

April 26, 1988

Docket No. 50-346
Serial No. DB-88-017

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

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Dear Mr. Shelton:

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 (TAC 66007)

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing" concerning your application for amendment dated December 7, 1987 (Serial No. 1414). This Notice was forwarded to the Office of the Federal Register for publication.

Sincerely,

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

Enclosure:
As stated

cc w/enclosure:
See next page

Office: LA/PDIII-3
Surname: PKreutzer
Date: 4/19/88

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Mr. Donald C. Shelton
Toledo Edison Company

Davis-Besse Nuclear Power Station
Unit No. 1

cc:

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Mr. James W. Harris, Director
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Ohio Department of Industrial Relations
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President, Board of
County Commissioners of
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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 AMENDMENTTO FACILITY OPERATING LICENSE ANDOPPORTUNITY FOR HEARING

The United States 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 licensees), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility), located in Ottawa County, Ohio.

The proposed amendment would revise the provisions in the Davis-Besse Nuclear Power Station, Unit No. 1, Technical Specifications (TS's) relating to the Steam and Feedwater Rupture Control System Instrumentation (SFRCS) Steam Generator Level Functional Unit-low trip and allowable setpoints.

The proposed amendment, specifically, would revise Table 3.3-12, Steam and Feedwater Rupture Control System Instrumentation Trip Setpoints, TS Section 3/4.3.2, Safety System Instrumentation, Steam and Feedwater Rupture Control System Instrumentation, to reflect a reduction of the steam generator low level SFRCS trip setpoint from no less than 20 inches to no less than 16.4 inches, and a reduction of the allowable setpoint from no less than 15.6 and 12.9 inches for channel functional test and channel calibration respectively.

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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 June 2, 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 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 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 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)(i)-(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 proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

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 Rockville, Maryland, this 26 day of April 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Kenneth E. Perkins", with a stylized flourish at the end.

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