

March 18, 1992

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Docket No. 50-34 6

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

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 13, 1992. This Notice was forwarded to the Office of the Federal Register for publication.

Sincerely,

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

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

March 18, 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

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 13, 1992. This Notice was forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in cursive script that reads "Jon B. Hopkins, Sr.".

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

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
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
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
ATTN: Zack A. Clayton
P. O. Box 1049
Columbus, Ohio 43266-0149

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

Resident, 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 Ganville Road
Columbus, Ohio 43235-2712

UNITED STATES NUCLEAR REGULATORY COMMISSIONTOLEDO EDISON COMPANYDOCKET NO. 50-346NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, 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 (the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit 1 located in Ottawa County, Ohio.

The amendment would allow continual operation in the event that either the reactor coolant system (RCS) loop 1 vent path or the RCS loop 2 vent path (but not both) is inoperable and cannot be restored to operable status within 30 days. In lieu of a plant shutdown, a Special Report would be prepared and submitted to the NRC within the next 30 days outlining the action taken, the cause of inoperability, and the plans and schedule for restoring the vent path to operable status.

Unidentified RCS leakage had increased during this operating cycle, although it remained within Technical Specification limits. During a recent containment entry, the licensee identified RCS loop 2 vent path as a source

of RCS leakage and isolated the vent path to minimize RCS leakage. The licensee then promptly submitted the proposed license amendment, requesting to continue operation with a single loop vent path closed, so as to minimize RCS leakage.

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.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, because the RCS loop vent paths are not required to function to mitigate any Design Basis Accident; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, because an RCS loop vent path does not function during plant operation, so an isolated RCS loop vent path will not affect plant operation; or (3) involve a significant reduction in a margin of safety because the RCS loop vent paths are not required to function to mitigate any Design Basis Accident.

Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 22, 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 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 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, 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.

If the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves a no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

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, the Gelman

Building, 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 Jay E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037, attorney for the licensee.

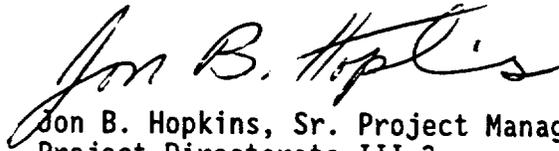
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 13, 1992, 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 Local Public Document Room,

University of Toledo Library, Documents Department, 2801 Bancroft Avenue,
Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 18th day of March 1992.

FOR THE NUCLEAR REGULATORY COMMISSION


Jon B. Hopkins, Sr. Project Manager
Project Directorate III-3
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation

March 18, 1992

Ms. Martha Girard, Director
Executive Agencies Division
Office of the Federal Register
Washington, D. C. 20408

Dear Ms. Girard:

SUBJECT: EMERGENCY PUBLICATION OF DAVIS-BESSE NUCLEAR POWER PLANT NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

Enclosed is a Federal Register notice related to an application to an amendment for the Facility Operating License for the Davis-Besse Nuclear Power Plant.

The licensee has a need for the prompt publication of the notice so that the associated amendment to the operating license, which must wait until 15 days following the Notice, may be issued April 6, 1992. That is the day the licensee will be in severe violation of the Technical Specification 3.4.11 under which the plant is allowed to operate.

Sincerely,
original signed by

James R. Hall, Acting Project Director
Project Directorate III-3
Division of Reactor Projects III/IV/V
Office of Nuclear Reactor Regulation

Enclosure:
As stated

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