June 30, 1998

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Mr. John K. Wood
Vice President - Nuclear, Davis-Besse
Centerior Service Company
c/o Toledo Edison Company
Davis-Besse Nuclear Power Station
5501 North State Route 2
Oak Harbor, OH 43449-9760

SUBJECT: AMENDMENT NO. 224 TO FACILITY OPERATING LICENSE NO. NPF-3 - DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1 (TAC NO. MA0413)

Dear Mr. Wood:

The Commission has issued the enclosed Amendment No. 224 to Facility Operating License No. NPF-3 for the Davis-Besse Nuclear Power Station, Unit No. 1. The amendment revises the Technical Specifications (TSs) in response to your application dated December 23, 1997, as supplemented by letter dated June 11, 1998.

This amendment revises Technical Specification (TS) Section 1.0, "Definitions," to clarify the meaning of core alteration; relocates TS Section 3/4.9.5, "Refueling Operations - Communications," and the associated bases to the Technical Requirements Manual; and adds TS Section 3.0.6 and associated bases to address the return to service of inoperable equipment.

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,

Original signed by:

Allen G. Hansen, Project Manager
Project Directorate III-3
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-346

Enclosures: 1. Amendment No. 224 to License No. NPF-3
2. Safety Evaluation

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DATE	6/16/98		6/16/98		6/10/98		6/23/98	

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NAME	EBarnhill	E	AHansen		WBeckner			
DATE	6/16/98		6/16/98		6/10/98		6/23/98	

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 30, 1998

Mr. John K. Wood
Vice President - Nuclear, Davis-Besse
Centerior Service Company
c/o Toledo Edison Company
Davis-Besse Nuclear Power Station
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Docket No. 50-346

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cc w/encls: See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

TOLEDO EDISON COMPANY

CENTERIOR SERVICE 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. 224
License No. NPF-3

1. The Nuclear Regulatory Commission (the Commission) has found that:

   A. The application for amendment by the Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company (the licensees) dated December 23, 1997, as supplemented by letter dated June 11, 1998, 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 to approve the relocation of certain Technical Specification requirements to licensee-controlled documents, as described in the licensees' application dated December 23, 1997, as supplemented by letter dated June 11, 1998, and evaluated in the staff's safety evaluation dated June , 1998. This license is also hereby

amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-3 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 224 , are hereby incorporated in the license. The Toledo Edison Company shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented not later than 120 days after issuance. Implementation shall include the relocation of Technical Specification requirements to the appropriate licensee-controlled documents as identified in the licensees' submittal dated December 23, 1997, as supplemented by letter dated June 11, 1998, and reviewed in the staff's safety evaluation dated June 30 , 1998.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Allen G. Hansen, Project Manager
Project Directorate III-3
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical Specifications

Date of issuance: June 30, 1998

ATTACHMENT TO LICENSE AMENDMENT NO. 224

FACILITY OPERATING LICENSE NO. NPF-3

DOCKET NO. 50-346

Replace the following pages of the Appendix A Technical Specifications with the attached pages. The revised pages are identified by amendment number and contain vertical lines indicating the area of change.

Remove	Insert
TS Index VIII	TS Index VIII
TS Index XII	TS Index XII
TS 1-3	TS 1-3
TS 3/4 0-1	TS 3/4 0-1
TS 3/4 9-5	TS 3/4 9-5
TS B 3/4 0-1b	TS B 3/4 0-1b
TS B 3/4 9-1a	TS B 3/4 9-1a

INDEX

LIMITING CONDITIONS FOR OPERATION AND SURVEILLANCE REQUIREMENTS

BASES

CHANNEL FUNCTIONAL TEST

1.11 A CHANNEL FUNCTIONAL TEST shall be:

a. Analog channels - the injection of a simulated signal into the channel as close to the primary sensor as practicable to verify OPERABILITY including alarm and/or trip functions.

b. Bistable channels - the injection of a simulated signal into the channel sensor to verify OPERABILITY including alarm and/or trip functions.

CORE ALTERATION

1.12 CORE ALTERATION shall be the movement of any fuel, sources, or reactivity control components, within the reactor vessel with the vessel head removed and fuel in the vessel. Suspension of CORE ALTERATIONS shall not preclude completion of movement of a component to a safe position.

SHUTDOWN MARGIN

1.13 SHUTDOWN MARGIN shall be the instantaneous amount of reactivity by which the reactor is subcritical or would be subcritical from its present condition assuming:

a. No change in axial power shaping rod position, and

b. All control rod assemblies (safety and regulating) are fully inserted except for the single rod assembly of highest reactivity worth which is assumed to be fully withdrawn.

IDENTIFIED LEAKAGE

1.14 IDENTIFIED LEAKAGE shall be:

a. Leakage (except CONTROLLED LEAKAGE) into closed systems, such as pump seal or valve packing leaks that are captured and conducted to a sump or collecting tank, or

b. Leakage into the containment atmosphere from sources that are both specifically located and known either not to interfere with the operation of leakage detection systems or not to be PRESSURE BOUNDARY LEAKAGE, or

3/4.0 APPLICABILITY

LIMITING CONDITION FOR OPERATION

3.0.1 Limiting Conditions for Operation and ACTION requirements shall be applicable during the OPERATIONAL MODES or other conditions specified for each specification.

3.0.2 Adherence to the requirements of the Limiting Condition for Operation and/or associated ACTION within the specified time interval shall constitute compliance with the specification. In the event the Limiting Condition for Operation is restored prior to expiration of the specified time interval, completion of the ACTION statement is not required.

3.0.3 When a Limiting Condition for Operation is not met, except as provided in the associated ACTION requirements, action shall be initiated within 1 hour to place the unit in a MODE in which the Specification does not apply by placing it, as applicable, in:

1. At least HOT STANDBY within the next 6 hours,
2. At least HOT SHUTDOWN within the following 6 hours, and
3. At least COLD SHUTDOWN within the subsequent 24 hours.

Where corrective measures are completed that permit operation under the ACTION requirements, the ACTION may be taken in accordance with the specified time limits as measured from the time of failure to meet the Limiting Condition for Operation. Exceptions to these requirements are stated in the individual Specifications.

3.0.4 Entry into an OPERATIONAL MODE or other specified applicability condition shall not be made unless the conditions of the Limiting Condition for Operation are met without reliance on provisions contained in the ACTION statements unless otherwise excepted. This provision shall not prevent passage through OPERATIONAL MODES as required to comply with ACTION statements.

3.0.5 When a system, subsystem, train, component or device is determined to be inoperable solely because its emergency power source is inoperable, or solely because its normal power source is inoperable, it may be considered OPERABLE for the purpose of satisfying the requirements of its applicable Limiting Condition for Operation, provided: (1) its corresponding normal or emergency power source is OPERABLE; and (2) all of its redundant system(s), subsystem(s), train(s), component(s) and device(s) are OPERABLE, or likewise satisfy the requirements of this specification. Unless both conditions (1) and (2) are satisfied, within 2 hours action shall be initiated to place the unit in a MODE in which the applicable Limiting Condition for Operation does not apply by placing it as applicable in:

1. At least HOT STANDBY within the next 6 hours.
2. At least HOT SHUTDOWN within the following 6 hours, and
3. At least COLD SHUTDOWN within the subsequent 24 hours.

This Specification is not applicable in MODES 5 or 6.

3.0.6 Equipment removed from service or declared inoperable to comply with ACTIONS may be returned to service under administrative control solely to perform testing required to demonstrate its OPERABILITY or the OPERABILITY of other equipment. This is an exception to Specification 3.0.2 for the system returned to service under administrative control to perform the testing required to demonstrate OPERABILITY.

DELETED

other specified conditions are satisfied. In this case, this would mean that for one division the emergency power source must be OPERABLE (as must be the components supplied by the emergency power source) and all redundant systems, subsystems, trains, components and devices in the other division must be OPERABLE, or likewise satisfy Specification 3.0.5 (i.e., be capable of performing their design functions and have an emergency power source OPERABLE). In other words, both emergency power sources must be OPERABLE and all redundant systems, subsystems, trains, components and devices in both divisions must also be OPERABLE. If these conditions are not satisfied, action is required in accordance with this specification.

In MODES 5 or 6, Specification 3.0.5 is not applicable, and thus the individual ACTION statements for each applicable Limiting Condition for Operation in these MODES must be adhered to.

3.0.6 Specification 3.0.6 establishes the allowance for restoring equipment to service under administrative controls when it has been removed from service or declared inoperable to comply with ACTIONS. The sole purpose of this Specification is to provide an exception to Specification 3.0.2 (e.g., to not comply with the applicable Required Action(s)) to allow the performance of required testing to demonstrate:

a. The OPERABILITY of the equipment being returned to service; or

b. The OPERABILITY of other equipment.

The administrative controls ensure the time the equipment is returned to service in conflict with the requirements of the ACTIONS is limited to the time absolutely necessary to perform the required testing to demonstrate OPERABILITY. This Specification does not provide time to perform any other preventive or corrective maintenance.

An example of demonstrating the OPERABILITY of the equipment being returned to service is reopening a containment isolation valve that has been closed to comply with Required Actions, and must be reopened to perform the required testing.

An example of demonstrating the OPERABILITY of other equipment being returned to service is taking an inoperable channel or trip system out of the tripped condition to prevent the trip function from occurring during the performance of required testing on another channel in the other trip system. A similar example of demonstrating the OPERABILITY of other equipment is taking an inoperable channel or trip system out of the tripped condition to permit the logic to function and indicate the appropriate response during the performance of required testing on another channel in the same trip system.

3/4.9.4 CONTAINMENT PENETRATIONS (Continued)

Regarding LCO 3.9.4.c, the phrase "atmosphere outside containment" refers to anywhere outside the containment vessel, including (but not limited to) the containment annulus and the auxiliary building.

For penetrations that are closed by a method equivalent to a manual or automatic isolation valve, or a blind flange, the isolation technique must be approved by an engineering evaluation. The isolation technique may include the use of a material that can provide a temporary seal capable of maintaining the integrity of the penetration to restrict the release of radioactive material from a fuel handling accident.

With the containment purge and exhaust system in operation, a high radiation signal received from the containment purge and exhaust system noble gas monitor will effectively automatically contain the release by shutting down the containment purge system supply and exhaust fans and closing their inlet and outlet dampers. On a valid signal, the control room operator will then manually close the containment purge and exhaust isolation valves. Therefore, the uncontrolled release of radioactive material from the containment to the environment will be restricted.

With the containment purge and exhaust system not in operation, there would be no flow to the containment purge and exhaust system noble gas monitor, hence the requirements of Specification 3.9.4.c.2 would not be satisfied. In this situation, unless Specification 3.9.4.c.1 is satisfied, entry into the Action statement would be required.

With a containment purge penetration not capable of being closed from the control room by an OPERABLE containment purge and exhaust isolation valve upon receipt of a high radiation signal from the containment purge and exhaust system noble gas monitor, closure of the containment purge and exhaust penetrations with at least one isolation valve ensures that the uncontrolled release of radioactive material from the containment to the environment will be restricted.

3/4.9.5 COMMUNICATIONS

Deleted

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 224 TO FACILITY OPERATING LICENSE NO. NPF-3

TOLEDO EDISON COMPANY

CENTERIOR SERVICE COMPANY

AND

THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1

DOCKET NO. 50-346

1.0 INTRODUCTION

By letter dated December 23, 1997, as supplemented by letter dated June 11, 1998, Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company (the licensees), submitted a request for changes to the Davis-Besse Nuclear Power Station, Unit No. 1, Technical Specifications (TSs).

The proposed amendment would revise Technical Specification (TS) Section 1.0, "Definitions," to clarify the meaning of core alteration; would relocate TS Section 3/4.9.5, "Refueling Operations - Communications," and the associated bases to the Technical Requirements Manual; and would add TS Section 3.0.6 and associated bases to address the return to service of inoperable equipment.

2.0 BACKGROUND

Since several of the proposed TS changes are independent, necessary background for each is provided in the evaluation.

3.0 LICENSING BASIS

The licensing basis for the systems affected by the proposed changes includes:

3.1 Davis-Besse Updated Safety Analysis Report (USAR) Section 9.5.2, "Communications Systems"

USAR Section 9.5.2 describes the offsite and onsite communication systems at Davis-Besse. Specifically, Section 9.5.2.2.3 discusses the separate loop circuit for the exclusive use of personnel directly involved with fuel handling operations. This system provides direct communication between the control room and the fuel handling area.

3.2 USAR Section 15.4.7, "Fuel-Handling Accident."

This USAR section presents the analysis of a fuel-handling accident. Accidents inside and outside of containment are considered, including accidents involving fuel in dry cask storage.

4.0 EVALUATION

The licensees are proposing several TS changes. Each proposed change is evaluated below.

4.1 TS Index Page VIII

The licensees are proposing to delete the word "Communications," replacing it with the word "Deleted." This is an administrative change consistent with the other changes in this amendment request. Therefore, it is acceptable.

4.2 TS Index Page XII (Bases)

The licensees are proposing to delete the word "Communications," replacing it with the word "Deleted." This is also an administrative change consistent with the other changes in this amendment request. Therefore, it is acceptable.

4.3 TS Definitions 1.12, Core Alteration

The licensees are proposing to clarify the definition of core alteration. TS 1.12 currently reads:

> CORE ALTERATION shall be the movement or manipulation of any component within the reactor pressure vessel with the vessel head removed and fuel in the vessel. Suspension of CORE ALTERATIONS shall not preclude completion of movement of a component to a safe conservative position.

The licensees are proposing to remove the words "or manipulation," "pressure," and "conservative," and to add "fuel, sources, or reactivity control" and "s," so that TS 1.12 would read:

> CORE ALTERATION shall be the movement of any fuel, sources, or reactivity control components, within the reactor vessel with the vessel head removed and fuel in the vessel. Suspension of CORE ALTERATIONS shall not preclude completion of movement of a component to a safe position.

This proposed change removes terms which are redundant or could be confusing, and adds clarifying details. The staff has determined that these alterations make the definition easier to understand without changing the meaning. Therefore, this change is acceptable.

4.4 TS 3/4.0, "Limiting Conditions for Operation and Surveillance Requirements - Applicability" and Associated Bases

The licensees are proposing to add TS 3.0.6, which reads:

> Equipment removed from service or declared inoperable to comply with ACTIONS may be returned to service under administrative control solely to perform testing required to demonstrate its OPERABILITY or the OPERABILITY of other equipment. This is an exception to Specification 3.0.2 for the system returned to service under administrative control to perform the testing required to demonstrate OPERABILITY.

The licensees are also proposing to add TS Bases 3.0.6, which reads:

> Specification 3.0.6 establishes the allowance for restoring equipment to service under administrative controls when it has been removed from service or declared inoperable to comply with ACTIONS. The sole purpose of this Specification is to provide an exception to Specification 3.0.2 (e.g., to not comply with the applicable Required Action(s)) to allow the performance of required testing to demonstrate:
>
> a. The OPERABILITY of the equipment being returned to service; or
>
> b. The OPERABILITY of other equipment.
>
> The administrative controls ensure the time the equipment is returned to service in conflict with the requirements of the ACTIONS is limited to the time absolutely necessary to perform the required testing to demonstrate OPERABILITY. This Specification does not provide time to perform any other preventive or corrective maintenance.
>
> An example of demonstrating the OPERABILITY of the equipment being returned to service is reopening a containment isolation valve that has been closed to comply with Required Actions, and must be reopened to perform the required testing.
>
> An example of demonstrating the OPERABILITY of other equipment being returned to service is taking an inoperable channel or trip system out of the tripped condition to prevent the trip function from occurring during the performance of required testing on another channel in the other trip system. A similar example of demonstrating the OPERABILITY of other equipment is taking an inoperable channel or trip system out of the tripped condition to permit the logic to function and indicate the appropriate response during the performance of required testing on another channel in the same trip system.

Davis-Besse TS 3.0.2 states:

> Adherence to the requirements of the Limiting Condition for Operation [LCO] and/or associated ACTION within the specified time interval shall constitute compliance with the specification. In the event the Limiting

> Condition for Operation is restored prior to expiration of the specified time interval, completion of the ACTION statement is not required.

This TS defines compliance for each TS LCO and/or associated action. By this definition, if an LCO has been entered due to a faulty component, and as part of the associated action, the component is removed from service and repaired, and if the component is returned to service prior to being demonstrated operable, then the licensees are in violation of the TSs.

Often, the only reasonable way to demonstrate operability is to put the component in service and test it, in violation of the TSs. The licensees are proposing to add TS 3.0.6 to provide an exception to TS 3.0.2, as described in the proposed TS 3.0.6 and bases quoted above. This exception would only be valid for necessary testing to demonstrate operability, and administrative controls would be in place to ensure that the time for this testing would be minimized and no other actions would be taken.

The NRC staff position on this issue was stated in a letter to Niagara Mohawk Power Corporation dated November 21, 1996. This letter states:

> It is not the intent of TS 3.0.2 to preclude the return to service of a component that has been replaced or repaired when it can reasonably be considered operable except for the completion of surveillance testing to confirm its operability. The NRC staff has addressed this existing ambiguity in TS 3.0.2 by adding TS 3.0.5 [identical in wording to the above proposed TS 3.0.6] to the Standard Technical Specifications (STS) for BWR/4, Revision 1 [also added to the Babcock and Wilcox STS, Revision 1].

This letter goes on to state:

> In addition to providing this clarification, the Bases for TS 3.0.5 [identical to wording to the proposed TS 3.0.6 Bases, with the exception noted below] also notes that the administrative controls are to ensure that the time during which the component is under manual control of the operator before operability is demonstrated is to be limited to the minimum time necessary to perform the allowed surveillance (i.e., this is not to include time for other preventive or corrective maintenance).

As stated above, the proposed TS 3.0.6 and Bases text is identical to the STS, Revision 1, text, with one exception. The licensees have included the NRC-approved change to the Bases (Traveller for STS Revision 2 Changes, TSTF-165 dated May 5, 1997) to refer to "required testing" and "to demonstrate operability."

The staff has determined the proposed change to include TS 3.0.6 and its bases clarifies an ambiguity in the TSs, and is consistent with the current staff position on this TS, including the May 5, 1997 change. Therefore, the proposed change is acceptable.

4.5 TS 3/4.9.5, "Refueling Operations - Communications" and Associated Bases

The licensees propose to relocate TS 3/4.9.5 and the associated bases in their entirety to the Davis-Besse Technical Requirements Manual (TRM), a licensee-controlled document referenced in the USAR and controlled through the 10 CFR 50.59 change process. The licensees committed to complete the relocations to the TRM concurrently with the removals from the TSs.

This TS currently states:

> LIMITING CONDITION FOR OPERATION
>
> 3.9.5 Direct communication shall be maintained between the control room and personnel at the refueling station.
>
> APPLICABILITY: During CORE ALTERATIONS.
>
> ACTION:
>
> When direct communications between the control room and personnel at the refueling station cannot be maintained, suspend all CORE ALTERATIONS. The provisions of Specification 3.0.3 are not applicable.
>
> SURVEILLANCE REQUIREMENTS
>
> 4.9.5 Direct communications between the control room and personnel at the refueling station shall be demonstrated within one hour prior to the start of and at least once per 12 hours during CORE ALTERATIONS.

The bases currently state:

> The requirement for communications capability ensures that refueling station personnel can be promptly informed of significant changes in the facility status or core reactivity condition during CORE ALTERATIONS.

Guidance to evaluate the scope of the technical specifications is provided in 10 CFR 50.36, as follows:

Criterion 1:

> Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary.

Criterion 2:

> A process variable, design feature, or operating restriction that is an initial condition of a Design Basis Accident or transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.

Criterion 3:

> A structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a Design Basis Accident or transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.

Criterion 4:

> A structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety.

Requirements that are in the existing TSs, but do not meet the guidance set forth in 10 CFR 50.36 for inclusion in TS, can be relocated to appropriate licensee-controlled documents.

Criterion 1 The communication system is not instrumentation. Therefore, this criterion does not apply.

Criterion 2 The communication system is not a process variable, design feature or operating restriction. Therefore, this criterion does not apply.

Criterion 3 The communication system is not a structure or a component. As a system, it does not function or actuate to mitigate a design basis accident or transient. Therefore, this criterion does not apply.

Criterion 4 The communication system is not a structure or a component. As a system, it has not been shown by operating experience or probabilistic safety assessment to be significant to public health and safety. Therefore, Criterion 4 does not require the inclusion of the communication system in TSs.

Since TS 3/4.9.5 and the associated bases do not satisfy any of the four criteria from 10 CFR 50.36, they may be proposed for removal. Further, the facility and procedures described in the FSAR TRM (to which the TS and bases would be relocated) can only be revised under the provisions of 10 CFR 50.59, which ensures an auditable and appropriate control over the relocated requirements and future changes to these provisions.

The staff has determined that relocation of TS 3/4.9.5 and the associated bases to the TRM is consistent with the criteria in 10 CFR 50.36, with the 10 CFR 50.59 process providing appropriate controls for future changes. Therefore, the proposed relocation is acceptable.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Ohio State official was notified of the proposed issuance of the amendment. The State official had no comments.

6.0 ENVIRONMENTAL CONSIDERATION

This amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 or changes a surveillance requirement. The staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluent 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 the amendment involves no significant hazards consideration, and there has been no public comment on such finding (63 FR 4327). Accordingly, the 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 or environmental assessment need be prepared in connection with the issuance of the amendment.

7.0 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; (2) such activities will be conducted in compliance with the Commission's regulations; and (3) the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

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