

September 1, 2006

Mr. Mark B. Bezilla
Vice President
FirstEnergy Nuclear Operating Company
Davis-Besse Nuclear Power Station
Mail Stop A-DB-3080
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1 - WITHDRAWAL OF AN
AMENDMENT REQUEST (TAC NO. MC8004)

Dear Mr. Bezilla:

By letter to the Nuclear Regulatory Commission (NRC) dated July 27, 2005, you applied for an amendment to the Davis-Besse Nuclear Power Station, Unit 1, Facility Operating License No. NPF-3. The proposed change would have revised technical specification (TS) 3/4.8.1.1, "A.C. Sources - Operating," to adopt a more recent standard for diesel fuel oil testing, and allow the associated TS surveillance requirements (SRs) 4.8.1.1.2.d.1 and 4.8.1.1.2.d.3 to be performed on-line.

While reviewing the application, the NRC staff provided you a preliminary request for additional information (RAI) in order to establish a due date for your response. The RAI requested that you provide a power factor value for which the proposed test (SRs 4.8.1.1.2.d.1 and 4.8.1.1.2.d.3) would be performed when the emergency diesel generator (EDG) is synchronized with offsite power. The basis for this RAI was to verify that your license amendment request (LAR) was consistent with Note 2 of SR 3.8.1.9 of NUREG-1430, "Standard Technical Specifications [STSS] for Babcock and Wilcox Plants," regarding testing of the EDG synchronized with offsite power at a power factor # 0.9. After your consideration and evaluation of the RAI, you determined that you could not support this request. As a result, you did not submit a formal response to the RAI.

Regarding the portion of the LAR to adopt a more recent standard for diesel fuel oil testing, you determined that you will reconsider the proposed changes in light of the related Consolidated Line Item Improvement Process (CLIIP) *Federal Register* Notice, published on April 21, 2006 (71 FR 20735). The proposed change to the STSS was submitted by TS Task Force Traveler (TSTF)-374, "Revision to TS 5.5.13 and Associated TS Bases for Diesel Fuel Oil," and is applicable to all nuclear power reactors. The purpose of the CLIIP is to streamline the license amendment review process involving TSTF changes applicable to multiple plants thereby reducing the burden on an individual licensee and increasing NRC staff efficiency during the review process.

Subsequently, by letters to the NRC dated May 30 and August 9, 2006, you withdrew the portion of the LAR which would allow EDG testing per SRs 4.8.1.1.2.d.1 and 4.8.1.1.2.d.3, and the portion which would adopt a more recent standard for fuel oil testing, respectively. Furthermore, you stated in your May 30, 2006, letter that the portions of the previously submitted evaluation related to adopting a more recent standard for diesel fuel oil testing were unaffected, including the technical analysis, the no significant hazards consideration and the environmental consideration. The NRC staff reviewed this information and has determined that since the no significant hazards consideration and the environmental consideration remained unaffected, a *Federal Register* Notice was unnecessary and, therefore, not issued for the partial withdrawal specified in the May 30, 2006, letter. As inferred in your letter of August 9, 2006, you considered the entire LAR withdrawn.

The Commission has filed the enclosed Notice of Withdrawal of Application for Amendment to Facility Operating License with the Office of the Federal Register for publication.

Sincerely,

/RA/

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

Docket No. 50-346

Enclosure:
Notice of Withdrawal

cc w/encl: See next page

Subsequently, by letters to the NRC dated May 30 and August 9, 2006, you withdrew the portion of the LAR which would allow EDG testing per SRs 4.8.1.1.2.d.1 and 4.8.1.1.2.d.3, and the portion which would adopt a more recent standard for fuel oil testing, respectively. Furthermore, you stated in your May 30, 2006, letter that the portions of the previously submitted evaluation related to adopting a more recent standard for diesel fuel oil testing were unaffected, including the technical analysis, the no significant hazards consideration and the environmental consideration. The NRC staff reviewed this information and has determined that since the no significant hazards consideration and the environmental consideration remained unaffected, a *Federal Register* Notice was unnecessary and, therefore, not issued for the partial withdrawal specified in the May 30, 2006, letter. As inferred in your letter of August 9, 2006, you considered the entire LAR withdrawn.

The Commission has filed the enclosed Notice of Withdrawal of Application for Amendment to Facility Operating License with the Office of the Federal Register for publication.

Sincerely,

/RA/

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

Docket No. 50-346

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Notice of Withdrawal

cc w/encl: See next page

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NRR-106

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DATE	9/1/2006	9/1/2006	9/1/2006

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UNITED STATES NUCLEAR REGULATORY COMMISSION

FIRSTENERGY NUCLEAR OPERATING COMPANY

AND

FIRSTENERGY NUCLEAR GENERATION CORP.

DOCKET NO. 50-346

NOTICE OF WITHDRAWAL OF APPLICATION FOR
AMENDMENT TO FACILITY OPERATING LICENSE

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has granted the request of FirstEnergy Nuclear Operating Company and FirstEnergy Nuclear Generation Corp. (the licensee) to withdraw its July 27, 2005, application for proposed amendment to Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Power Station, Unit 1, located in Ottawa County.

The proposed amendment would have revised Technical Specification (TS) 3/4.8.1.1, "A.C. Sources - Operating," to adopt a more recent standard for diesel fuel oil testing, and allow TS Surveillance Requirements (SRs) 4.8.1.1.2.d.1 and 4.8.1.1.2.d.3 to be performed on-line.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the *Federal Register* on September 27, 2005 (70 FR 56501). However, by letter dated August 9, 2006, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated July 27, 2005, and the licensee's letters dated May 30 and August 9, 2006, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management

Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland, this 1st day of September 2006.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

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

Davis-Besse Nuclear Power Station, Unit 1

cc:

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Davis-Besse Nuclear Power Station, Unit 1

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