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Docket Number 50-346

License Number NPF-3

Serial Number 3269

June 1, 2006

U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, D.C. 20555-0001Subject: Davis-Besse Nuclear Power Station  
Discrepancy Regarding the Amended Exemption from 10 CFR 50.46 and 10 CFR 50,  
Appendix K, for Boric Acid Precipitation Control Methodology (TAC No. MC2185)

Ladies and Gentlemen:

On February 13, 2004, the FirstEnergy Nuclear Operating Company (FENOC) submitted a request to amend an existing exemption from 10 CFR 50.46 and 10 CFR 50, Appendix K, for the Davis-Besse Nuclear Power Station (DBNPS), Unit Number 1, Operating License Number NPF-3, regarding boric acid precipitation control (BPC) methodology (Serial Number 3002). Supplemental information regarding this request was submitted by letter dated July 23, 2004 (Serial Number 3071).

The February 13, 2004 letter described the original primary and backup BPC methods, and a proposed new BPC method, which was installed during the thirteenth refueling outage. The letter described in detail the original primary "APS" method, utilizing an auxiliary pressurizer spray flowpath alignment, the original backup "DHDL" method, utilizing a decay heat drop line flowpath alignment, and the new "HLI" method, utilizing a hot leg injection flowpath alignment. As further described in the letter, under the proposed amended exemption, the HLI method would become the credited primary method and the APS method would become the credited backup method. The NRC granted the proposed request by letter dated November 29, 2004.

The purpose of this letter is to document a discrepancy discovered in the November 29, 2004 letter. Contrary to the statement in the November 29, 2004 letter that "the original backup path would no longer be credited as part of the licensing basis, *although it would remain as a third option procedurally* [emphasis added]," the original backup path is no longer an option in the DBNPS emergency operating procedure. This discrepancy was discovered and entered into the DBNPS corrective action program in November 2005. FENOC has been unable to determine the origin of the discrepant statement; the statement has not been found in the aforementioned docketed correspondence associated with the exemption request.

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As described in the February 13, 2004 letter, FENOC elected to install the HLI method because it is simpler in design, easier to implement, and has fewer single-failure vulnerabilities than the previous methodology. Because the DHDL method is susceptible to more points of single failure vulnerability, it would not add additional defense-in-depth, and has not been retained in the emergency operating procedure. Single failures that would render the credited methods unavailable would also disable the DHDL method.

As discussed in a conference call with the NRC staff on November 15, 2005, FENOC's opinion is that the discrepant statement was not likely a central consideration as to the NRC decision to approve the amended exemption. In a follow-up conversation on January 30, 2006, the NRC staff recommended that FENOC send in a docketed letter describing the issue and the circumstances. This letter satisfies the NRC recommendation and requests no additional action.

Attachment 1, Commitment List, identifies that there are no commitments contained in this letter. If there are any questions or if additional information is required, please contact Mr. Gregory A. Dunn, Manager – FENOC Fleet Licensing, at (330) 315-7243.

  
for Mark B. Bezilla, Vice President-Nuclear

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Attachment

cc: Regional Administrator, NRC Region III  
NRC/NRR Project Manager  
NRC Senior Resident Inspector  
Utility Radiological Safety Board

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Attachment 1  
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**COMMITMENT LIST**

The following list identifies those actions committed to by the Davis-Besse Nuclear Power Station, Unit Number 1, (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 Gregory A. Dunn, Manager – FENOC Fleet Licensing (330)-315-7243 of any questions regarding this document or associated regulatory commitments.

<b><u>COMMITMENTS</u></b>	<b><u>DUE DATE</u></b>
None	N/A