

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-346]

### FirstEnergy Nuclear Operating Company, Davis-Besse Nuclear Power Station, Unit 1, Withdrawal of Exemption

#### 1.0 Background

The FirstEnergy Nuclear Operating Company (the licensee) is the holder of Facility Operating License No. NPF-3 which authorizes operation of the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor located in Ottawa County in Ohio.

#### 2.0 Request

Title 10 of the Code of Federal Regulations (10 CFR), part 50, appendix R, subsection III.L.1 requires that alternative or dedicated shutdown capability be able to achieve cold shutdown conditions within 72 hours. The NRC granted an exemption to this requirement by letter dated August 20, 1984, for DBNPS.

In summary, the licensee now concludes that DBNPS meets the requirement and the exemption is no longer required; therefore, the licensee requests that the exemption be withdrawn.

#### 3.0 Evaluation

Two issues caused the licensee to originally request the exemption. They were the ability to depressurize the reactor coolant system and a limitation on cooldown rate. The licensee has recently performed an evaluation and determined that alternate pressurizer spray from the high pressure injection pumps could be used for depressurization and the limit on cooldown rate can be increased. The licensee concluded that DBNPS can now comply with the regulation and the exemption is no longer required.

Based upon the licensee's recent evaluation determining that DBNPS alternative shutdown capability can achieve cold shutdown within 72 hours, the staff concludes that the exemption can be withdrawn.

#### 4.0 Conclusion

Accordingly, the Commission hereby grants FirstEnergy Nuclear Operating Company withdrawal of the exemption

from the requirements of CFR part 50, appendix R, subsection III.L.1, granted by letter dated August 20, 1984, for DBNPS.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption withdrawal will not have a significant effect on the quality of the human environment (69 FR 28951).

This exemption withdrawal is effective upon issuance.

Dated at Rockville, Maryland, this 24th day of June, 2004.

For the Nuclear Regulatory Commission.

**Ledyard B. Marsh,**

*Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 04-15171 Filed 7-2-04; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

#### I. Background

Pursuant to section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from June 11, 2004, through June 23, 2004. The last biweekly notice was published on June 22, 2004 (69 FR 34696).

*Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing*

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1)

involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received