
Bureau of Operations & Maintenance  
6606 Tussing Road  
P.O. Box 4009  
Reynoldsburg, OH 43068-9009

Regional Administrator  
U.S. Nuclear Regulatory Commission  
801 Warrenville Road  
Lisle, IL 60523-4351

Michael A. Schoppman  
Framatome ANP  
1911 N. Ft. Myer Drive  
Rosslyn, VA 22209

Resident Inspector  
U.S. Nuclear Regulatory Commission  
5503 North State Route 2  
Oak Harbor, OH 43449-9760

Barry Allen, Plant Manager  
FirstEnergy Nuclear Operating Company  
Davis-Besse Nuclear Power Station  
5501 North State - Route 2  
Oak Harbor, OH 43449-9760

Dennis Clum  
Radiological Assistance Section Supervisor  
Bureau of Radiation Protection  
Ohio Department of Health  
P.O. Box 118  
Columbus, OH 43266-0118

Carol O'Claire, Chief, Radiological Branch  
Ohio Emergency Management Agency  
2855 West Dublin Granville Road  
Columbus, OH 43235-2206

Zack A. Clayton  
DERR  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, OH 43266-0149

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

Attorney General  
Office of Attorney General  
30 East Broad Street  
Columbus, OH 43216

President, Board of County  
Commissioners of Ottawa County  
Port Clinton, OH 43252

President, Board of County  
Commissioners of Lucas County  
One Government Center, Suite 800  
Toledo, OH 43604-6506

David Lochbaum, Nuclear Safety Engineer  
Union of Concerned Scientists  
1707 H Street NW, Suite 600  
Washington, DC 20006

The Honorable Dennis J. Kucinich  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Dennis J. Kucinich  
United States House of Representatives  
14400 Detroit Avenue  
Lakewood, OH 44107

Mr. James P. Riccio  
Nuclear Policy Analyst  
Greenpeace  
702 H. Street, NW, Suite 300  
Washington, DC 20001

Paul Gunter  
Director Nuclear Watchdog Project  
Nuclear Information & Resource Service  
1424 16th Street NW Suite 401  
Washington, DC 20009

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
FIRSTENERGY NUCLEAR OPERATING COMPANY  
DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1  
DOCKET NO. 50-346  
WITHDRAWAL OF EXEMPTION

1.0 BACKGROUND

The FirstEnergy Nuclear Operating Company (the licensee) is the holder of Facility Operating License No. NPF-3 which authorizes operation of the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor located in Ottawa County in Ohio.

2.0 REQUEST

Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Appendix R, Subsection III.L.1 requires that alternative or dedicated shutdown capability be able to achieve cold shutdown conditions within 72 hours. The NRC granted an exemption to this requirement by letter dated August 20, 1984, for DBNPS.

In summary, the licensee now concludes that DBNPS meets the requirement and the exemption is no longer required; therefore, the licensee requests that the exemption be withdrawn.

### 3.0 EVALUATION

Two issues caused the licensee to originally request the exemption. They were the ability to depressurize the reactor coolant system and a limitation on cooldown rate. The licensee has recently performed an evaluation and determined that alternate pressurizer spray from the high pressure injection pumps could be used for depressurization and the limit on cooldown rate can be increased. The licensee concluded that DBNPS can now comply with the regulation and the exemption is no longer required.

Based upon the licensee's recent evaluation determining that DBNPS alternative shutdown capability can achieve cold shutdown within 72 hours, the staff concludes that the exemption can be withdrawn.

### 4.0 CONCLUSION

Accordingly, the Commission hereby grants FirstEnergy Nuclear Operating Company withdrawal of the exemption from the requirements of CFR Part 50, Appendix R, Subsection III.L.1, granted by letter dated August 20, 1984, for DBNPS.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption withdrawal will not have a significant effect on the quality of the human environment (69 FR 28951).

This exemption withdrawal is effective upon issuance.

Dated at Rockville, Maryland, this 24th day of June 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Ledyard B. Marsh, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation