

February 14, 2000

Template No. NRR-058

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

SUBJECT: ISSUANCE OF AMENDMENT - DAVIS-BESSE NUCLEAR POWER STATION,
UNIT 1 (TAC NO. MA6095)

Dear Mr. Campbell:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 235 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 July 27, 1999 (Serial Number 2607, LAR Number 98-0011).

This amendment eliminates TS 6.4, "Training," and relocates TS 6.5.2.8, "Audits," and TS 6.10, "Record Retention," to the USAR Chapter 17 Quality Assurance Program. Additionally, the record keeping requirements of TS 6.14, "Process Control Program," and TS 6.15, "Offsite Dose Calculation Manual," are also being relocated to the USAR Chapter 17 Quality Assurance Program. Finally, an editorial change has been made to TS 6.8, "Procedures and Programs."

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,

/RA/

Douglas V. Pickett, Senior Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-346

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Davis-Besse Nuclear Power Station, Unit 1

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

FIRSTENERGY NUCLEAR OPERATING COMPANY

DOCKET NO. 50-346

DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 235
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 July 27, 1999, 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.

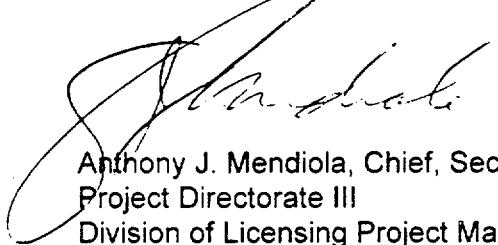
2. Accordingly, Facility Operating License No. NPF-3 is hereby amended to approve the relocation of certain Technical Specification requirements to the Updated Safety Analysis Report (USAR), as described in the licensee's application dated July 27, 1999, evaluated in the staff's Safety Evaluation attached to this amendment. This relocation shall be reflected in the next update of the USAR submitted to the NRC pursuant to 10 CFR 50.71(e). The license is also hereby 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. 235, 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



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: February 14, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 235

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

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Insert

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ADMINISTRATIVE CONTROLS

6.3 FACILITY STAFF QUALIFICATIONS

6.3.1 Each member of the facility staff shall meet or exceed the minimum qualifications of ANSI N18.1-1971 for comparable positions, except for (1) the Manager - Radiological Control who shall meet or exceed the qualifications of Regulatory Guide 1.8, September 1975, (2) the Shift Technical Advisor who shall have a bachelor's degree or equivalent in a scientific or engineering discipline with specific training in plant design, and response and analysis of the plant for transients and accidents, and (3) the Manager - Plant Operations whose requirement for a senior reactor operator license is as stated in Specification 6.2.2.g.

6.4 Deleted

6.5 REVIEW AND AUDIT

6.5.1 STATION REVIEW BOARD (SRB)

FUNCTION

6.5.1.1 The Station Review Board (SRB) shall function to advise the Plant Manager on all matters related to nuclear safety.

ADMINISTRATIVE CONTROLS

AUDITS

6.5.2.8 Audits of facility activities shall be performed under the cognizance of the CNRB. These audits are described in the USAR Chapter 17 Quality Assurance Program.

ADMINISTRATIVE CONTROLS

6.8 PROCEDURES AND PROGRAMS (Continued)

- c. Surveillance and test activities of safety related equipment.
- d. Industrial Security Plan implementation.
- e. Davis-Besse Emergency Plan implementation.
- f. Fire Protection Program implementation.
- g. The radiological environmental monitoring program.
- h. The Process Control Program.
- i. Offsite Dose Calculation Manual implementation.

6.8.2 Each procedure of 6.8.1 above, and changes thereto, shall be reviewed and approved prior to implementation as set forth in 6.5.3 above.

6.8.3 (deleted)

6.8.4 The following programs shall be established, implemented and maintained:

a. Primary Coolant Sources Outside Containment

A program to reduce leakage from those portions of systems outside containment that could contain highly radioactive fluids during a serious transient or accident to as low as practical levels. The systems include makeup, letdown, seal injection, seal return, low pressure injection, containment spray, high pressure injection, waste gas, primary sampling and reactor coolant drain systems. The program shall include the following:

- (i) Preventive maintenance and/or periodic visual inspection requirements, and
- (ii) Integrated leak test requirements for each system at refueling cycle intervals or less.

b. In-Plant Radiation Monitoring

A program which will ensure the capability to accurately determine the airborne iodine concentration in vital areas under accident conditions. This program shall include the following:

- (i) Training of personnel,
- (ii) Procedures for monitoring, and
- (iii) Provisions for maintenance of sampling and analysis equipment.

ADMINISTRATIVE CONTROLS

SPECIAL REPORTS

6.9.2 Special reports shall be submitted to the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 50.4 within the time period specified for each report. These reports shall be submitted covering the activities identified below pursuant to the requirements of the applicable reference specifications:

- a. ECCS Actuation, Specifications 3.5.2 and 3.5.3.
- b. Deleted
- c. Deleted
- d. Deleted
- e. Deleted
- f. Deleted
- g. Inoperable Remote Shutdown System control circuit(s) or transfer switch(es) required for a serious control room or cable spreading room fire, Specification 3.3.3.5.2.

6.10 RECORD RETENTION

Records of facility activities shall be retained as described in the USAR Chapter 17 Quality Assurance Program.

DELETED

ADMINISTRATIVE CONTROLS

6.14 PROCESS CONTROL PROGRAM (PCP)

Changes to the PCP:

- a. Shall be documented and records of reviews performed shall be retained as required by the USAR Chapter 17 Quality Assurance Program. This documentation shall contain:
 - 1) Sufficient information to support the change together with the appropriate analyses or evaluations justifying the change(s), and
 - 2) A determination that the change will maintain the overall conformance of the solidified waste product to existing requirements of Federal, State, or other applicable regulations.
- b. Shall become effective after review and acceptance by the SRB and the approval of the Plant Manager.

6.15 OFFSITE DOSE CALCULATION MANUAL (ODCM)

Changes to the ODCM:

- a. Shall be documented and records of reviews performed shall be retained as required by the USAR Chapter 17 Quality Assurance Program. This documentation shall contain:
 - 1) Sufficient information to support the change together with the appropriate analyses or evaluations justifying the change(s), and
 - 2) A determination that the change will maintain the level of radioactive effluent control required by 10 CFR 20.1302, 40 CFR Part 190, 10 CFR 50.36a, and Appendix I to 10 CFR Part 50 and not adversely impact the accuracy or reliability of effluent, dose or setpoint calculations.
- b. Shall become effective after review and acceptance by the SRB and the approval of the Plant Manager.
- c. Shall be submitted to the Commission in the form of a complete, legible copy of the entire ODCM as part of or concurrent with the Radioactive Effluent Release Report for the period of the report in which any change to the ODCM was made. Each change shall be identified by markings in the margin of the affected pages, clearly indicating the area of the page that was changed, and shall indicate the date (e.g., month/year) the change was implemented.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 235 TO FACILITY OPERATING LICENSE NO. NPF-3

FIRSTENERGY NUCLEAR OPERATING COMPANY

DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1

DOCKET NO. 50-346

1.0 INTRODUCTION

By letter dated July 27, 1999, the FirstEnergy Nuclear Operating Company (the licensee) proposed changing the Davis-Besse Nuclear Power Station Technical Specifications (TSs) by modifying Administrative Control specifications, removing requirements that are adequately controlled by existing regulations and relocating other details which are not otherwise needed to satisfy 10 CFR 50.36. Guidance on the proposed changes was developed by NRC and provided in NUREG-1430, Revision 1, "Standard Technical Specifications - Babcock and Wilcox Plants." The specific changes involve eliminating TS 6.4, "Training," and relocating TS 6.5.2.8, "Audits," and TS 6.10, "Record Retention," to the FirstEnergy Nuclear Operating Company (FENOC) Quality Assurance Program Manual (QAPM). Additionally, the record keeping requirements of TS 6.14, "Process Control Program," and TS 6.15, "Offsite Dose Calculation Manual," are also proposed to be relocated to the FENOC QAPM. Finally, an editorial change is proposed for TS 6.8, "Procedures and Programs."

2.0 BACKGROUND

Section 182.a of the Atomic Energy Act of 1954, as amended, (the "Act") requires applicants for nuclear power plant operating licenses to state TS to be included as part of the license. The Commission's regulatory requirements related to the content of TSs are set forth in 10 CFR 50.36. That regulation requires that the TS include items in five specific categories, including (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operations (LCOs); (3) surveillance requirements; (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TSs.

The Commission has provided guidance for the contents of TS in its "Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors" ("Final Policy Statement"), 58 FR 39132 (July 22, 1993), in which the Commission indicated that compliance with the Final Policy Statement satisfies §182.a of the Act. In particular, the Commission indicated that certain items could be relocated from the TS to licensee-controlled documents, consistent with the standard enunciated in Portland General Electric Co. (Trojan Nuclear Plant), ALAB-531, 9 NRC 263, 273 (1979). In that case, the Atomic Safety and Licensing Appeal Board indicated that

"technical specifications are to be reserved for those matters as to which the imposition of rigid conditions or limitations upon reactor operation is deemed necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety."

Consistent with this approach, the Final Policy Statement identified four criteria to be used in determining whether particular safety functions are required to be included in the TS, as follows: (1) installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary; (2) a process variable, design feature, or operating restriction that is an initial condition of a Design Basis Accident or Transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; (3) a structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a Design Basis Accident or Transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier; (4) a structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety. The Commission adopted amendments to 10 CFR 50.36, pursuant to which the rule was revised to codify and incorporate these criteria. See Final Rule, "Technical Specifications," 60 FR 36593 (July 19, 1995). As a result, TS requirements which fall within or satisfy any of the criteria in the Final Policy statement must be retained in the TS, while those TS requirements which do not fall within or satisfy these criteria may be relocated to other, licensee-controlled documents.

The Commission's policy statement provides that those existing TS LCOs which do not satisfy these four specified criteria may be relocated to the Updated Final Safety Analysis Report (UFSAR), such that future changes could be made to these provisions pursuant to 10 CFR 50.59. Other requirements may be relocated to more appropriate documents (e.g., Security Plan, QAP, and Emergency Plan) and controlled by the applicable regulatory requirement. Similarly, while the required content of TS administrative controls is specified in 10 CFR 50.36(c)(5), particular details of administrative controls may be relocated to licensee-controlled documents where §50.54, §50.59, or other regulations provide adequate regulatory control.

While the criteria specifically apply to LCOs, in adopting the revision to the rules, the Commission indicated that the intent of these criteria can be utilized to identify the optimum set of administrative controls in the TS (60 FR 36958). Addressing administrative controls, 10 CFR 50.36 states that they are "the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner." The specific content of the administrative controls section of the TS is, therefore, that information which the Commission deems essential for the safe operation of the facility and which is not already adequately covered by other regulations. Accordingly, the staff has determined that requirements that are not specifically required under §50.36(c)(5), and are not otherwise necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety, can be removed from administrative controls.

Relocating the specific requirements of the onsite and offsite review committees, along with their associated audit and related recordkeeping requirements from the TSs to the Quality Assurance chapter of the Final Safety Analysis Report (FSAR) allows these requirements to be controlled

by the 10 CFR 50.54(a) change process rather than the TS amendment process. This can reduce the resources spent by the licensee and the NRC staff in preparing and reviewing license amendment requests.

3.0 EVALUATION

The following discussion describes the staff's conclusions regarding the removal or relocation of selected Administrative Controls from the TS for the Davis-Besse Nuclear Power Station, Unit 1. The changes were reviewed in accordance with the guidance provided in the improved "Standard Technical Specifications - Babcock and Wilcox Plants," NUREG-1430, Revision 1, dated April 1995. In addition, these changes were reviewed in accordance with the guidance provided in Administrative Letter 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," issued on December 12, 1995.

By letter dated December 8, 1999, the staff approved FirstEnergy's request to consolidate the existing Quality Assurance Program descriptions for both the Davis-Besse Nuclear Power Station and the Perry Nuclear Power Plant into a single corporate FirstEnergy Nuclear Operating Company (FENOC) Quality Assurance Program Manual (QAPM). As described in the licensee's submittal of August 19, 1999, the FENOC QAPM is designed to serve as the governing Quality Assurance Program for the nuclear facilities within the FENOC organization. Therefore, the FENOC QAPM has been adopted as the Updated Safety Analysis Report (USAR) Chapter 17.2 Davis-Besse Nuclear Power Station Quality Assurance Program replacing the former Quality Assurance Program.

3.1 TS 6.4, "Training"

The licensee has proposed to eliminate TS 6.4, "Training." TS 6.4 currently contains the following:

6.4 TRAINING

6.4.1 A retraining and replacement training program for the facility staff shall be maintained under direction of the Manager Nuclear Training and shall meet or exceed the requirements and recommendations of Section 5.5 of ANSI N18.1 1971 and of 10 CFR 55.59.

The licensee is required to maintain a retraining program pursuant to 10 CFR 55.59, "Requalification." In addition, the licensee has committed to ANSI N18.1-1971 in the FENOC QAPM. Furthermore, USAR Chapter 13.2.1, "Training Program - General," describes the licensee's replacement training and requalification training as meeting or exceeding the requirements and recommendations of ANSI N18.1-1971 and 10 CFR Part 55.

The staff has removed the retraining and replacement training program requirements from the improved Standard Technical Specifications because such programs are considered to be adequately handled through a combination of the regulations and the licensee's specific quality assurance programs. Future changes to the FENOC QAPM will be controlled by 10 CFR 50.54(a) and future changes to USAR Section 13.2 will be controlled by 10 CFR 50.59. The

staff concludes that the deletion of TS 6.4 will not have any adverse impact on nuclear safety and is, therefore, acceptable.

3.2 TS 6.5.2.8, "Audits"

The proposed amendment would relocate the requirements of TS 6.5.2.8, "Audits," in its entirety, to the USAR Chapter 17 Quality Assurance Program (i.e., the FENOC QAPM).

The QAPM will implement the Commission's regulations pertaining to the review and audit functions. Inclusion of these particular provisions in the TS is not necessary to assure safe operation of the facility. The review and audit functions define an administrative framework to confirm that plant activities have been properly conducted in a safe manner. The reviews and audits serve to provide a cohesive program that provides senior level utility management with assessments of facility operation and recommended actions to improve safety and reliability.

Upon the relocation of the review and audit functions to the FENOC QAPM, the staff finds that the functions will be adequately addressed by the FENOC QAPM and existing regulations. Audit requirements to satisfy 10 CFR Part 50, Appendix B Criterion XVIII are specified in the FENOC QAPM. Audits and reviews are also required by ANSI N18.7, ANSI N45.2, 10 CFR 50.54(p), 10 CFR 50.54(t), and 10 CFR Part 73.

Changes to the FENOC QAPM are controlled in accordance with 10 CFR 50.54(a) including requirements for prior NRC review and approval if a change constitutes a reduction in the FENOC QAPM commitment. The staff finds it is not necessary to include redundant or additional requirements in the TS Administrative Controls section. Therefore, the staff finds that the relocation of the Audit functions from Section 6.5.2.8 of the TS to the FENOC QAPM is acceptable.

3.3 TS 6.8, "Procedures and Programs"

The licensee has proposed an editorial change to TS 6.8.1.d, "Industrial Security Plant implementation," to correctly state "Industrial Security Plan implementation." This change correctly reflects the program being implemented at the licensee's facility and the staff finds the proposed change acceptable.

3.4 TS 6.10, "Record Retention"

The proposed amendment would relocate the requirements of TS 6.10, "Record Retention," in its entirety, to the USAR Chapter 17 Quality Assurance Program (i.e., the FENOC QAPM).

The provisions in the FENOC QAPM will implement the Commission's regulations pertaining to the maintenance of records related to activities affecting quality. The required controls related to record retention specified in various regulations and the addition of the TS requirements to the FENOC QAPM are considered redundant to the requirements currently in the TS. The staff has determined that the record retention requirements are adequately addressed by existing regulations and related commitments in the FENOC QAPM. Based upon the relocation of the

record retention requirements to the FENOC QAPM, it is not necessary to include redundant or additional requirements in the Administrative Controls section of the TS.

The staff finds that the regulatory requirements of 10 CFR Part 50, Appendix B provide sufficient control of plant records and 10 CFR 50.54(a) provides sufficient regulatory controls for future changes to the FENOC QAPM. In addition, other regulations such as 10 CFR Part 20, Subpart L and 10 CFR 50.71 require the retention of records related to operation of the nuclear power plant. The requirements in the FENOC QAPM along with the other regulatory requirements provide sufficient control of record keeping provisions. Therefore, the staff finds the relocation of the Record Retention requirements from Section 6.10 to the FENOC QAPM to be acceptable.

3.5 TS 6.14, "Process Control Program (PCP)"

TS 6.14, "Process Control Program (PCP)," currently requires that any changes to the PCP be documented and that records of reviews performed be retained as required by TS 6.10.2.p. The licensee has proposed to replace the reference to TS 6.10.2.p with a reference to the USAR Chapter 17 Quality Assurance Program.

Since the staff has approved the licensee's proposal to relocate TS 6.10, "Record Retention," from the TS to the USAR Chapter 17 Quality Assurance Program, the staff considers this change to be conforming and administrative. Therefore, the staff finds this proposed change acceptable.

3.6 TS 6.15, "Offsite Dose Calculation Manual (ODCM)"

TS 6.15, "Offsite Dose Calculation Manual (ODCM)," currently requires that any changes to the ODCM be documented and that records of reviews performed be retained as required by TS 6.10.2.p. The licensee has proposed to replace the reference to TS 6.10.2.p with a reference to the USAR Chapter 17 Quality Assurance Program.

Since the staff has approved the licensee's proposal to relocate TS 6.10, "Record Retention," from the TS to the USAR Chapter 17 Quality Assurance Program, the staff considers this change to be conforming and administrative. Therefore, the staff finds this proposed change acceptable.

4.0 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.

5.0 ENVIRONMENTAL CONSIDERATION

This amendment changes the requirements with respect to administrative procedures. 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 (64 FR 48863). 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.

6.0 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 Contributor: Douglas V. Pickett, NRR

Date: February 14, 2000