

April 13, 1990

Docket No. 50-346

Mr. Donald C. Shelton  
Vice President - Nuclear  
Toledo Edison Company  
Edison Plaza - Stop 712  
Milwaukee, Wisconsin 53201

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MDLynch

Dear Mr. Shelton:

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 (TAC NO. 60994)

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing concerning your application for amendment dated March 23, 1990. This Notice was forwarded to the Office of Federal Register for publication.

Sincerely,

/s/

Thomas V. Wambach, Project Manager  
Project Directorate III-3  
Division of Reactor Projects - III  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation

Enclosure  
As stated

cc w/enclosure:  
See next page

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*J* PD/PDIII-3  
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

April 13, 1990

Docket No. 50-346

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. 60994)

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing concerning your application for amendment dated March 23, 1990. This Notice was forwarded to the Office of Federal Register for publication.

Sincerely,

A handwritten signature in cursive script, reading "Thomas V. Wambach", is written over the typed name.

Thomas V. Wambach, Project Manager  
Project Directorate III-3  
Division of Reactor Projects - III  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation

Enclosure  
As stated

cc w/enclosure:  
See next page

Mr. Donald C. Shelton  
Toledo Edison Company

Davis-Besse Nuclear Power Station  
Unit No. 1

cc:

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Manager, Nuclear Licensing  
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Toledo, Ohio 43652

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and Trowbridge  
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Ohio Department of Health  
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General  
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Columbus, Ohio 43215

Mr. James W. Harris, Director  
(Addressee Only)  
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Ohio Department of Industrial Relations  
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Columbus, Ohio 43216

Ohio Environmental Protection Agency  
DERR--Compliance Unit  
PO Box 1049  
1800 Watermark Drive  
ATTN: Zack A. Clayton  
Columbus, Ohio 43266-0149

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 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 the Toledo Edison Company (the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

The amendment would change License Condition 2.C(4) to reflect the revision by the licensee of certain prior commitments it made regarding fire protection measures at the Davis-Besse facility. Specifically, the licensee is now proposing to achieve an equal degree of fire protection through alternate methods for some of these fire protection measures. The original commitments were reviewed by the NRC staff and found acceptable; this review was documented in the staff's Fire Protection Safety Evaluation (SE) dated July 26, 1979. These prior commitments were summarized in Table 1 of the subject SE and incorporated into the license by reference in License Condition 2.C(4) by Amendment No. 18. While this license condition was later revised slightly by Amendment No. 24, the basic commitments regarding fire protection measures remained a condition of the license.

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 May 21, 1990, 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. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606. 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. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing.

The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. 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, 2120 L 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 John N. Hannon: 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 licensee.

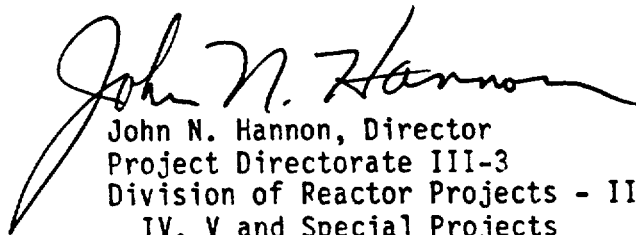
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should 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 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 March 22, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L 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 13th day of April 1990.

FOR THE NUCLEAR REGULATORY COMMISSION



John N. Hannon, Director  
Project Directorate III-3  
Division of Reactor Projects - III,  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation