

July 28, 1992

Docket No. 50-346

Mr. Donald C. Shelton
Vice President, Nuclear - Davis-Besse
Centerior Service Company
c/o Toledo Edison Company
300 Madison Avenue
Toledo, Ohio 43652

Dear Mr. Shelton:

SUBJECT: DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 (TAC NO. M83393)

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing" concerning your application for amendment dated April 30, 1992. This notice was forwarded to the Office of the Federal Register for publication.

Sincerely,
Original Signed By:
J. B. Hopkins
Original Signed By:
J. B. Hopkins
Jon B. Hopkins, Sr. Project Manager
Project Directorate III-3
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

DISTRIBUTION:

Docket File	NRC & Local PDRs	PDIII-3 r/f
PDIII-3 p/f	BBoger	JZwolinski
JHannon	PKreutzer	JHopkins
OGC	DHagan	ACRS (10)
OPA	OC/LFMB	EGreenman, RIII

OFC	LA/PD33/DRPW	PM/PD33/DRPW	D/PD33/DRPW	OGC
NAME	PKreutzer	JHopkins:bsj	JHannon	
DATE	7/17/92	7/27/92	7/28/92	7/1/92

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DFO

Mr. Donald C. Shelton
Toledo Edison Company

Davis-Besse Nuclear Power Station
Unit No. 1

cc:

Mary E. O'Reilly
Centerior Energy Corporation
300 Madison Avenue
Toledo, Ohio 43652

Radiological Health Program
Ohio Department of Health
Post Office Box 118
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Columbus, Ohio 43215

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Washington, D.C. 20037

Mr. James W. Harris, Director
Division of Power Generation
Ohio Department of Industrial Regulations
P. O. Box 825
Columbus, Ohio 43216

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Ohio Environmental Protection Agency
DERR--Compliance Unit
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President, Board of Ottawa
County Commissioners
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

Mr. Murray R. Edelman
Executive Vice President -
Power Generation
Centerior Service Company
6200 Oak Tree Boulevard
Independence, Ohio 44101

Mr. James R. Williams
State Liaison to the NRC
Adjutant General's Department
Office of Emergency Management Agency
2825 West Granville Road
Columbus, Ohio 43235-2712

UNITED STATES NUCLEAR REGULATORY COMMISSIONTOLEDO EDISON COMPANYCENTERIOR SERVICE 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, Centerior Service Company, and the Cleveland Electric Illuminating Company (the licensee) for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 located in Ottawa County, Ohio.

The proposed amendment would revise Technical Specification (TS) 3/4.1.3.1, "Group Height - Safety and Regulating Rod Groups," and TS 3/4.1.3.3, "Position Indicator Channels." The revision would make administrative changes to the TS 3/4.1.3.1 Action statement to clarify the proper progression of the Action statement. TS 3/4.1.3.3 would be revised to clarify the applicability of the Action statement, and to allow startup or power operation to continue provided the absolute position indicator channels are operable for the affected control rods.

Before 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.

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By September 4, 1992 , 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 a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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, NW., Washington, DC 20555 and at the local public document room located at the 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 Panel, 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 Panel 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 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. 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, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, 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 N1023 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, DC 20555, and to Jay E. Silberg, Esq., 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 Atomic Safety and Licensing Board Panel 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 a hearing is received, the Commission's staff may issue the amendment after it completes its technical review 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 April 30, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at The University of Toledo Library, Document Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 28th day of July 1992.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, appearing to read "Eric J. Leeds".

Eric J. Leeds, Acting Director
Project Directorate III-3
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation