

February 4, 2008

Mr. Mark B. Bezilla
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FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
Mail Stop A-DB-3080
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SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 – IMPROVED
TECHNICAL SPECIFICATION CONVERSION (TAC NO. MD6398)

Dear Mr. Bezilla:

By letter to the Nuclear Regulatory Commission (NRC) dated August 3, 2007, FirstEnergy Nuclear Operating Company (FENOC) submitted an application requesting to amend the operating license for the Davis-Besse Nuclear Power Station, Unit No. 1. FENOC has proposed to revise the current technical specifications (CTS) to the improved technical specifications (ITS) consistent with improved standard technical specifications as described in NUREG-1430, "Standard Technical Specifications Babcock and Wilcox Plants," Revision 3.1, incorporating certain generic changes to the NUREG and numerous beyond scope items that are not directly related to the ITS conversion.

The purposes of this letter are to confirm NRC staff acceptance of your application, to update the projected ITS conversion schedule, and to identify some currently recognized challenges that could impact this schedule. The initial ITS conversion project plan was discussed during the September 11 – 12, 2007, public meeting held between FENOC and the NRC. The summary of that meeting is included in the Agencywide Documents Access and Management System under Accession No. ML072200448.

Enclosure 1 to this letter provides an explanation of the updated conversion schedule and identifies challenges to the ITS conversion schedule. Enclosure 2 to this letter is the updated ITS conversion milestone schedule.

M. Bezilla

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If you have any questions, please contact me at 301-415-4037.

Sincerely,

/RA/

Thomas J. Wengert, Project Manager
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-346

Enclosures:

1. ITS Conversion Schedule Issues
2. ITS Conversion Milestone Schedule

cc w/encl: See next page

M. Bezilla

- 2 -

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cc w/encl: See next page

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IMPROVED TECHNICAL SPECIFICATIONS (ITS) CONVERSION SCHEDULE ISSUES

DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 (DBNPS)

DOCKET NO. 50-346

(1) Acceptance of DBNPS ITS Conversion Application

The Nuclear Regulatory Commission (NRC) staff identified no items during our acceptance review of the DBNPS ITS Conversion license amendment request (LAR) that would prevent acceptance of your application for review, and it was therefore accepted. It should be understood, however, that acceptance review is a sampling process that may not identify all issues which could potentially impact the review schedule or the ultimate approval of the license amendment request.

Note also that in accepting an ITS conversion application and establishing an accelerated review schedule, the NRC staff rely on the licensees to explicitly pre-identify all beyond scope items (BSIs), to submit appropriate bases and reference materials for each requested change, and to address NRC staff requests for additional information (RAIs) in a timely and responsive manner throughout the course of the review.

A number of items were identified during the course of our acceptance review that did not fully align with the above expectations. While these items did not preclude the acceptance of the application for review, they were recommended for your consideration during the September, 2007, public meeting, to promote a more efficient, effective, and timely review. Those issues still pending are addressed under Item (3) below.

(2) Update and Amplification of Projected ITS Conversion Schedule

The ITS Conversion Milestone Schedule, included as Enclosure 2, represents the best available information as of the issuance of this letter. The schedule, as presented at the September 2007, public meeting, and as currently revised, is provided. Major milestones impacting DBNPS are identified for your convenience. The target completion date of the ITS conversion has been changed from July 30 to September 30, 2008. This schedule change is necessary for a number of reasons, but primarily to accommodate the additional NRC staff technical branch workload associated with the evaluation of those BSIs that were not identified during the initial acceptance review.

Note that new issues, work priorities, and other potential schedule challenges are identified and addressed by the NRC staff on an ongoing basis. Currently, a number of potential BSIs are under review by the NRC technical staff. These potential BSIs were not explicitly identified by the licensee in the original submittal or during the NRC staff's enhanced acceptance review. The NRC technical staff which must be relied upon, in part, to support resolution of these BSIs have not completed the work planning process for these issues. As a result, the schedule does not reflect this potential impact.

(3) Currently Recognized Challenges to ITS Conversion Schedule

Beyond Scope Items

BSIs are ITS elements in the application that are neither congruent with the plant current technical specifications (CTS) nor the standard technical specifications (STS) and cannot be promptly justified by the NRC's Technical Specifications Branch (ITSB) staff as acceptable due to a site-specific current licensing basis related condition. BSIs are significant in that, by definition, they require engagement of NRC technical branch staff outside of ITSB for proper disposition.

Licensees seeking ITS conversions are responsible for minimizing and pre-identifying application elements that may otherwise be deemed by the NRC staff to constitute BSIs in accordance with the provided BSI definition. This is especially important for accelerated ITS conversions. If the licensee does not do this, NRC staff reviewers may, at any time during the review, identify BSIs that were not previously identified by the licensee. Application elements determined to be BSIs do not necessarily represent elements that are unacceptable (or acceptable) merely on the basis that they are BSIs. However, BSIs can, and often do, complicate or delay ITS conversion, especially when identified late in the ITS conversion process.

The NRC staff continues to identify new BSIs that were not explicitly identified by FirstEnergy Nuclear Operating Company (FENOC) in the ITS conversion submittal. As of September 11, 2007, 17 BSIs had been identified. At present, 28 BSIs have been identified by the licensee and the NRC staff. In addition, there are currently 50 potential BSI-related RAIs awaiting licensee response or NRC staff review and final determination. Some of these potential new BSIs may still be resolved as non-BSIs, pending clarification through the RAI process, or through the licensee's amendment of the application. This review is ongoing.

Measurement Uncertainty Recapture (MUR) Power Uprate LAR (TAC No. MD5240)

On April 12, 2007, FENOC submitted a LAR to make the necessary Operating License and TS changes to allow an increase in the Rated Thermal Power based on the use of the Caldon leading edge flowmeter instrumentation to improve the accuracy of the plant power calorimetric measurement. FENOC subsequently incorporated this pending LAR into the ITS conversion request, thus establishing an interdependency between the two requests. Because the proposed ITS conversion assumes approval of the MUR power uprate, the ITS conversion cannot be approved without either (a) approval of the MUR uprate or (b) extraction of MUR uprate request from the ITS conversion application. At the time of the submittal of the ITS conversion LAR, the MUR uprate submittal and review schedule were sufficiently advanced that it was believed the MUR uprate would not impact the ITS conversion. However, on November 19, 2007, the NRC staff review of MUR uprate was suspended and TAC No. MD5240 was closed, pending the licensee's submittal of supplemental information to the MUR uprate application.

As of January 30, 2008, some of the outstanding information had not been docketed. Upon receipt of the final supplement to the MUR uprate application, the impact to the ITS conversion schedule will be assessed.

Information Relied Upon but Not Preserved in Adams Agencywide Documents Management System (ADAMS)

Your initial submittal was received in two formats. Your submittal letter and referenced attachments were provided, via the Document Control Desk (DCD), in hard copy and were preserved in ADAMS under Accession No. ML072200448. Copies of a compact disk (CD) were also hand-delivered to the NRC Project Manager (PM). However, because the CDs (1) were not submitted through the DCD, (2) contained materials not referenced in your submittal letter, and (3) were not received in the required format for electronic submittals; the data contained in the CDs could not be preserved in ADAMS or relied upon for our review.

During the September 11 - 12, 2007, public meeting, the NRC staff stated that sufficient information had been appropriately submitted to begin our review. However, we also requested that the remaining information, which had been provided in a manner that prohibited its preservation in ADAMS, be resubmitted in a timely and appropriate manner to permit it to be properly preserved and relied upon during the remainder of our review. You subsequently submitted CDs under cover letter to the DCD. However, the formatting of the CD did not meet the DCD requirements for electronic information exchange. As a result, the CD submittal, including the letter and all enclosures, was rejected by the DCD.

The ITS conversion cannot be issued until all NRC staff-identified materials are located in ADAMS. The licensee-provided CDs were distributed to the NRC staff based on staff understanding that FENOC intended to provide the information in a format acceptable for preservation in ADAMS. While not all of the information in the CDs will be relied upon, some of the information will likely be referenced by the NRC staff. To avoid a potential unnecessary delay in the issuance of the ITS conversion, the NRC staff recommends that FENOC coordinate with the DCD and the PM to ensure that all information that may be relied upon by the NRC staff is submitted in accordance with DCD requirements for preservation in ADAMS.

IMPROVED TECHNICAL SPECIFICATION (ITS) CONVERSION MILESTONE SCHEDULE

DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1

DOCKET NO. 50-346

Milestone Tasks	Milestone as of 9/11/07	Milestone as of 2/04/08
Submittal of ITS Conversion Request	8/3/2007	8/3/2007
NRC Issues Schedule Confirmation Letter	10/1/2007	2/4/2008
NRC Staff Completes Detailed Review (All Initial Questions to Question and Answer (Q&A) Database)	2/14/2008	2/26/2008
NRC Staff and FENOC Resolution of Open Q&As	N/A	3/27/2008
Final FENOC Q&A Responses and License Amendment Request Supplements Due	3/14/2008	4/24/2008
NRC Tech Staff SE Inputs to ITS Section Leads	3/27/2008	5/8/2008
Lead Reviewers Verify Formal Closeout Submittals	4/21/2008	5/29/2008
Draft Safety Evaluation (SE) and ITS to FENOC for Factual Information Verification	5/12/2008	7/17/2008
FENOC Submits Comments on Draft SE and ITS to NRC	5/27/2008	7/31/2008
NRC Issues Final ITS and SE	7/30/2008	9/30/2008