



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 16, 2021

Mr. David B. Hamilton  
Executive Vice President and Chief  
Nuclear Officer  
Energy Harbor Nuclear Corp.  
168 E. Market Street  
Akron, OH 44308-2014

SUBJECT: BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2, AND DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1, - ISSUANCE OF AMENDMENT NOS. 311, 200, AND 302, TO INCORPORATE THE APPLICABLE STANDARD TECHNICAL SPECIFICATION 5.2.2, "UNIT STAFF," INTO THE TECHNICAL SPECIFICATIONS (EPID L-2020-LLA-0169)

Dear Mr. Hamilton:

The U.S. Nuclear Regulatory Commission (Commission) has issued the following amendments:

- (1) Amendment No. 311 to Renewed Facility Operating License No. DPR-66 for the Beaver Valley Power Station (BVPS), Unit No. 1,
- (2) Amendment No. 200 to Renewed Facility Operating License No. NPF-73 for the BVPS, Unit No. 2,
- (3) Amendment No. 302 to Renewed Facility Operating License No. NPF-3, for the Davis-Besse Nuclear Power Station (DBNPS), Unit No. 1.

These amendments consist of changes to the technical specifications (TSs) in response to your application dated July 27, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20209A540) as supplemented by letter dated January 27, 2021 (ADAMS Accession No. ML21027A392).

The amendments changed the BVPS, Unit Nos. 1 and 2, and DBNPS TS 5.2, "Unit Staff," Subpart 2.e, to align with the standard technical specifications (STS) for each type of facility. Additionally, a title listed in the STS is revised to reflect a more generic title. These changes did not alter any technical requirements and are administrative in nature.

A copy of the related safety evaluation is also enclosed. Notice of Issuance will be included in the Commission's monthly *Federal Register* notice.

If you have any questions concerning this action, please contact me at (301) 415-3308 or by e-mail to [Bhalchandra.Vaidya@nrc.gov](mailto:Bhalchandra.Vaidya@nrc.gov).

Sincerely,

**/RA/**

Bhalchandra Vaidya, Project Manager  
Plant Licensing Branch III  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-334, 50-412, and 50-346

Enclosures:

1. Amendment No. 311 to DPR-66
2. Amendment No. 200 to NPF-73
3. Amendment No. 302 to NPF-3
4. Safety Evaluation

cc: Listserv



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

ENERGY HARBOR NUCLEAR CORP.

ENERGY HARBOR NUCLEAR GENERATION LLC

DOCKET NO. 50-334

BEAVER VALLEY POWER STATION, UNIT NO. 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 311  
Renewed License No. DPR-66

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Energy Harbor Nuclear Corp., acting on its own behalf and as agent for Energy Harbor Nuclear Generation LLC\* (the licensees), dated July 27, 2020, as supplemented by letters dated January 27, 2021, 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.

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\* Energy Harbor Nuclear Corp. is authorized to act as agent for Energy Harbor Nuclear Generation LLC and has exclusive responsibility and control over the physical construction, operation, and maintenance of the facility.

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 Renewed Facility Operating License No. DPR-66 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 311, are hereby incorporated in the license. The licensee 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 90 days.

FOR THE NUCLEAR REGULATORY COMMISSION

Nancy L. Salgado, Chief  
Plant Licensing Branch III  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to the Renewed Facility  
Operating License and Technical  
Specifications

Date of Issuance: April 16, 2021



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

ENERGY HARBOR NUCLEAR CORP.

ENERGY HARBOR NUCLEAR GENERATION LLC

DOCKET NO. 50-412

BEAVER VALLEY POWER STATION, UNIT NO. 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 200  
Renewed License No. NPF-73

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by Energy Harbor Nuclear Corp., acting on its own behalf and as agent for Energy Harbor Nuclear Generation LLC\* (the licensees), dated July 27, 2020, as supplemented by letters dated January 27, 2021, 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.

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\* Energy Harbor Nuclear Corp. is authorized to act as agent for Energy Harbor Nuclear Generation LLC and has exclusive responsibility and control over the physical construction, operation, and maintenance of the facility.

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 Renewed Facility Operating License No. NPF-73 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 200, and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto and hereby incorporated in the license. Energy Harbor Nuclear Corp. shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented within 90 days.

FOR THE NUCLEAR REGULATORY COMMISSION

Nancy L. Salgado, Chief  
Plant Licensing Branch III  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to the Renewed Facility  
Operating License and Technical  
Specifications

Date of Issuance: April 16, 2021

ATTACHMENT TO LICENSE AMENDMENT NOS. 311 AND 200

BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2

RENEWED FACILITY OPERATING LICENSE NOS. DPR-66 AND NPF-73

DOCKET NO. 50-334 AND 50-412

Replace the following page of the Renewed Facility Operating License DPR-66 with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove

Insert

Page 3

Page 3

Replace the following page of the Renewed Facility Operating License NPF-73 with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove

Insert

Page 4

Page 4

Replace the following page of Appendix A, Technical Specifications, with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove

Insert

TS 5.2-2

TS 5.2-2

- (3) Energy Harbor Nuclear Corp., pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
  - (4) Energy Harbor Nuclear Corp., pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use in amounts as required any byproduct, source, or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components;
  - (5) Energy Harbor Nuclear Corp., pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter 1: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:
- (1) Maximum Power Level  
Energy Harbor Nuclear Corp. is authorized to operate the facility at a steady state reactor core power level of 2900 megawatts thermal.
  - (2) Technical Specifications  
The Technical Specifications contained in Appendix A, as revised through Amendment No. 311, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.
  - (3) Auxiliary River Water System  
(Deleted by Amendment No. 8)



- C. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations set forth in 10 CFR Chapter 1 and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

Energy Harbor Nuclear Corp. is authorized to operate the facility at a steady state reactor core power level of 2900 megawatts thermal.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 200, and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto are hereby incorporated in the license. Energy Harbor Nuclear Corp. shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

## 5.2 Organization

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### 5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. A non-licensed operator shall be assigned to each reactor containing fuel and an additional non-licensed operator shall be assigned for each control room from which a reactor is operating in MODES 1, 2, 3, or 4.
  - b. Shift crew composition may be less than the minimum requirement of 10 CFR 50.54(m)(2)(i) and 5.2.2.a and 5.2.2.f for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements.
  - c. An individual qualified in radiation protection procedures shall be on site when fuel is in the reactor. The position may be vacant for not more than 2 hours, in order to provide for unexpected absence, provided immediate action is taken to fill the required position.
  - d. Deleted.
  - e. The operations manager or at least one operations middle manager shall hold an SRO license.
  - f. An individual shall provide advisory technical support to the unit operations shift crew in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. This individual shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift. A single qualified person can be used to satisfy this position for both units.
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

ENERGY HARBOR NUCLEAR CORP.

AND

ENERGY HARBOR NUCLEAR GENERATION LLC

DOCKET NO. 50-346

DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 302  
Renewed License No. NPF-3

1. The U.S. Nuclear Regulatory Commission (NRC, the Commission) has found that:
  - A. The application for amendment filed by Energy Harbor Nuclear Corp. (the licensee), dated July 27, 2020, as supplemented by letters dated January 27, 2021, 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 Renewed 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. 302, are hereby incorporated in the renewed license. Energy Harbor Nuclear Corp. 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 90 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Nancy L. Salgado, Chief  
Plant Licensing Branch III  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to the Renewed Facility  
License No. NPF-3 and  
Technical Specifications

Date of Issuance: April 16, 2021

ATTACHMENT TO LICENSE AMENDMENT NO. 302  
TO RENEWED FACILITY OPERATING LICENSE NO. NPF-3  
DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1  
DOCKET NO. 50-346

Replace the following pages of the Renewed Facility Operating License No. NPF-3 and Appendix A, Technical Specifications, with the attached revised pages. The revised pages are identified by amendment number and contain vertical lines indicating the areas of change.

Renewed Facility Operating License No. NPF-3

Remove

Insert

L-5

L-5

Technical Specifications

Remove

Insert

TS 5.2-2

TS 5.2-2

- 2.C. This renewed license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

Energy Harbor Nuclear Corp. is authorized to operate the facility at steady state reactor core power levels not in excess of 2817 megawatts (thermal). Prior to attaining the power level, Toledo Edison Company shall comply with the conditions identified in Paragraph (3) (o) below and complete the preoperational tests, startup tests and other items identified in Attachment 2 to this license in the sequence specified. Attachment 2 is an integral part of this renewed license.

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 302, are hereby incorporated in the renewed license. Energy Harbor Nuclear Corp. shall operate the facility in accordance with the Technical Specifications.

(3) Additional Conditions

The matters specified in the following conditions shall be completed to the satisfaction of the Commission within the stated time periods following the issuance of the renewed license or within the operational restrictions indicated. The removal of these conditions shall be made by an amendment to the renewed license supported by a favorable evaluation by the Commission:

- (a) Energy Harbor Nuclear Corp. shall not operate the reactor in operational Modes 1 and 2 with less than three reactor coolant pumps in operation.
- (b) Deleted per Amendment 6
- (c) Deleted per Amendment 5

## 5.2 Organization

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### 5.2.2 Unit Staff (continued)

- c. A radiation protection technician shall be on site when fuel is in the reactor. The position may be vacant for not more than 2 hours, in order to provide for unexpected absence, provided immediate action is taken to fill the required position;
  - d. Deleted;
  - e. The operations manager or at least one operations middle manager shall hold a Senior Operator license; and
  - f. When the reactor is operating in MODE 1, 2, 3, or 4 an individual shall provide advisory technical support to the unit operations shift crew in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. This individual shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

ENERGY HARBOR NUCLEAR CORP.

ENERGY HARBOR NUCLEAR GENERATION LLC

RELATED TO AMENDMENT NOS. 311 AND 200 TO RENEWED

FACILITY OPERATING LICENSES NOS. DPR-66 AND NPF-73

BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2

DOCKET NOS. 50-334 AND 50-412 AND

AMENDMENT NO. 302 TO RENEWED FACILITY

OPERATING LICENSE NO. NPF-3

DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1

DOCKET NO. 50-346

1.0 INTRODUCTION

By application dated July 27, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML20209A540) as supplemented by letter dated January 27, 2021 (ADAMS Accession No. ML21027A392), Energy Harbor Nuclear Corp. (the licensee), requested changes to the technical specifications (TSs) for the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS), and the Davis-Besse Nuclear Power Station, Unit No. 1 (DBNPS).

The proposed amendments would change the BVPS and DBNPS TS 5.2, "Unit Staff," Subpart 2.e, to align with the Standard Technical Specifications (STS) for each type of facility. Additionally, a title listed in the STS will be revised to reflect a more generic title. These changes do not alter any technical requirements and are administrative in nature.

The supplemental letter dated January 27, 2021, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the U.S. Nuclear Regulatory Commission (NRC or Commission) staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on September 22, 2020 (85 FR 59562).



## 2.0 REGULATORY EVALUATION

TS 5.2.2.e for BVPS and DBNPS currently requires that the operations manager either hold or have held a Senior Reactor Operator (SRO) license. It also requires that the assistant operations manager hold an SRO license. The licensee is proposing a change to this specification which would only require that either the operations manager or at least one operations middle manager hold an SRO license. The licensee states that this change will bring the specification into better alignment with the NRC-established STS, which requires that either the operations manager or assistant operations manager shall hold an SRO license.

The regulatory requirements and guidance which the NRC staff considered in its review of the license amendment request are as follows:

- Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50.36(b), requires, in part, that technical specifications “be derived from the analyses and evaluation included in the safety analysis report.”
- 10 CFR, Part 50.36(c)(5) requires, in part, that technical specifications include administrative controls, including “provisions relating to organization and management [...] necessary to assure operation of the facility in a safe manner.”
- 10 CFR, Part 50.34(b)(6)(i), requires, in part, that operating license applications include information regarding the applicant’s “organizational structure, allocations or responsibilities and authorities, and personnel qualifications requirements.”
- NUREG-0800, Chapter 13, Section 13.1.2-13.1.3, “Operating Organization” Revision 7 (ADAMS Accession No. ML15007A296), provides regulatory guidance for considerations regarding the structure, functions, and responsibilities, of the onsite organization established to safely operate and maintain the facility.
- NUREG-1430, “Standard Technical Specifications, Babcock and Wilcox Plants,” Revision 4 (ADAMS Accession No. ML12100A177), and NUREG-1431, “Standard Technical Specifications, Westinghouse Plants,” Revision 4 (ADAMS Accession No. ML12100A222), provide NRC-developed standard technical specifications (STS) for nuclear plants designed by Babcock and Wilcox and Westinghouse respectively.
- Regulatory Guide 1.8, “Personnel Selection and Training,” Revision 1-R (ADAMS Accession No. ML12305A250), endorses the guidance contained in ANSI [American National Standards Institute] N18.1-1971, which addresses the qualifications, responsibilities, and training of personnel in operating and support organizations appropriate for the safe and efficient operation of nuclear power plants.

## 3.0 TECHNICAL EVALUATION

### 3.1 Operating Organization Staffing and Qualification

#### 3.1.1 Licensee Discussion

The licensee states in Section 4.1 of its submittal that the proposed revision to plant TS 5.2.2.e is intended to align the BVPS and DBNPS TSs with the NRC-issued STS. The licensee also

indicates, however, that the proposed TS changes would deviate from the STS in that they would refer to the generic title “operations middle manager,” rather than the title “assistant operations manager” used in the STS. The licensee states that this change would still comply with the intent of the STS “in that either the operations manager or another operations management individual would possess a senior reactor operator license.”

The licensee indicates, in Section 3.0 of its submittal, that the existing TSs for BVPS and DBNPS reflect the wording that was selected at the time the plants’ TSs were converted to better align with the STS in place at the time, 2007 and 2008, respectively. However, at the time of this conversion, the licensee did not elect to incorporate the language included in the STS regarding operations management qualifications. They state that the STS language offers greater flexibility regarding which managers need to hold an SRO license and that the proposed changes to the TSs are intended to incorporate the flexibility offered by the STS.

Section 3.0 of the submittal also discusses a commitment contained in its Quality Assurance Program Manual (QAPM), which states the following:

The company commits to the requirements of ANSI N18.1-1971 as modified by plant specific Technical Specifications.

This standard includes a requirement that the operations manager shall hold an SRO license at the time of appointment. However, the licensee notes that this ANSI standard does not describe the position of an assistant operations manager. While the proposed change to plant TS 5.2.2.e would deviate from ANSI N18.1-1971, the licensee indicates that it would conform more directly with other more recent NRC standards listed in the STS and would thereby still conform with the commitment listed in its QAPM.

Regarding the use of the term “operations middle manager,” instead of “assistant operations manager,” the licensee states, in Section 3.0 of its submittal, “The ANSI standard acknowledges that job titles vary among companies that operate nuclear power plants.” The licensee states that it therefore considers this deviation to be administrative in nature and to still be compliant with the commitment listed in its QAPM. In its response to the NRC’s request for additional information (RAI), dated January 27, 2021, the licensee clarifies that generic title of “operations middle manager” is taken from the standard ANSI/ANS [American Nuclear Society]-3.1, “Selection, Qualification, and Training of Personnel for Nuclear Power Plants,” dated November 20, 2014. The licensee’s RAI response also states that “titles and responsibilities for this technical specification position are contained within the site’s updated final safety analysis report (UFSAR).”

The licensee’s RAI response explicitly clarifies that, at BVPS, the operations middle manager position is fulfilled by the “assistant operations manager,” who (as discussed in Section 13.1 of the Unit 2 UFSAR, Revision 25 (ADAMS Accession No. ML20335A125), is responsible for managing the operation of the respective unit and who reports directly to the operations manager. At DBNPS, the middle manager position is fulfilled by the “assistant operations manager – shift.” Among other duties, the DBNPS UFSAR, Revision 33, Section 13.1 (ADAMS Accession No. ML20302A321), states that this individual “directs and coordinates the activities of the Shift Managers/STAs to ensure safe and efficient plant operation.” The licensee’s RAI response also communicates that this position directly reports to the operations manager.

The licensee's RAI response states that, in conjunction with the anticipated approval of the request outlined in its submittal, the licensee will also take action to update the facility UFSARs to include reference to the terminology used in the updated TS. This update will explicitly address the fact that the operations middle manager position is fulfilled by an assistant operations manager at each site.

### 3.1.2 NRC Staff Review and Conclusion

NUREG-0800, Section 13.1.2-13.1.3, calls for operating license applicants to provide a description of the qualification requirements established for filling each management position in the operating organization. This guidance also calls for applicants to provide organizational information, including descriptions of organizational functions and responsibilities for managers.

To address NRC staff qualification requirements, the licensee is committed to complying with ANSI N18.1-1971, in accordance with its QAPM, except where their TSs modify these requirements. ANSI N18.1-1971 calls for the Operations Manager to hold an SRO license upon appointment; however, the licensee requesting to instead comply with the updated standard set forth in the NRC-issued STSs. The most recent revision of the STS allows for either the operations manager or an assistant operations manager to hold an SRO license; the licensee is choosing to deviate from the standard wording in the STS through the use of the generic term "middle manager", instead of the term "assistant operations manager." The licensee attributes the use of this term to its use in ANSI/ANS-3.1.

The NRC staff considered the licensee's request to revise plant TSs to change the requirements for operations management qualifications and determined that the requested change would be appropriate, because of allowances in the licensee's quality assurance program and the conformance of the proposed change with up-to-date NRC-established standards. The licensee has previously committed to the requirements listed in ANSI N18.1-1971, which impose qualification requirements applicable only to the operations manager. However, the commitment to this ANSI standard, as listed in its QAPM, allows for exceptions contained in plant TSs, and these specifications would be modified with the approval of this amendment request. The requested changes to the TSs conform with the expectations listed in the up-to-date guidance contained in the NRC-developed STS. These changes will thereby reflect adherence to a standard that the NRC has determined provides reasonable assurance that management is adequately qualified to provide the oversight necessary to ensure safe plant operations.

The NRC staff considered the use of the term "operations middle manager," in lieu of "assistant operations manager, and determined it to be appropriate, because it aligns with other NRC-endorsed standards. This language is reflective of that contained in standard ANSI/ANS-3, which is the standard endorsed by the most recent revision of Regulatory Guide (RG) 1.8, "Qualification and Training of Personnel for Nuclear Power Plants," Revision 4 (ADAMS Accession No. ML19101A395). While the licensee is committed to an earlier version of RG 1.8, Revision 1-R, (ADAMS Accession No. ML12305A250), which contained the NRC's endorsement of ANSI N18.1-1971), the use of terminology contained in more up-to-date guidance, specifically, ANSI/ANS-3.1 has previously been determined by the NRC to be acceptable.

Furthermore, the licensee provided clarification in its RAI response regarding the functions and responsibilities of the operation's middle manager position. This clarification provides assurance that the middle manager position will be fulfilled by an individual at the appropriate

supervisory level in the department, specifically an assistant manager reporting directly to the department-level manager. This further ensures that the management qualifications outlined in the proposed revision to the plant TSs will conform with the intent of the up-to-date NRC guidance contained in the STS.

The NRC staff determined that the licensee has provided adequate information regarding the organization, responsibilities, authorities, and qualifications requirements for the associated management personnel. Because the information, provided by the licensee, demonstrates that the proposed change to the TSs will continue to comply with the applicable licensee commitments and NRC-established guidance, the staff finds the licensee's request to be acceptable.

### 3.1.3 Conclusion - Technical Evaluation

The NRC staff reviewed the operational and human performance aspects of Energy Harbor's request to modify the BVPS and DBNPS TSs for unit staff qualifications. The staff determined that the proposed revisions to the TSs will continue to provide adequate information regarding organization and management, in accordance with 10 CFR, Part 50.36(c)(5). The staff also determined that the licensee has provided adequate information regarding the organizational structure, responsibilities and authorities, and personnel qualifications requirements, in accordance with 10 CFR, 50.34(b)(6)(i). Based on the NRC staff's determination that the licensee will continue to adequately meet the applicable regulatory requirements and is consistent with NRC guidance, the staff finds the proposed license amendments to be acceptable.

## 4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the officials of the State of Ohio and Commonwealth of Pennsylvania were notified of the proposed issuance of the amendments on February 19, 2021. The State officials had no comments.

## 5.0 ENVIRONMENTAL CONSIDERATION

These amendments change a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendments involve no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding on September 22, 2020, that the amendments involve no significant hazards consideration (85 FR 59562) and there has been no public comment on such finding. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

## 6.0 CONCLUSION

The Commission 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) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of these amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: J. Vazquez, NRR/IOLB

Date of Issuance: April 16, 2021

SUBJECT: BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2, AND DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1, - ISSUANCE OF AMENDMENT NOS. 311, 200, AND 302, TO INCORPORATE THE APPLICABLE STANDARD TECHNICAL SPECIFICATION 5.2.2, "UNIT STAFF," INTO THE TECHNICAL SPECIFICATIONS (EPID L-2020-LLA-0169) DATED APRIL 16, 2021

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RidsNrrDorlLpl1 Resource

RidsNrrDorlLpl3 Resource

RidsNrrDrololb Resource

RidsNrrDrolqvb Resource

RidsNrrDssStsb Resource

RidsNrrLAJBurkhardt Resource

RidsNrrLASRohrer Resource

RidsNrrPMBeavervalley Resource

RidsNrrPMDavisBesse Resource

RidsRgn1MailCenter Resource

RidsRgn3Mail Center Resource

BGreen, NRR/IOLB

CAshlay, NRR/STSB

DPark, NRR/IQVB

JVazquez, NRR/IOLB

**ADAMS Accession No.: ML21075A113****\* By email**

OFFICE	NRR/DORL/LPL3/PM*	NRR/DORL/LPL3/LA*	NRR/DRO/IOLB/BC	NRR/DRO/IQVB/BC*
NAME	BVaidya	SRohrer	CCowdrey	KKavanagh
DATE	03/18/2021	03/16/2021	02/08/2021	03/22/2021
OFFICE	NRR/DSS/STSB/BC*	OGC* NLO	NRR/DORL/LPL3/BC(A)	NRR/DORL/LPL3/PM
NAME	VCusumano	STurk	NSalgado (JWiebe for)	BVaidya
DATE	03/24/2021	04/02/2021	04/16/2021	04/16/2021

**OFFICIAL RECORD COPY**