

March 14, 2000

Template # NRR-058  
(To Be Scanned)

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. MA6967)

Dear Mr. Campbell:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 238 to Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Power Station (DBNPS). The amendment is in response to your application dated November 2, 1999 (Serial Number 2470, License Amendment Request No. 97-0003).

This amendment revises the Technical Specifications (TSs) to 1) relocate the requirements of TS 3/4.1.2.8, Reactivity Control Systems - Borated Water Sources - Shutdown, in its entirety, to the DBNPS Updated Safety Analysis Report (USAR) Technical Requirements Manual (TRM); 2) relocate the requirements of TS 3/4.1.2.9, Reactivity Control Systems - Borated Water Sources - Operating, to the USAR TRM, except for portions applicable to the Borated Water Storage Tank, which have been deleted because they are redundant to the existing provisions of TS 3/4.5.4, Emergency Core Cooling Systems - Borated Water Storage Tank; 3) modify TS 3/4.1.2.1, Reactivity Control Systems - Borated Water Sources - Shutdown, by deleting references to TS 3.1.2.8; 4) incorporate corresponding changes to the TS index; and 5) incorporate corresponding changes to the TS Bases.

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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- Enclosures: 1. Amendment No. 238 to License No. NPF-3
- 2. Safety Evaluation

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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. 238  
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 November 2, 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.

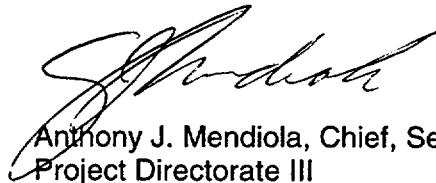
2. Accordingly, Facility Operating License No. NPF-3 is hereby amended to approve the relocation of certain Technical Specification requirements to the Updated Safety Analysis Report (USAR), as described in the licensee's application dated November 2, 1999, evaluated in the staff's Safety Evaluation 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. 238, 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: March 14, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 238

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.

<u>Remove</u>	<u>Insert</u>
III	III
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3/4 1-14	3/4 1-14
3/4 1-15	3/4 1-15
3/4 1-16	3/4 1-16
3/4 1-17	3/4 1-17
3/4 1-18	3/4 1-18
B 3/4 1-2	B 3/4 1-2
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## REACTIVITY CONTROL SYSTEMS

### 3/4.1.2 BORATION SYSTEMS

#### FLOW PATHS - SHUTDOWN

#### LIMITING CONDITION FOR OPERATION

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3.1.2.1 At least one of the following boron injection flow paths shall be OPERABLE.

- a. A flow path from the concentrated boric acid storage system via a boric acid pump and a makeup or decay heat removal (DHR) pump to the Reactor Coolant System, if only the boric acid storage system is OPERABLE, or
- b. A flow path from the borated water storage tank via a makeup or DHR pump to the Reactor Coolant System if only the borated water storage tank is OPERABLE.

APPLICABILITY: MODES 5 and 6.

#### ACTION:

With none of the above flow paths OPERABLE, suspend all operations involving CORE ALTERATIONS or positive reactivity changes until at least one injection path is restored to OPERABLE status.

#### SURVEILLANCE REQUIREMENTS

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4.1.2.1 At least one of the above required flow paths shall be demonstrated OPERABLE:

- a. At least once per 7 days<sup>(1)</sup> by verifying that the pipe temperature of the heat traced portion of the flow path is  $\geq 105^{\circ}\text{F}$  when a flow path from the concentrated boric acid storage system is used, and
- b. At least once per 31 days by verifying that each valve (manual, power operated or automatic) in the flow path that is not locked, sealed or otherwise secured in position is in its correct position.

<sup>(1)</sup>If the 7 day verification falls during transfers of makeup water or dilute boron solutions (fluid source concentration of less than 5000 ppmB), the verification period may be extended up to 8 hours after the addition of dilute boron solution has been stopped for a period of at least 8 hours.

**DELETED**



**DELETED**

**DELETED**

**DELETED**

**DAVIS-BESSE, UNIT 1**

**3/4 1-17**

**Amendment No. 36, 67, 123, 191,  
207, 238**

**DELETED**

**DAVIS-BESSE, UNIT 1**

**3/4 1-18**

**Amendment No. 123, 191, 238**

## REACTIVITY CONTROL SYSTEMS

### BASES

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#### 3/4.1.1.4 MINIMUM TEMPERATURE FOR CRITICALITY

This specification ensures that the reactor will not be made critical with the reactor coolant system average temperature less than 525° F. This limitation is required to ensure (1) the moderator temperature coefficient is within its analyzed temperature range, (2) the protective instrumentation is within its normal operating range, (3) the pressurizer is capable of being in an OPERABLE status with a steam bubble, and (4) the reactor pressure vessel is above its minimum  $RT_{NDT}$  temperature.

#### 3/4.1.2 BORATION SYSTEMS

The boron injection system ensures that negative reactivity control is available during each mode of facility operation. The components required to perform this function, depending on operating conditions, include (1) borated water sources, (2) makeup or DHR pumps, (3) separate flow paths, (4) boric acid pumps, (5) associated heat tracing systems, and (6) an emergency power supply from operable emergency busses.

With the RCS average temperature above 200° F, a minimum of two separate and redundant boron injection systems are provided to ensure single functional capability in the event an assumed failure renders one of the systems inoperable. Allowable out-of-service periods ensure that minor component repair or corrective action may be completed without undue risk to overall facility safety from injection system failures during the repair period.

The boration capability of either system is sufficient to provide a SHUTDOWN MARGIN from all operating conditions of 1.0%  $\Delta k/k$  after xenon decay and cooldown to 200° F. The available borated water volume range and boron concentration range for the Boric Acid Addition System (BAAS), required to support this boration capability, are provided in the Updated Safety Analysis Report. The requirements relative to the Borated Water Storage Tank (BWST) are provided in Limiting Condition for Operation (LCO) 3.5.4.

## REACTIVITY CONTROL SYSTEMS

### BASES

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#### 3/4.1.2 BORATION SYSTEMS (Continued)

With the RCS temperature below 200°F, one injection system is acceptable without single failure consideration on the basis of the stable reactivity condition of the reactor and the additional restrictions prohibiting CORE ALTERATIONS and positive reactivity changes in the event the single injection system becomes inoperable.

The boration capability required below 200°F is sufficient to provide a SHUTDOWN MARGIN of 1%  $\Delta k/k$  after xenon decay and cooldown from 200°F to 70°F. The available borated water volume range and boron concentration range for the BAAS and the BWST, required to support this boration capability, are provided in the Updated Safety Analysis Report.

The OPERABILITY of one boron injection system during REFUELING ensures that this system is available for reactivity control while in MODE 6.

#### 3/4.1.3 MOVABLE CONTROL ASSEMBLIES

The specifications of this section (1) ensure that acceptable power distribution limits are maintained, (2) ensure that the minimum SHUTDOWN MARGIN is maintained, and (3) limit the potential effects of a rod ejection accident. OPERABILITY of the control rod position indicators is required to determine control rod positions and thereby ensure compliance with the control rod alignment and insertion limits.

The ACTION statements which permit limited variations from the basic requirements are accompanied by additional restrictions which ensure that the original criteria are met. For example, misalignment of a safety or regulating rod requires a restriction in THERMAL POWER. The reactivity worth of a misaligned rod is limited for the remainder of the fuel cycle to prevent exceeding the assumptions used in the safety analysis.

The position of a rod declared inoperable due to misalignment should not be included in computing the average group position for determining the OPERABILITY of rods with lesser misalignments.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION  
RELATED TO AMENDMENT NO. 238 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 November 2, 1999, the FirstEnergy Nuclear Operating Company (the licensee) proposed modifying the Davis-Besse Nuclear Power Station (DBNPS) Technical Specifications (TSs) by 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 include the following:

TS 3/4.1.2.8, "Reactivity Control Systems - Borated Water Sources - Shutdown"

This TS, in its entirety, would be relocated to the DBNPS Updated Safety Analysis Report (USAR) Technical Requirements Manual (TRM).

TS 3/4 1.2.9, "Reactivity Control Systems - Borated Water Sources - Operating"

The portion of this TS describing the Borated Water Storage Tank would be deleted because it is redundant to the requirements of TS 3/4.5.4, "Emergency Core Cooling Systems - Borated Water Storage Tank." The remainder of this TS would be relocated to the USAR TRM.

TS 3/4.1.2.1, "Reactivity Control Systems - Boration Systems - Flowpaths"

This TS would be revised to remove its reference to TS 3/4.1.2.8 (which is proposed to be deleted).

TS Index

The Index would be revised to reflect the removal of TS 3/4.1.2.8 and 3/4.1.2.9.

Bases 3/4.1.2, "Boration Systems"

The Bases would be revised to reflect the changes described above.

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; and (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, Quality Assurance Plan, or Emergency Plan) and controlled by the applicable regulatory requirement.

Relocating the specific requirements of the borated water systems to the Technical Requirements Manual of the Updated Safety Analysis Report allows these requirements to be controlled by the 10 CFR 50.59 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 the borated water systems 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.

#### TS 3/4.1.2.8, "Reactivity Control Systems - Borated Water Sources - Shutdown"

TS 3/4.1.2.8 provides the minimum requirements for the borated water sources during shutdown conditions (i.e., Modes 5 and 6). The borated water sources include the boric acid addition system (BAAS) and the borated water storage tank (BWST). The TS includes the Limiting Condition for Operation for borated water volume, boron concentration, borated water temperature, along with the associated surveillance requirements necessary to support shutdown conditions. The licensee has proposed to relocate this TS, in its entirety, to the DBNPS Updated Safety Analysis Report (USAR) Technical Requirements Manual (TRM).

#### TS 3/4 1.2.9, "Reactivity Control Systems - Borated Water Sources - Operating"

TS 3/4.1.2.9 provides the minimum requirements for the borated water sources during operating conditions (i.e., Modes 1 through 4). Similar to TS 3/4.1.2.8, this TS provides the Limiting Condition for Operation for the BAAS and the BWST to support operating conditions. The licensee has proposed to delete the portion of the TS describing the BWST because it is redundant to the requirements of TS 3/4.5.4, "Emergency Core Cooling Systems - Borated Water Storage Tank." The remaining portion of the TS, which describes the BAAS, would be relocated to the USAR TRM.

The licensee's evaluation for relocating the requirements of TS 3/4.1.2.8 (Modes 5 and 6) and 3/4.1.2.9 (Modes 1 through 4) focused on a comparison against the four criteria of the staff's Final Policy Statement. The four criteria of the Final Policy Statement can be summarized as follows:

Criterion 1 Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary.

The purpose of this criterion is to ensure that instrumentation specifically installed to detect reactor coolant system leakage is included in the TS.

- Criterion 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.

As described in the Final Policy Statement, process variables are only those parameters for which specific values or ranges of values have been chosen as reference bounds in the design basis accident or transient analyses and which are monitored and controlled during power operation such that process values remain within the analyses bounds. The purpose of this criterion is to include those process variables that have initial values assumed in the design basis accident and transient analyses, and which are monitored and controlled during power operation.

- Criterion 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.

As described in the Final Policy Statement, it is the intent of this criterion to capture into TS only those structures, systems, and components that are part of the primary success path of a safety sequence analysis. Also captured by this criterion are those support and actuation systems that are necessary for items in the primary success path to successfully function. The primary success path for a particular mode of operation does not include backup and diverse equipment.

- Criterion 4 A structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety.

The licensee's comparison of the BAAS and BWST requirements against the four criteria of the Final Policy Statement can be summarized as follows:

- The BAAS and the associated requirements of TS 3/4.1.2.8 (Modes 5 and 6) and TS 3/4.1.2.9 (Modes 1 through 4) do not meet Criteria 1 through 4 of the Final Policy Statement and can be relocated from the TS to the USAR TRM.
- The BWST and the associated requirements of TS 3/4.1.2.8 (Modes 5 and 6) do not meet Criteria 1 through 4 of the Final Policy Statement and can be relocated from the TS to the TRM.
- The BWST and the associated requirements of TS 3/4.1.2.9 (Modes 1 through 4) meet one or more of Criteria 1 through 4 and must be retained within the TS. However, since the requirements of TS 3/4.1.2.9 are redundant to the requirements of TS 3/4.5.4, the BWST requirements of TS 3/4.1.2.9 can be deleted and the TS will continue to meet the Final Policy Statement.

The staff has reviewed the licensee's evaluation and concurs with these findings. The staff notes that the BAAS is not credited for the mitigation of any USAR Chapter 6 or Chapter 15 accident during any operating Mode. In addition, the staff notes that the BWST is not credited for the mitigation of any USAR Chapter 6 or Chapter 15 accident during operating Modes 5 and 6. These findings are further supported by NUREG-1430, Revision 1, "Standard Technical Specifications - Babcock and Wilcox Plants," in that the TSs proposed for deletion by the licensee have not been included in NUREG-1430.

Relocation of these TSs to the USAR TRM will be adequately handled through the licensee's internal processes. Future changes to the USAR TRM will be controlled by 10 CFR 50.59. Therefore, the staff concludes that the relocation of these TSs will not have any adverse impact on nuclear safety and is, therefore, acceptable.

#### TS 3/4.1.2.1, "Reactivity Control Systems - Boration Systems - Flowpaths"

This TS would be revised to remove its reference to TS 3/4.1.2.8 (which is being deleted). Since the staff has approved the licensee's proposal to delete TS 3/4.1.2.8, elimination of this reference in TS 3/4.1.2.1 is an administrative issue and is acceptable to the staff.

#### TS Index

The Index would be revised to reflect the removal of TS 3/4.1.2.8 and 3/4.1.2.9. Revision of the TS Index is an administrative issue reflecting the previous changes and is acceptable to the staff.

#### Bases 3/4.1.2, "Boration Systems"

The Bases would be revised to reflect the changes described above. The staff finds the proposed changes appropriate and 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 a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 or changes a surveillance requirement. The staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluent 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 that the amendment involves no significant hazards consideration and there has been no public comment on such finding (64 FR 70086). Accordingly, the amendment meets 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 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: March 14, 2000