

UNITED STATES NUCLEAR REGULATORY COMMISSIONTOLEDO EDISON COMPANYANDTHE CLEVELAND ELECTRIC ILLUMINATING COMPANYDOCKET NO. 50-346NOTICE OF DENIAL OF AMENDMENT TO FACILITY OPERATINGLICENSE NO. NPF-3 AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) has denied, in part, a request by the licensees for an amendment to Facility Operating License No. NPF-3, issued to Toledo Edison Company and The Cleveland Electric Illuminating Company for operation of the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

The licensees' application for amendment was dated November 5, 1982, and was modified by submittals dated July 1, 1983 and August 18, 1983. Notice of consideration of issuance of an amendment in response to a portion of this application was published in the Federal Register on February 24, 1984 (49 FR 7045). No comments were received and the amendment was issued on July 18, 1984. The February 24, 1984 notice indicated that a portion of the licensees' application was not being considered at that time but would be considered separately.

The amendment as proposed by the licensees would have a) changed the period of time allowed to bring the facility to hot standby and shutdown modes (unless otherwise specified in individual technical specifications) when a Limiting Condition for Operation is not satisfied, b) added a new Limiting Condition for Operation which delineates additional conditions to be satisfied for continued operation when a normal or emergency power source is

unavailable, c) clarified the requirement to perform a required surveillance within the specified time interval to meet operability requirements and d) allowed a 12-hour grace period delaying immediate shutdown requirements in the event a required surveillance is missed due to administrative error. On July 18, 1984, Amendment 71 was issued modifying the Technical Specifications as considered in the February 24, 1984 Federal Register notice (changes a, b, and c above).

The Commission has determined, however, that the request to allow a grace period for a missed surveillance has limited applicability and is subject to possible misinterpretation. Therefore, the Commission has decided to deny the licensees' request. The licensees were notified of the Commission denial and the reasons for the denial by letter dated

By October 19, 1984 the licensees may request a hearing with respect to the denial described above, and any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

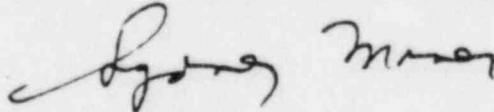
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date.

Copies of any petitions should be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street N.W., Washington, D.C. 20036.

For further details with respect to this action, see (1) the application for amendment dated November 5, 1982, as supplemented July 1, 1983, and August 18, 1983, and (2) the Commission's letter to Toledo Edison Company dated September 12, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio. A copy of Item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 12th day of September 1984

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Sydney Miner". The signature is written in a cursive style with a large initial "S" and a long horizontal stroke.

Sydney Miner, Acting Chief
Operating Reactors Branch No. 4
Division of Licensing