

May 18, 1989

Docket No. 50-346

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

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Dear Mr. Shelton:

SUBJECT: AMENDMENT NO. 133 TO FACILITY OPERATING LICENSE NO. NPF-3
(TAC NO. 52418)

The Commission has issued Amendment No. 133 to Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Power Station, Unit No. 1. The amendment deletes from the license all the remaining sections of Appendix B, Environmental Technical Specifications, in response to your application dated August 6, 1987. License Condition 2.F.(1) has also been modified to reflect the deletion of Appendix B to the license.

The long-term environmental, nonradiological, nonaquatic reporting requirements, though eliminated by the deletion of Appendix B, have been retained as committed to in your letter dated May 12, 1989.

A copy of the Safety Evaluation is also enclosed. Notice of issuance will be included in the Commission's next biweekly Federal Register notice.

Sincerely,

/s/

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

Enclosures:

1. Amendment No. 133 to License No. NPF-3
2. Safety Evaluation

cc: See next page

Office: LA/PDIII-3
Surname: PKreutzer
Date: 5/18/89

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Mr. Donald C. Shelton
Toledo Edison Company

Davis-Besse Nuclear Power Station
Unit No. 1

cc:

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

TOLEDO EDISON COMPANY

AND

THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

DOCKET NO. 50-346

DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 133
License No. NPF-3

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by the Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees) dated August 6, 1987 as supplemented by letter dated May 12, 1989 complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changing the Technical Specifications as indicated in the attachment to this license amendment, and by changing paragraphs 2.C.(2) and 2.F(1) of Facility Operating License No. NPF-3 to read as follows:

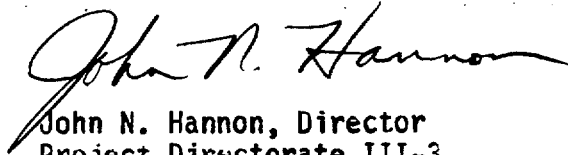
2.C.(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 133, are hereby incorporated in the license. The Toledo Edison Company shall operate the facility in accordance with the Technical Specifications.

2.F.(1) The Toledo Edison Company shall operate Davis-Besse Unit No. 1 within applicable Federal and State air and water quality standards.

3. This license amendment is effective as of its date of issuance and shall be implemented not later than July 1, 1989.

FOR THE NUCLEAR REGULATORY COMMISSION



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

Attachment: Changes to the Technical
Specifications

Date of Issuance: May 18, 1989

ATTACHMENT TO LICENSE AMENDMENT NO. 133

FACILITY OPERATING LICENSE NO. NPF-3

DOCKET NO. 50-346

DELETE Appendix B to license No. NPF-3 in its entirety.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 133 TO FACILITY OPERATING LICENSE NO. NPF-3
TOLEDO EDISON COMPANY
AND
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY
DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1
DOCKET NO. 50-346

1.0 INTRODUCTION

In its letter dated August 6, 1987, the Toledo Edison Company (the licensee) requested an amendment to the operating license for the Davis-Besse Nuclear Power Station, Unit No. 1 to delete the remaining portions of Appendix B to the license, Environmental Technical Specifications, and modify License Condition 2.F.(1) so as to delete that portion which refers to the Environmental Technical Specifications. In its subsequent letter dated May 12, 1989, the licensee committed to continue to report for the remainder of the lifetime of the operating license, any significant adverse impacts on the terrestrial environment attributable to the Davis-Besse facility and its operation. This subject license amendment request supersedes a portion of a prior license amendment request contained in the licensee's letter dated August 18, 1983.

2.0 EVALUATION

Appendix B, Environmental Technical Specifications, was issued originally with the Davis-Besse Facility Operating License No. NPF-3 and contained among other items: (1) requirements to conduct for a limited time period, certain aquatic and terrestrial environmental monitoring studies; (2) requirements regarding radioactive effluents; and (3) limiting conditions of operation.

Some of these elements were later deleted from Appendix B. Specifically, on March 11, 1983, Amendment No. 55 deleted those requirements in Appendix B related to the aquatic environment in recognition that these requirements were now superseded by the requirements in the National Pollutant Discharge Elimination System (NPDES) permit. Subsequently, those requirements in Appendix B related to radioactive effluents were removed from Appendix B and incorporated into Appendix A, Technical Specifications, in accordance with Appendix I to

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10 CFR Part 50, by Amendment No. 86 to the license, effective as of October 30, 1985. On this basis, the staff concludes that there is no significant effect on safety caused by the action of this amendment in that those portions of Appendix B relating to the monitoring, control and release of radioactive effluents have previously been transferred and retained. The action taken by this amendment is administrative in nature and is intended to relieve the licensee of the burden of certain environmental reporting requirements as discussed below though it does not eliminate the requirement for a long-term, terrestrial environmental monitoring program.

The remaining portions of Appendix B, after these deletions cited above, consisted of terrestrial monitoring studies. These portions can be summarized as: (1) bird collision monitoring; (2) vegetation surveys to detect changes in the composition, aerial extent and general health of vegetative cover types; (3) operational noise surveillance; and (4) long-term monitoring of terrestrial environmental impacts. With regard to Item 1 above, the licensees submitted in their letter dated August 20, 1980, a report entitled, "Cooling Towers as Obstacles in Bird Migrations," dated November 15, 1979. The NRC staff issued on April 14, 1981, a letter to Toledo Edison agreeing with the licensees' conclusion that there had been no significant adverse effect on bird populations due to the facility structures. Therefore, the staff concluded that it would no longer require further monitoring in this regard. On this basis, removal from Appendix B of those reporting requirements related to the effect of plant structures on bird populations is acceptable.

With regard to vegetation surveys conducted in accordance with Appendix B requirements, there is sufficient data gathered over an extensive period of time to indicate that there has been no evidence of any direct effects upon either vegetation or community succession as a result of cooling tower operation. For example, the latest annual report entitled, "Annual Environmental Operating Report, January 1, 1988-December 31, 1988," presents in Section 6, "Marsh Management," a review of the various vegetative covers found immediately around the plant for the period from 1955 to 1988. The material in this section indicates that the level of Lake Erie and the management of the dike system appear to be the dominant factors in determining the amount and character of the vegetative cover. Based on the lack of evidence of any direct effects of the cooling tower operation on the vegetative cover, the deletion of the annual terrestrial environmental reporting requirements from Appendix B of the license is acceptable. The item related to the requirement in Appendix B regarding the program for conducting operational noise surveillances has been satisfied with the prior submittal by Toledo Edison of its report entitled "Environmental Noise Impact of the Davis-Besse Nuclear Power Station," dated July 1983. On the basis of the licensee's submittal of this report, the staff finds that the remaining portion of Section 4.0, "Special Surveillance and Study Activities," may be eliminated.

The only remaining substantive element in Appendix B is the requirement for the licensee "... to maintain a check on the unit's nonradiological impact for the life of the unit." (Section 3.1 of Appendix B). It was anticipated

in Appendix B that the details of this less intensive program would be determined at a later time after a review of the initial terrestrial environmental monitoring program. The licensee has provided a commitment in its letter dated May 12, 1989 to continue this terrestrial environmental monitoring program. In this letter, the licensee proposes to revise the reporting requirements to require it to inform the NRC of any significant adverse terrestrial environmental impact attributable to the facility or its operation. The staff finds the licensee's proposal to be at an appropriately less intensive level of effort as anticipated in Section 3.1 of Appendix B. This finding is based on the lack of any significant terrestrial environmental impact cited above. On this basis, the staff agrees with the licensee that retaining Appendix B solely for the purpose of requiring a long-term, less intensive terrestrial environmental monitoring program is not necessary. The licensee's commitment in its letter of May 12, 1989 is sufficient to ensure that any significant adverse terrestrial impact attributable to the facility or its operation will be reported to the NRC.

Based on the preceding considerations, the staff concludes that deletion of the remaining portions of Appendix B in its entirety is acceptable. Similarly, the deletion of that portion of License Condition 2.F.(1) which refers to the Environmental Technical Specifications is also acceptable.

3.0 ENVIRONMENTAL CONSIDERATION

This amendment involves changes in the environmental surveillance requirements. The staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types of any effluents that may be released offsite and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that this amendment involves no significant hazards consideration, and there has been no public comment on such finding. Accordingly, this amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement nor environmental assessment need be prepared in connection with the issuance of this amendment.

5.0 CONCLUSION

The staff has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (2) such activities will be conducted in compliance with the Commission's regulations, and the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: M. D. Lynch

Dated: May 18, 1989