

May 6, 1988

Docket No. 50-346
Serial No. DB-88-023

DISTRIBUTION:

<u>Docket Files</u>	NRC & Local PDRs
PDIII-3 r/f	KPerkins
GHolahan	PKreutzer
ADeAgazio	OGC-WF1
EJordan	JPartlow
ACRS(10)	PDIII-3 Gray Files

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 66732)

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing" concerning your application for amendment dated February 29, 1988 (Serial No. 1461). This Notice was forwarded to the Office of the Federal Register for publication.

Sincerely,

AS/

Albert W. De Agazio, Project Manager
Project Directorate III-3
Division of Reactor Projects - III,
IV, V and Special Projects

Enclosure:
As stated

cc: See next page

Office: LA/PDIII-3
Surname: PKreutzer
Date: *5/14/88*

PM
PM/PDIII-3
ADeAgazio/tg
5/14/88

Tec for
PD/PDIII-3
KPerkins
5/14/88

OGC-WF1
1 / 88

8805230107 880506
PDR ADOCK 05000346
P PDR

Mr. Donald C. Shelton
Toledo Edison Company

Davis-Besse Nuclear Power Station
Unit No. 1

cc:

David E. Burke, Esq.
The Cleveland Electric
Illuminating Company
P. O. Box 5000
Cleveland, Ohio 44101

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

Mr. Robert W. Schrauder
Manager, Nuclear Licensing
Toledo Edison Company
Edison Plaza
300 Madison Avenue
Toledo, Ohio 43652

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

Gerald Charnoff, Esq.
Shaw, Pittman, Potts
and Trowbridge
2300 N Street N.W.
Washington, D.C. 20037

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

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

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

Mr. Robert B. Borsum
Babcock & Wilcox
Nuclear Power Generation Division
Suite 525, 1700 Rockville Pike
Rockville, Maryland 20852

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

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

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

UNITED STATES NUCLEAR REGULATORY COMMISSIONTOLEDO EDISON COMPANYTHE CLEVELAND ELECTRIC ILLUMINATING COMPANYDOCKET NO. 50-346NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE 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 Toledo Edison Company and the Cleveland Electric Illuminating Company (the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility), located in Ottawa County, Ohio.

The amendment would revise the provisions in the Davis-Besse Nuclear Power Station, Unit No. 1, Technical Specifications (TS's) relating to Safety System Instrumentation.

The proposed amendment, specifically, would revise Table 3.3-11, TS 3.3.2.2, Steam and Feedwater Rupture Control System Instrumentation, to permit bypass of Functional Unit 1, Main Steam Pressure Low Instrument Channel, when steam pressure is below 700 psig vice 650 psig. The revision would also require automatic removal of the bypass when the steam pressure exceeds 750 psig vice 650 psig.

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.

8805230111 880506
PDR ADOCK 05000346
P PDR

By June 13, 1988 , 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 hearing and a 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 pre-hearing 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 that 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 must be filed with the Secretary of the Commission, U.S. 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 promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Kenneth E. Perkins: 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, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esquire, 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)(f)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its intent to make a no significant hazards consideration finding in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated February 29, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C. 20555, and at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 6th day of May, 1988.

FOR THE NUCLEAR REGULATORY COMMISSION



Kenneth E. Perkins, Director
Project Directorate III-3
Division of Reactor Projects - III,
IV, V and Special Projects