

November 15, 2001

Mr. Guy G. Campbell, Vice President - Nuclear
FirstEnergy Nuclear Operating Company
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1 - ISSUANCE OF
AMENDMENT (TAC NO. MB1680)

Dear Mr. Campbell:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 249 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 1, 2001, and as supplemented on July 20, 2001.

This amendment introduces new TS 6.17, "Technical Specification (TS) Bases Control Program" to provide requirements for changing and updating the TS Bases. This change is consistent with the modifications to 10 CFR 50.59 as published in the Federal Register (Volume 64, Number 191) dated October 4, 1999.

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,

/Douglas V. Pickett for/

Stephen P. Sands, 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. 249 to
License No. NPF-3
2. Safety Evaluation

cc w/encls: See next page

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*See previous concurrences

OFFICIAL RECORD COPY

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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. 249
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 1, 2001, and supplemented on July 20, 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. 249 , 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 not later than 120 days after issuance.

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: November 15, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 249

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

XV

Insert

XV

6-24

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 249 TO FACILITY OPERATING LICENSE NO. NPF-3
FIRSTENERGY NUCLEAR OPERATING COMPANY
DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1
DOCKET NO. 50-346

1. INTRODUCTION

By application dated April 1, 2001, and as supplemented by letter dated July 20, 2001, FirstEnergy Nuclear Operating Company (the licensee), submitted a request for changes to the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS), Technical Specifications (TSs). The requested changes would introduce new TS 6.17, "Technical Specification (TS) Bases Control Program," to provide requirements for changing and updating the TS Bases. This amendment is consistent with the Nuclear Energy Institute (NEI) Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF-364 Revision 0, "Revision to TS Bases Control Program to Incorporate Changes to 10 CFR 50.59." The approval of TSTF-364 Revision 0 was documented in a Nuclear Regulatory Commission (NRC) letter to Mr. James Davis, Director Operations Department - NEI dated June 16, 2000.

The supplemental letter contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original *Federal Register* notice.

2. BACKGROUND

Presently, when DBNPS desires changes to their TS Bases, they are submitted to the NRC for review and approval. The NRC, in turn, reissues the revised TS Bases pages back to DBNPS. By proposing a TS Bases Control Program, DBNPS will be able to issue TS Bases changes directly without NRC involvement provided that the TS Bases changes do not cause a change to the TSs or require prior NRC approval in accordance with 10 CFR 50.59.

Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.36, "Technical specifications" requires, in part, that, "A summary statement of the bases or reasons for such [technical] specifications, other than those covering administrative controls, shall also be included in the application, but shall not become part of the technical specifications." In practice, the TS Bases are appended to the TSs but are not actually a part of the TSs as already noted. Licensees have routinely submitted changes to these Bases as part of applications for license amendments when licensees have sought to change their TSs. Most changes to the Bases, as well as those to the Updated Safety Analysis Report (USAR), have the potential for only minimal effects on safety. The requirements of 10 CFR Part 50, Section 50.59, "Changes, tests, and experiments," delineate which changes to a facility, as described in

the USAR, may be made without prior Commission approval, and by extension, which changes do require prior Commission approval. If a licensee undertakes to change the USAR, or the TS Bases, without prior Commission approval, the Commission must still be notified of such changes. The requirements of 10 CFR Part 50, Section 50.71(e), specify the frequency at which licensees must provide to the Commission notification of changes made to the USAR without prior Commission approval. The licensee's proposed TS Bases Control Program would (1) specify administrative controls necessary for control of changes to the Bases, (2) delineate which changes to the Bases/USAR can or cannot be made without prior Commission approval, (3) provide for consistency between the Bases and the USAR, and (4) provide for notification to the Commission of changes to the Bases made without prior Commission approval.

3. EVALUATION

The licensee's proposed TS 6.17, which is based upon guidance contained in Specification 5.5.14 of NUREG-1430, "Standard Technical Specifications - Babcock and Wilcox Plants," would define the minimum administrative and 10 CFR Part 50 requirements that apply to the program which controls changes to the TS Bases.

Proposed TS 6.17a would require that, "Changes to the Bases of the Technical Specifications shall be made under appropriate administrative controls and review." This requirement is appropriate since changes to the TS Bases involve quality (safety)-related activities and programs. Appendix B to 10 CFR Part 50, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," Criterion V, "Instructions, Procedures, and Drawings," requires, in part, that "Activities affecting quality shall be prescribed by documented instructions, procedures, or drawings, of a type appropriate to the circumstances..." The "appropriate administrative controls and reviews" requirement of proposed TS 6.17a would include the documented instructions/procedures required by Appendix B to 10 CFR Part 50. Accordingly, the proposed TS 6.17a meets the regulatory requirements of 10 CFR Part 50, Appendix B and is acceptable to the staff.

Proposed TS 6.17b states the following:

Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:

1. A change in the Technical Specifications incorporated in the license or
2. A change to the USAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.

Furthermore, proposed TS 6.17d states, in part, "Proposed changes that meet the criteria of 6.17b.1 and 6.17b.2 above shall be reviewed and approved by the NRC prior to implementation." Proposed TSs 6.17b and 6.17d are consistent with the requirements of 10 CFR 50.59(c) and are, therefore, acceptable to the staff.

Proposed TS 6.17c states, "The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the USAR." Furthermore, proposed TS 6.17d states, in part, "Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71(e)." The provision of proposed TSs 6.17c

and 6.17d are necessary in that there is a high degree of commonality between the USAR and the TS Bases. It is important that the USAR and Bases maintain consistency so as not to introduce uncertainty regarding the design basis of the facility. Moreover, these changes should be reported on the same frequency so that the NRC may maintain an up-to-date record of the design basis of the facility. The proposed TSs achieve these goals. Based upon the above, proposed TSs 6.17c and 6.17d are acceptable to the staff.

In summary, proposed TS 6.17 provides for appropriate administrative controls to the TS Bases in accordance with 10 CFR Part 50, Appendix B. In addition, for proposed TS 6.17, those USAR/Bases changes that can be accomplished without prior Commission approval are differentiated from those requiring prior Commission approval in accordance with 10 CFR 50.59. Finally, proposed 6.17 contains requirements for maintaining consistency between the TS Bases and the USAR with regard to content and update schedule. Accordingly, proposed TS 6.17 is acceptable to the staff.

3.0 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.

4.0 ENVIRONMENTAL CONSIDERATION

This amendment relates to changes in recordkeeping, reporting, or administrative procedures or requirements. 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. 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 (66 FR 29356).

5.0 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.

Principal Contributors: Angela T. Chu, NRR
Douglas V. Pickett, NRR

Date: November 15, 2001