

Donald C. Shelton
Vice President - Nuclear
Davis-Besse

300 Madison Avenue
Toledo, OH 43652-0001
(419) 249-2300

Docket Number 50-346

License Number NPF-3

Serial Number 2018

February 6, 1992

Secretary
United States Nuclear Regulatory Commission
Washington, DC 20555

Attention: Docketing and Service Branch

Subject: Dispute of Questionable Contractual Costs Included in Fee
Invoice Number XT0157-92 for Davis-Besse Nuclear Power
Station Unit 1

Gentlemen:

In accordance with 10 CFR 15.31, Toledo Edison disputes the contractual costs of \$21,703.00 for TAC Number 68071 included in Invoice Number XT0157-92 (Toledo Edison Log Number 3665) for the Davis-Besse Nuclear Power Station Unit 1 (DBNPS). TAC Number 68071 concerns a License Amendment Application to delete the reference to Technical Specification (TS) Surveillance Requirement 4.0.5 from the boric acid pumps TS. This amendment application was submitted to the Nuclear Regulatory Commission (NRC) by letter dated July 28, 1988 (Serial Number 1524). Following a telephone discussion with the DBNPS NRC senior project manager on October 11, 1989, a related request to revise the bases for the boric acid pumps TS was submitted by letter dated February 1, 1990 (Serial Number 1747).

The License Amendment Application and revision of the boric acid pumps TS bases were discussed in detail with the NRC staff (including the Mechanical Engineering Branch and Plant Systems Branch) in a telephone conference call on March 19, 1990. As a result of this discussion with the NRC staff and their recommendations, Toledo Edison decided to withdraw the License Amendment Application and proposed change to the TS bases. The DBNPS senior manager was verbally informed during a telephone call on May 16, 1990, that Toledo Edison expected to withdraw the License Amendment Application and bases change. Toledo Edison formally withdrew the License Amendment Application and bases change by a letter dated May 29, 1990 (Serial Number 1810) which specifically referenced TAC Number 68071. Toledo Edison has confirmed that this withdrawal letter is in the NRC's Public Document Room.

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Operating Companies:
Cleveland Electric Illuminating
Toledo Edison

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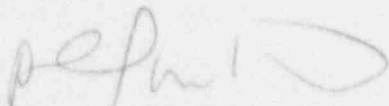
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Toledo Edison considers that the contractor charges included in Invoice Number XT0157-92 for work performed after Toledo Edison's formal withdrawal of the License Amendment Application on May 29, 1990 are not justified. Invoice Number XT0157-92 specifies that the contractor work associated with the disputed charges was performed during the period of March through June 1991, 10 months after withdrawal of the License Amendment Application.

Estimated fees associated with Invoice Number XT0157-92 were prepaid by Toledo Edison via electronic wire transfer on December 30, 1991, for budgetary purposes. Since Invoice Number XT0157-92 was prepaid, Toledo Edison requests that a credit for the disputed \$21,703.00 be applied toward the next semiannual invoice for Part 50 applications.

If you have any questions regarding this matter, please contact Mr. R. W. Schrauder, Manager - Nuclear Licensing at (419) 249-2366.

Very truly yours,



PWS

cc: A. B. Davis, Regional Administrator, NRC Region III
J. B. Hopkins, NRC/NRR DB-1 Senior Project Manager
W. Levis, NRC Senior Resident Inspector
Utility Radiological Safety Board