

December 11, 1987

Docket No. 50-346
Serial No. DB-87-18

Mr. Donald C. Shelton
Vice President, Nuclear
Toledo Edison Company Edison
Plaza - Stop 712
300 Madison Avenue
Toledo, Ohio 43652

Dear Mr. Shelton:

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 (TAC NO. 65361)

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing" concerning your application for amendment dated May 20, 1987 (Serial No. 1385), as supplemented by your submittal of December 7, 1987 (Serial No. 1446). This Notice was forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by

Albert W. De Agazio, Project Manager
Project Directorate III-1
Division of Reactor Projects - III, IV, V
& Special Projects

Enclosure:
As stated

cc w/enclosure:
See next page

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Mr. Donald C. Shelton
Toledo Edison Company

cc:

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The Cleveland Electric
Illuminating Company
P. O. Box 5000
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and Trowbridge
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Washington, D.C. 20037

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
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Glen Ellyn, Illinois

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Nuclear Power Generation Division
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Resident Inspector
U.S. Nuclear Regulatory Commission
5503 N. State Route 2
Oak Harbor, Ohio 43449

Davis-Besse Nuclear Power Station
Unit No. 1

Radiological Health Program
Ohio Department of Health
1224 Kinnear Road
Columbus, Ohio 43212

Attorney General
Department of Attorney
General
30 East Broad Street
Columbus, Ohio 43215

Mr. James W. Harris, Director
(Addressee Only)
Division of Power Generation
Ohio Department of Industrial Relations
2323 West 5th Avenue
P. O. Box 825
Columbus, Ohio 43216

Ohio Environmental Protection Agency
361 East Broad Street
Columbus, Ohio 43266-0558

President, Board of
County Commissioners of
Ottawa County
Port Clinton, Ohio 43452

State of Ohio
Public Utilities Commission
180 East Broad Street
Columbus, Ohio 43266-0573

UNITED STATES NUCLEAR REGULATORY COMMISSIONTOLEDO EDISON COMPANYANDTHE CLEVELAND ELECTRIC ILLUMINATING COMPANYDOCKET NO. 50-346NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTTO FACILITY OPERATING LICENSE ANDOPPORTUNITY FOR PRIOR HEARING

The United States 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, located in Ottawa County, Ohio.

The proposed amendment would revise the provisions in the Davis-Besse Nuclear Power Station, Unit No. 1, Technical Specifications (TSs) relating to certain facility fire protection features, Limiting Conditions for Operation (LCO), Action Statements, and Surveillance Requirements (SR) in accordance with Toledo Edison Company's application dated December 7, 1987. Specifically, the proposed amendment would revise TS sections 3/4.7.10, 6.4 and 6.9. In addition, Bases section 3/4.7.10 would be revised. The proposed modifications represent an updating of the TSs to reflect current plant design, testing, and compensatory

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measures considered adequate and practical with regard to fire protection barriers. The changes proposed would identify scope and applicability of the LCOs, compensatory actions in event of inoperable fire barriers, clarify and/or simplify requirements, reformat certain sections for clarity, improve specificity, correct requirements to reflect the design, add surveillance requirements, and revise reporting and training requirements.

Prior to 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.

By January 15, 1988 , 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. Requests 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 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.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, 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 or representative for 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 Martin J. Virgilio: (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 Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037, 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 presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 7, 1987, 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 11th day of December, 1987..

FOR THE NUCLEAR REGULATORY COMMISSION



Albert W. De Agazio, Project Manager
Project Directorate III-1
Division of Reactor Projects - III, IV, V
& Special Projects Document Name: