



June 5, 1985

RICHARD P. CROUSE  
Vice President  
Nuclear  
(419) 249-5221

Secretary of the Commission  
Attention: Docketing and Services Branch  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

DOCKETED  
USNRC

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OFFICE OF SECRETARY  
DOCKETING AND SERVICES  
BRANCH  
This letter provides you with The Toledo Edison Company's comments on the Commission's proposed rule on communications as invited in the Federal Register Notice of March 26, 1985. The Toledo Edison Company is the operating company for the Davis-Besse Nuclear Power Station Unit No. 1, and is the part owner, as a tenant in common, of Davis-Besse Nuclear Power Station Unit No. 1, Beaver Valley Power Station Unit No. 2 and Perry Nuclear Power Plant Units 1 and 2.

Toledo Edison, in general, supports the Commission actions to clarify the procedures for submittal of written communications. Toledo Edison, however, believes further clarification and re-evaluation is required in several areas of the proposed rule. Toledo Edison offers the following comments for your consideration.

Comment 1 - Currently, Section 50.4(b)(1) and 50.4(b)(2) of the proposed rule require submittal of one copy of written communications to ... "the appropriate NRC resident inspector if applicable". Toledo Edison believes further clarification of the term "if applicable" is warranted.

Comment 2 - Toledo Edison notes that written communications pursuant to 10 CFR 2.201 and other CFR Sections are not covered by this proposed rule. We understand through discussion with the NRC Staff that areas external to 10 CFR 50 will be revised in the future.

Comment 3 - As proposed, Section 50.4(e) requires a citation of the applicable regulatory requirement for written communications detailed in the proposed Section. Toledo Edison believes this requirement excessively burdensome and is concerned about the ramifications of either clerical error or omitted citations. Toledo Edison disagrees with the use of regulations to facilitate actions that are not clearly related to nuclear safety.

Comment 4 - Proposed Section 50.4(f) establishes the hierarchy to be used in the event of conflicting requirements. Conflicts regarding submittals will likely arise between existing Technical Specifications and the proposed submittal requirements. For any conforming amendments to the Technical Specifications which may be required by the Commission (similar to the recent 10 CFR 50.72 and 50.73 changes) it is our position that these changes not be subject to technical specification amendment fees.

JUN 20 1985

Acknowledged by and.....

THE TOLEDO EDISON COMPANY EDISON PLAZA 300 MADISON AVENUE TOLEDO, OHIO 43652

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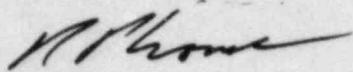
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We appreciate the opportunity to provide our input to the rulemaking process on this issue.

Very truly yours,

A handwritten signature in cursive script, appearing to read "A. Thomas".

RPC:VJM:lah

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