

SEP 27 1979

MEMORANDUM FOR: R. W. Reid, Chief, ORB#4, DOR

FROM: G. W. Knighton, Chief, Environmental Evaluation Branch, DOR

THRU: J. R. Miller, Acting Assistant Director for Site and Safeguards, DOR

SUBJECT: DAVIS-BESSE 1 DIRECTOR'S DECISION

Enclosed is a draft of a Director's Decision and cover letter from H. R. Denton to T. Lodge of the Toledo Coalition for Safe Energy.

This completes our action on TAC No. 11829.

Original signed by
George W. Knighton

G. W. Knighton, Chief
Environmental Evaluation Branch
Division of Operating Reactors

Enclosure:
As stated

cc: G. Vissing
J. Sears
W. Axelson, Region III

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G. Knighton
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OFFICE	EEB, DOR	EEB, DOR	Act. AD, ORS, DOR		
SURNAME	WPasedag/vg	GKnighton	JMiller		
DATE	9/27/79	9/27/79	9/27/79		

Mr. Terry J. Lodge, Chairman
TCSE Legal Action Committee
P. O. Box 4545
Toledo, Ohio 43620

Dear Mr. Lodge:

In my letter to you dated June 27, 1979, I indicated your petition on behalf of the Toledo Coalition for Safe Energy pursuant to 10 CFR 2.206 had been forwarded to the Secretary of the Commission for docketing as a petition for rulemaking, and that I expected to consider the remaining requests under §2.206 of the Commission's regulations.

I have considered the subject matters addressed in your petition to modify the operating license of the Davis Besse plant, and I have concluded that the institution of proceedings to modify the operating license for Davis-Besse and to hold hearings on this matter are not called for. The reasons for this decision are enclosed.

Sincerely,

H. R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
As stated

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF NUCLEAR REACTOR REGULATION
Harold R. Denton, Director

In the Matter of)
TOLEDO EDISON CO.)
Davis-Besse Nuclear Power Station, Unit 1)

Docket No. 50-346

DIRECTOR'S DECISION UNDER 10 CFR 2.206

By letter dated June 12, 1979, Terry J. Lodge, on behalf of the Toledo Coalition for Safe Energy, petitioned for a modification of the Davis-Besse 1 operating license based on information contained in letters to James G. Keppler, Director, Region III, and Stephen Burns, OELD, dated April 24 and May 23, respectively.

The requested action is based on assertions that: (1) the utility maintains incompetent staff, and (2) that emergency plans and preparations at Davis-Besse are inadequate. The basis for the first assertion is a quotation of comments on Davis-Besse operator performance by James G. Keppler quoted in a Toledo newspaper. The second assertion is based on statements by the Ohio Public Interest Research Group (OPIRG).

I have considered the substance and bases of these assertions. Concerning the first assertion, I find that Mr. Keppler's remarks, although critical of Davis-Besse personnel performance and indicating a necessity for continued improvement, cannot be construed to indicate "incompetence," or to require an immediate modification of the plant's operating license. NRC will continue to strive for a

long-term improvement in plant personnel performance at Davis-Besse through its normal interactions with Toledo Edison. Suspension of power generating operations at Davis-Besse, however, would not achieve the desired long-term improvement in operating personnel performance.

The second assertion is based on statements by OPIRG which claim that the emergency evacuation plans at the Davis-Besse plant are inadequate. The alleged inadequacies deal with (a) failure to meet all recommended Federal guidelines; (b) discrepancies between utility, local and state emergency planning; (c) the emergency planning radius; (d) lack of completeness of emergency plans; and (e) lack of testing and drills. NRC has initiated a high priority action plan to review, and upgrade as appropriate, the emergency plans of all operating power reactor sites. This effort is currently in progress and does address all of the concerns listed above. We expect to review the emergency planning provisions for the Davis-Besse plant in early 1980. In addition, on July 12, 1979, the Commission published an Advance Notice of Proposed Rulemaking (see attachment A) soliciting public comment on "acceptance criteria for State and local (emergency) plans. . . and coordination between licensee plan and State and local plans," in order to achieve long-term improvement of State and local emergency plans.

9 Based on these ongoing NRC actions concerning the resolution of the issues which form the basis for assertions concerning inadequacies in emergency planning at Davis-Besse, as well as on a generic basis, I conclude that there is no need to institute proceedings to modify the operating license for the Davis-Besse plant at this time.

For the reasons discussed above, therefore, the petition to institute proceedings to modify the operating license for the Davis-Besse Nuclear Power Station Unit No. 1 is denied.

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