

UNITED STATES NUCLEAR REGULATORY COMMISSION

DOCKET NO. 50-346

TOLEDO EDISON COMPANY

AND

CLEVELAND ELECTRIC ILLUMINATING COMPANY

DAVIS-BESSE NUCLEAR POWER STATION, UNIT 1

NOTICE OF CONSIDERATION OF PROPOSED MODIFICATION TO
FACILITY SPENT FUEL STORAGE POOL

The Nuclear Regulatory Commission (the Commission) is considering the issuance of a proposed amendment to Facility Operating License No. NPP-3, issued to the Toledo Edison Company and Cleveland Electric Illuminating Company (the licensees), for the Davis-Besse Nuclear Power Station, Unit 1 (the facility) which would authorize a modification to the spent fuel storage pool. The facility is a pressurized water reactor located in Ottawa County, Ohio, and is currently authorized for operation at power levels up to 2772 megawatts thermal.

The proposed amendment would authorize replacement of the existing racks in the spent fuel storage pool of the facility with high capacity spent fuel storage racks of a design capable of accomodating up to 735 fuel assemblies in accordance with the licensee's letter dated December 19, 1977. Thereafter, the licensee would be able to operate the facility with this larger spent fuel storage capacity. The existing racks have a capacity for storage of 260 fuel assemblies.

Prior to approval of the proposed modification and license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and

regulations.

OFFICE →

SURNAME →

DATE →

POOR ORIGINAL

By APR 14 1978 , the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the modification to the subject facility spent fuel storage pool. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C., 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C., 20555 and to attorneys for the licensees: Gerald Charnoff, Esquire, of Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N. W., Washington, D. C., 20036 and Leslie Henry, Esquire, of Fuller, Seney, Henry and Hodge, 300 Madison Avenue, Toledo, Ohio, 43604, attorneys for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his

contentions with regard to each aspect on which intervention is requested.

OFFICE →					
SURNAME →					
DATE →					

Contentions shall be limited to the matters within the scope of the amendment under consideration. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions. A petition for leave to intervene which is not timely will not be entertained absent a determination by the Commission or the licensing board designated to rule on petitions to intervene that the petitioner, in addition to the matters specified in 10 CFR §2.714(d), has made a substantial showing of good cause for failure to file on time. The reasons for the tardiness in filing a petition for leave to intervene, as well as the factors specified in 10 CFR §2.714(a)(1)-(4), shall be considered in making a determination as to whether there has been a substantial showing of good cause by the petitioner.

POOR ORIGINAL

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has the right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the licensee's letter dated December 19, 1977, and other related material which is available for public inspection at the Commission's Public Document Room,

OFFICE ➔						
SURNAME ➔						
DATE ➔						

1717 H Street, N. W., Washington, D. C. 20555 and at the Local Public Document Room for the Davis-Besse Nuclear Power Station, Unit 1 located at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio, 43452.

Dated at Bethesda, Maryland, this 8th day of March 1978.

FOR THE NUCLEAR REGULATORY COMMISSION

John F. Stolz, Chief
Light Water Reactor Projects Branch No. 1
Division of Project Management

POOR ORIGINAL

OFFICE	LWR 1:LA	LWR 1:LPM	DE/DA	LWR-1:BC		
SURNAME	BScott:bs	LEngl	GFess	JFSTOLZ		
DATE	3/3/78	3/3/78	3/6/78	3/8/78		