

DMB-016

June 13, 1983

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RIngram

ADe Agazio

DOCKET NO(S). 50-346
Mr. Richard P. Crouse
Vice President, Nuclear
Toledo Edison Company
Edison Plaza
300 Madison Avenue
Toledo, Ohio 43652

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1

The following documents concerning our review of the subject facility are transmitted for your information.

- ☐ Notice of Receipt of Application.
- ☐ Draft/Final Environmental Statement, dated _____.
- ☐ Notice of Availability of Draft/Final Environmental Statement, dated _____.
- ☐ Safety Evaluation Report, or Supplement No. _____, dated _____.
- ☐ Notice of Hearing on Application for Construction Permit.
- ☐ Notice of Consideration of Issuance of Facility Operating License.
- ☐ Application and Safety Analysis Report, Volume _____.
- ☐ Amendment No. _____ to Application/SAR dated _____.
- ☐ Construction Permit No. CPPR- _____, Amendment No. _____, dated _____.
- ☐ Facility Operating License No. _____, Amendment No. _____, dated _____.
- ☐ Order Extending Construction Completion Date, dated _____.

☒ Other (Specify) **Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing re: October 14, 1982, amendment application for revised TS setpoints for the pressurizer code safety valves and pilot operated relief valve.**

Enclosures:
As stated

Office of Nuclear Regulation
SIGNED BY:
Albert W. De Agazio, Project Manager
Operating Reactors Branch #4
Division of Licensing

CC:

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P PDR

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SURNAME	RIngram	ADe Agazio	JStolz	Glatas	M. Rottschuld		
DATE	6/1/83	6/1/83	6/1/83	6/7/83	6/09/83		

Toledo Edison Company

cc w/enclosure(s):

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President, Board of County
Commissioners of Ottawa County
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U.S. Nuclear Regulatory Commission
Resident Inspector's Office
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Oak Harbor, Ohio 43449

Regional Radiation Representative
EPA Region V
230 South Dearborn Street
Chicago, Illinois 60604

Ohio Department of Health
ATTN: Radiological Health
Program Director
P. O. Box 118
Columbus, Ohio 43216

cc w/incoming dated: 10/14/82

James W. Harris, Director (Addressee Only)
Division of Power Generation
Ohio Department of Industrial Relations
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P. O. Box 825
Columbus, Ohio 43216

UNITED STATES NUCLEAR REGULATORY COMMISSION

THE TOLEDO EDISON COMPANY

AND

THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

DOCKET NO. 50-346

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio.

The amendment would revise setpoints for the pressurizer code safety valves and pilot operated relief valve (PORV), in accordance with the licensees' application for amendment dated October 14, 1982.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in

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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 proposed change will increase the margin available between the peak reactor coolant system pressure reached during anticipated transients and the safety valve setpoint, thus, reducing the likelihood of the safety valve opening. This increased setpoint is possible because the safety valves have been relocated eliminating 65 psi of pressure drop in piping leading to the safety valves. The nominal peak pressure for the design conditions that could be reached with the proposed valve setpoint is the same that could have been reached before the system piping was modified.

The amendment would also increase the minimum allowable setpoint value of the pilot operated relief valve to be equal to the minimum trip setpoint of the valve. This minor change could also result in a slight increase in margin from peak pressure during anticipated transients. The increased margins between valve setpoints and peak pressure during anticipated transient improve plant safety because the potential that these valves will actuate when not required is reduced.

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. The Commission will not normally make a final determination unless it receives a request for a hearing.

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Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 25, 1983 , the licensees 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 petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition

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should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

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If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission,

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Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036, attorney for the licensees.

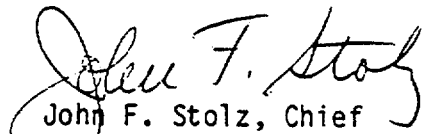
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

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For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Bethesda, Maryland, this 13th day of June 1983.

FOR THE NUCLEAR REGULATORY COMMISSION


John F. Stolz, Chief
Operating Reactors Branch #4
Division of Licensing