

February 7, 2006

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 - ISSUANCE OF
AMENDMENT RE: ADMINISTRATIVE CONTROLS (TAC NO. MC6805)

Dear Mr. Bezilla:

The Commission has issued the enclosed Amendment No. 272 to Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Power Station, Unit 1. The amendment revises the Technical Specifications (TSs) in response to your application dated April 20, 2005.

This amendment revises various TSs to replace plant-specific position titles with generic titles and change several other administrative requirements. These changes are all consistent with NUREG-1430, "Standard Technical Specifications – Babcock and Wilcox Plants," Revision 3, dated June 2004.

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/

Stephen P. Sands, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-346

Enclosures: 1. Amendment No. 272 to NPF-3
2. Safety Evaluation

cc w/encls: See next page

February 7, 2006

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 - ISSUANCE OF
AMENDMENT RE: ADMINISTRATIVE CONTROLS (TAC NO. MC6805)

Dear Mr. Bezilla:

The Commission has issued the enclosed Amendment No. 272 to Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Power Station, Unit 1. The amendment revises the Technical Specifications (TSs) in response to your application dated April 20, 2005.

This amendment revises various TSs to replace plant-specific position titles with generic titles and change several other administrative requirements. These changes are all consistent with NUREG-1430, "Standard Technical Specifications – Babcock and Wilcox Plants," Revision 3, dated June 2004.

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/

Stephen P. Sands, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-346

Enclosures: 1. Amendment No. 272 to NPF-3
2. Safety Evaluation

cc w/encls: See next page

DISTRIBUTION: RidsNrrLADClarke
PUBLIC RidsNrrPMSSands RidsRgn3MailCenter
LPLIII-2 R/F RidsOgcRp RidsDirsltsb
RidsNrrDorLplf RidsAcrsAcnwMailCenter GHill (2) RidsDorIDpr
Adams Package Accession Number: ML052640528
Amendment Accession Number: ML052640393
TS Accession Number: ML060440019

OFFICE	PM:LPLIII-2	LA:LPLIII-2	DIRS/ITSB/BC	OGC	LPL3-2/BC(A)
NAME	SSands	DClarke	TBoyce	MSpencer(NLO)	MLandau
DATE	1/24/06	1/24/06	2/2/06	11/02/05	2/2/06

OFFICIAL RECORD COPY

Davis-Besse Nuclear Power Station, Unit 1

cc:

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

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

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

Gary R. Leidich
President and Chief Nuclear Officer
FirstEnergy Nuclear Operating Company
Mail Stop A-GO-19
76 South Main Street
Akron, OH 44308

Joseph J. Hagan
Senior Vice President of Operations and
Chief Operating Officer
FirstEnergy Nuclear Operating Company
Mail Stop A-GO-14
76 South Main Street
Akron, OH 44308

David W. Jenkins, Attorney
FirstEnergy Corporation
Mail Stop A-GO-18
76 South Main Street
Akron, OH 44308

Davis-Besse Nuclear Power Station, Unit 1

cc:

Danny L. Pace
Senior Vice President, Fleet Engineering
FirstEnergy Nuclear Operating Company
Mail Stop A-GO-14
76 South Main Street
Akron, OH 44308

Manager, Fleet Licensing
FirstEnergy Nuclear Operating Company
Mail Stop A-GHE-107
395 Ghent Road
Akron, OH 44333

Manager, Site Regulatory Compliance
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
Mail Stop A-DB-3065
5501 North State Route 2
Oak Harbor, OH 43449-9760

Jeannie M. Rinckel
Vice President, Fleet Oversight
FirstEnergy Nuclear Operating Company
Mail Stop A-GO-14
76 South Main Street
Akron, OH 44308

FIRSTENERGY NUCLEAR OPERATING COMPANY

DOCKET NO. 50-346

DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 272
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 April 20, 2005, 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. 272, 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 its date of issuance and shall be implemented within 120 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Mindy S. Landau, Acting Chief
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical Specifications

Date of Issuance: February 7, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 272

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

I
XV
1-6a
2-1
6-1
6-1a
6-4a
6-5
6-12
6-13
6-14
6-17a
6-22

Insert

I
XV
1-6a
2-1
6-1
6-1a
6-4a
6-5
6-12
6-13
6-14
6-17a
6-22

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 272 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 to the U.S. Nuclear Regulatory Commission (NRC, the Commission) dated April 20, 2005 (Agencywide Documents Access and Management System Accession No. ML051120201), FirstEnergy Nuclear Operating Company (the licensee) requested changes to the Technical Specifications (TSs) for the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS).

The proposed changes would revise the TSs to replace plant-specific position titles with generic position titles. Also, the licensee proposed to delete TS 6.7, "Safety Limit Violations or Protective Limit Violation," including a change to TS 2.1.2, "Reactor Core," associated with the deletion of TS 6.7. Additionally, the licensee proposed to relocate to the DBNPS Updated Safety Analysis Report (USAR) the Process Control Program requirements from TS 6.8, "Procedures and Programs," and from TS 6.14, "Process Control Program (PCP)." Associated with this change, TS Definition 1.30, "Process Control Program," is proposed to be deleted. Also, TS 6.15, "Offsite Dose Calculation Manual (ODCM)," is proposed to be modified to eliminate the requirement that changes to the ODCM be reviewed and accepted by the Plant Operations Review Committee (PORC). These changes to administrative requirements would also eliminate the need to propose additional changes in the future to plant-specific position/organizational titles. The proposed changes are consistent with NUREG-1430, "Standard Technical Specifications – Babcock and Wilcox Plants," Revision 3, dated June 2004. Lastly, the licensee proposed to revise in the TSs the title "Industrial Security Plan" to "Physical Security Plan."

In addition to the requirements and considerations contained in NUREG-1430, the NRC staff based its evaluation of the proposed changes on the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors" (Final Policy Statement), published on July 22, 1993 (58 FR 39132), and Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.36, "Technical specifications," as amended July 29, 1996 (61 FR 39299).

Consistent with the Final Policy Statement, the licensee proposed transferring some current TS requirements to licensee-controlled documents, such as the USAR, for which changes are controlled by a regulation such as 10 CFR 50.59, "Changes, tests, and experiments." Accordingly, if 10 CFR 50.59 does not require prior NRC approval, such transferred requirements may be changed by the licensee without it. However, NRC-controlled documents, such as TSs, may not be changed by the licensee without prior NRC approval. In addition, the licensee emphasized that the proposed changes were requested to more closely match the improved Standard Technical Specifications (STs).

During its review, the NRC staff relied on the Final Policy Statement, 10 CFR 50.36, the STSs, and DBNPS TSs as guidance for accepting proposed TS changes. This safety evaluation (SE) provides a summary basis for the NRC staff's conclusion that the licensee has developed the proposed TSs based on the STSs, except for plant-specific considerations, and that the use of the proposed TSs are acceptable for continued operation of DBNPS. This SE also explains the NRC staff's conclusion that the proposed TSs are consistent with the DBNPS current licensing basis and conform to 10 CFR 50.36. In this SE, NRC staff conclusions regarding the conformance and consistency of the proposed TSs with these requirements are limited to specifications in the current TSs related to the specific changes proposed by the licensee in the subject application. The NRC staff also acknowledges that it is acceptable for the proposed TSs to differ from the STSs and DBNPS TSs to retain current TS provisions, that are based on the current licensing basis for DBNPS, which the NRC staff has previously reviewed and approved.

For the reasons stated in this SE, the NRC staff finds that the proposed TSs issued with this license amendment comply with Section 182a. of the Atomic Energy Act (the Act), as amended, 10 CFR 50.36, and the guidance in the Final Policy Statement, and that they are in accordance with the common defense and security and provide adequate protection of the health and safety of the public.

2.0 REGULATORY EVALUATION

Section 182a. of the Act requires that applicants for nuclear power plant operating licenses will state:

[S]uch technical specifications, including information of the amount, kind, and source of special nuclear material required, the place of the use, the specific characteristics of the facility, and such other information as the Commission may, by rule or regulation, deem necessary in order to enable it to find that the utilization ... of special nuclear material will be in accord with the common defense and security and will provide adequate protection to the health and safety of the public. Such technical specifications shall be a part of any license issued.

In 10 CFR 50.36, the Commission established its regulatory requirements related to the content of TSs. In doing so, the Commission placed emphasis on those matters related to the prevention of accidents and the mitigation of accident consequences; the Commission noted that applicants were expected to incorporate into their TSs "those items that are directly related to maintaining the integrity of the physical barriers designed to contain radioactivity," as set forth in the Statement of Consideration, "Technical Specifications for Facility Licenses; Safety Analysis Reports," (33 FR 18610, December 17, 1968). Pursuant to 10 CFR 50.36, TSs are required to include items in the following five specific categories related to station operation: (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements; (4) design features; and (5) administrative controls. However, the rule does not specify the particular requirements to be included in a plant's TSs.

NRC and industry representatives have developed guidelines for improving the content and quality of nuclear power plant TSs. On February 6, 1987, the Commission issued an interim policy statement on TS improvements, "Interim Policy Statement on Technical Specification

Improvements for Nuclear Power Reactors" (52 FR 3788). During the period from 1989 to 1992, the utility owners groups and the NRC staff developed improved STSs, such as NUREG-1430, that would establish model TSs consistent with the Commission's policy for each primary reactor, nuclear steam supply system, and type. In addition, the NRC staff, licensees, and owners groups developed generic administrative and editorial guidelines in the form of a "Writer's Guide" for preparing TSs, which gives greater consideration to human factors principles. The licensee followed this guidance in the development of the TS changes proposed in the subject application for DBNPS.

In June 2004, the Commission issued NUREG-1430, Revision 3, which was developed using the guidance and criteria contained in the Commission's Interim Policy Statement. The improved STSs in NUREG-1430 were established as a model for developing improved TSs for Babcock and Wilcox plants in general. The improved STSs reflect the results of a detailed review of the application of the interim policy statement criteria to generic system functions, which were published in a "Split Report" issued to the nuclear steam supply system owners groups in May 1988. The improved STSs also reflect the results of extensive discussions between the owners groups and the NRC staff concerning a number of drafts and revisions, so that application of the Writer's Guide and the TS content criteria in 10 CFR 50.36 would consistently reflect detailed system configurations and operating characteristics for all nuclear steam supply system designs. As such, the improved STS Bases presented in NUREG-1430 provide an abundance of generally applicable information regarding the extent to which NUREG-1430 presents requirements that are necessary to protect public health and safety. With respect to the subject application regarding revisions to administrative controls, NUREG-1430 applies to DBNPS.

On July 22, 1993, the Commission issued its Final Policy Statement (58 FR 39132), expressing the view that satisfying the guidance in the policy statement also satisfies Section 182a of the Act and 10 CFR 50.36. The Final Policy Statement described the safety benefits of the improved STSs, and encouraged licensees to use the improved STSs as the basis for plant-specific license amendments. The scope of such amendments that are based on the STSs range from partial conversions involving changes to one or more individual specifications, to complete conversions of a plant's TSs. The subject application for DBNPS proposes a partial conversion of the DBNPS current TSs related to various administrative controls.

3.0 TECHNICAL EVALUATION

The NRC staff has identified most of the licensee's proposed TS changes as being administrative in nature; i.e., changes that neither reduce nor increase the existing operational limitations and administrative controls for the facility. Administrative changes, which are incidental to adopting STS format or phrasing, are intended to incorporate human factors principles into the form and structure of the TSs making them easier to understand and use by plant operations personnel. These changes involve reorganizing, reformatting, and clarifying current TS requirements without affecting technical content or operational restrictions. The administrative changes (changes in italics) proposed by the licensee in the present application, and found acceptable by the NRC staff, are:

- Revising TS 6.1, "Responsibility," by changing "Plant Manager" to "*plant manager*" and "his absence" to "*his/her* absence."

- Revising TS 6.2.1, "Offsite and Onsite Organizations," by adding "These requirements, *including the plant-specific titles of those personnel fulfilling the responsibilities of the positions delineated in these Technical Specifications...*," and by changing "The Vice President, Nuclear" to "A *specified corporate officer*" and "Plant Manager" to "*plant manager*."
- Revising TS 6.2.2.g by changing "Manager-Plant Operations" to "*operations manager*" and "Operations Superintendent" to "*assistant operations manager*."
- Revising TS 6.2.3, "Facility Staff Overtime," by changing "Plant Manager" to "*plant manager*" and "his designees" to his/*her* designees."
- Revising TS 6.3, "Facility Staff Qualifications," by changing "Manager - Radiological Control" to "*radiation protection manager*" and "Manager - Plant Operations" to "*operations manager*."
- Revising TS 6.5.3.1.a, "Technical Review and Control Activities" by changing "Industrial Security Plan" to "*Physical Security Plan*."
- Revising TS 2.1.2, "Safety Limits and Limiting Safety System Settings – Reactor Core," by deleting the action phrase "and comply with the requirements of Specification 6.7.2."
- Revising TS 6.8, "Procedures and Programs," by changing TS 6.8.1.d "Industrial Security Plan" to "*Physical Security Plan*" and deleting TS 6.8.1.h, "The Process Control Program," because this requirement will be relocated to the USAR.
- Revising TS 6.9.1.11, "Radioactive Effluent Release Report," by changing "PCP" to "*the Process Control Program*."
- Revising the TS Index to delete the entries for TS 1.30, TS 6.7 and TS 6.14, which are being deleted in their entirety as described above.
- Revising TS 6.15.b, "Offsite Dose Calculation Manual (ODCM)," by changing "Plant Manager" to "*plant manager*."

The NRC staff has also identified several of the licensee's proposed TS changes as being less restrictive in nature; i.e., changes that include changes, deletions, and relaxations to current TS requirements. When requirements have been shown to give little or no safety benefit, their removal from the TSs may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (1) generic NRC actions, (2) new staff positions that have evolved from technological advancements and operating experience, or (3) resolution of the owners groups comments during the development of the STSs. The NRC staff reviewed generic relaxations contained in the STSs and found them acceptable because they are consistent with current licensing practices and the Commission's regulations. The less restrictive changes proposed by the licensee in the present application, and found acceptable by the NRC staff, are:

- Deleting in its entirety TS 6.7, "Safety Limit Violation or Protective Limit Violation," consistent with NUREG-1430, because these plant shutdown requirements duplicate the requirements found in the Action statements of TS Section 2.0, "Safety Limits." Additionally, the specific immediate notification and licensee event report requirements in TS 6.7 are covered by the requirements of 10 CFR 50.72 and 50.73.

- Deleting in its entirety TS 6.14, "Process Control Program," because this requirement will be relocated to the USAR. Associated with this change, the TS 1.30 definition for the term "Process Control Program" will also be deleted. Following the relocation, the program would be controlled and updated in accordance with 10 CFR 50.59 and 10 CFR 50.71(e)
- Revising TS 6.15.b to eliminate the requirement that changes to the ODCM be reviewed and accepted by the PORC. This change is consistent with NUREG-1430 which does not specify such a requirement. In addition, DBNPS USAR Section 13.4.1, "Plant Operations Review Committee (PORC)," currently states that the PORC shall be responsible for review of changes to the ODCM. Following the relocation, the program would be controlled and updated in accordance with 10 CFR 50.59 and 10 CFR 50.71(e)

The NRC staff reviewed all of the administrative and less restrictive changes proposed by the licensee and finds them acceptable because they are consistent with the Writer's Guide and STSs, as modified by plant-specific considerations, do not result in any substantive change in operating requirements, and are consistent with the DBNPS current licensing bases and the requirements and guidance of the Final Policy Statement and 10 CFR 50.36.

4.0 REGULATORY COMMITMENTS

The licensee's letter dated April 20, 2005, contained the following regulatory commitments:

- Describe plant-specific titles in the Updated Safety Analysis Report (USAR).
- Relocate the requirements of TS Section 6.8.1.h and TS Section 6.14 to the USAR.

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

Most of the changes in this amendment involve modifications to record keeping, reporting, or administrative procedures or requirements. These changes, therefore, meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). The other changes involve modifications to requirements with respect to installation or use of a facility component located within the restricted area, as defined by 10 CFR Part 20. The NRC staff has determined that these other changes involve no significant increase in the amounts, and no significant change in the types, of any effluent that may be released offsite, and that there is no significant increase in individual or cumulative radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration and there has been no public comment on such finding (70 FR 29795). 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 NRC 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.

Principal Contributor: W. Macon

Date: February 7, 2006