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Mr. Richard P. Crouse
Vice President, Nuclear
Toledo Edison Company
Edison Plaza - Stop 712
300 Madison Avenue
Toledo, Ohio 43652

Dear Mr. Crouse:

SUBJECT: APPLICATION TO AMEND APPENDIX B TECHNICAL SPECIFICATIONS (TS)

By letter dated June 30, 1980 (No. 619), Toledo Edison Company applied for an amendment to Facility Operating License No. NPF-3. The application requests modification of Appendix B of the license by deletion of certain specification sections. The decision of the Atomic Safety and Licensing Appeal Board relating to the Yellow Creek facility (ALAB 515, 8 NRC 702 (1978)) is cited as the basis for the requested modification to Appendix B. Specifically, it was requested that Section 2.1, 2.2, 2.3, 3.1, 4.0 and 5.4.1 Part A be deleted.

The NRC has taken the position that, as a matter of law, water quality conditions should be removed from existing reactor operating licenses where the licensee holds an effective National Pollutant Discharge Elimination System (NPDES) permit. This position is consistent with the Yellow Creek decision and subsequent related decisions which established that operating conditions on non-radiological aquatic matters and other non-radiological aquatic monitoring requirements are the exclusive concern of the EPA and permitting states and are not the responsibility of the NRC. These decisions, however, do not have the effect of limiting the NRC's role in non-radiological non-aquatic environmental matters.

The current NRC practice with respect to modifications to Appendix B is to incorporate all radiological environmental TS requirements in Appendix A to the license. With regard to water quality related matters, the NRC will rely on the agencies (EPA and/or state agencies) responsible for regulating these matters under the Clean Water Act. The remaining non-radiological non-aquatic matters are incorporated into a new Appendix B retitled as an Environmental Protection Plan (EPP). The EPP has been adopted in standard format for all new plants and for existing plants on a case-by-case basis. The EPP is designed to promote NRC awareness of environmental effects of plant operation while recognizing that regulation of non-radiological aquatic matters is the responsibility of other agencies.

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The NRC staff has prepared a recommended EPP for the Davis-Besse facility. This plan: 1) deletes all water quality requirements, 2) retains certain terrestrial monitoring requirements, 3) upgrades the section on administrative controls and 4) divides Appendix B into two parts - Part I-Radiological Environmental TS (RETS) and Part 2-EPP. Eventually, the RETS will become part of Appendix A.

The recommended EPP retains the ETS Section 4.1 Operational Noise Surveillance. We have reviewed the results of the monitoring conducted to date and have concluded that the objectives of this program have not been fully satisfied. Our specific comments in this regard are presented in Enclosure 1.

The recommended EPP is presented in Enclosure 2. We request that you review this EPP and consider revising your application of June 13, 1980 accordingly.

Please provide your response no later than January 27, 1983.

Sincerely,

"ORIGINAL SIGNED BY:"

John F. Stolz, Chief
Operating Reactors Branch #4
Division of Licensing

Enclosures:
1. Specific Comments
2. Recommended EPP

cc w/enclosures:
See next page

No legal objection

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Toledo Edison Company

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Enclosure 1

Staff Evaluation of Operational Noise Surveillance at the Davis Besse Nuclear Power Plant Unit No. 1

Reference: 1. ETS Section 4.1 Operational Noise Surveillance

2. NUS Corp. Report NUS-TM-319 "Supplemental Noise Survey of the Davis Besse Nuclear Power Station Unit 1", February 1979.

General Comments:

The sound level survey conducted on November 20-21, 1978 indicates an expected maximum sound level of 52 dBA at the site boundary due to plant operation, primarily as a result of the operation of the plant cooling tower. Because the cooling tower sound level can be considered constant and continuous, and assuming that this is the predominant sound source at the site, the maximum expected day-night equivalent sound level (L_{DN}) at the site boundary is calculated by the staff as about 58 dBA. This exceeds the EPA identified level of 55 dBA as requisite to protect human health and welfare in outdoor spaces.

Although not measured, the licensee predicts that sound levels at nearby residences will not be above the EPA identified level, based on the levels measured on-site. The licensee also expects that wave noise (from Lake Erie) will partially or completely mask the plant noise at these residences.

The environmental conditions that existed during the survey were not ideal. That is, the wind speed recorded at the plant site exceeded the recommended allowable maximum for conducting sound level surveys (ref. ANSI S1.13-1971) during 2 of 16 measurements and 7 of 16 measurements at the 35 ft and 250 ft levels of the site meteorological tower, respectively. Wind speeds at ground level at the survey locations were not recorded. The licensee restricted the sound level survey to locations on-site because of the wind conditions during the survey. The resulting restricted survey is not in accordance with the program specification as presented in the ETS.

A possible pure tone in the 125Hz band was indicated in the survey results. The presence of pure tones is important in off-site noise impact assessment because of their higher annoyance potential. The data presented in the licensee's report is inconclusive in this regard however.

Specific Comments:

1. The methodology for the operational noise surveillance described in the Specifications section of ETS 4.1 states that "...noise sensitive land use and specific noise sources shall be identified. Measurements shall be obtained near critical locations of noise sensitive land use such as the nearest resident, school, hospital, cemetery, and wildlife refuge which may be affected by noise from unit operation." This portion of the Specification

was not followed during the survey of 11/20-21/78. The reason given was excessive wind speed which would interfere with survey results. In fact, the information presented in Table IV of the results indicate several measurements of wind speed in excess of 13 mph, the recommended maximum allowable during such surveys (see above).

2. The Specification section of ETS 4.1 also indicates that statistical descriptors L_{10}, L_{50}, L_{90}, Leq and L_{DN} along with the cumulative percent distribution and standard deviation of the data will be used in the impact analysis. The NUS report presents only the octave band analysis and L_{50} data. The other statistical descriptors would be useful in characterizing the sound levels from the plant.

3. The licensee used a predictive technique for estimating sound levels at the plant boundary. The specific location of this point on the site boundary and its distance from the cooling tower are not specified. Similarly, the direction and distance from the cooling tower to the point where the predictive technique indicates the 45 dBA contour will reside is not explained.

Conclusions:

The operational noise surveillance program outlined by the staff in the FES and detailed in the ETS was clearly intended to be a confirmatory monitoring program that would produce a verification of the predictions presented in the FES. The data submitted, the locations actually surveyed and the location for which a sound level prediction was made are not in accordance with the ETS Specification.

The program submitted by the licensee has only partially satisfied the program objective. That is, for close-in locations on-site, actual measurements have been made. But for the off-site locations, where the greatest amount of uncertainty and potential for impact lie, the program has only made additional predictions of sound levels.

Using the data submitted, the licensee infers that the offsite sound levels due to the operation of Davis Besse Unit 1 are not likely to be above identified levels of noise associated with annoyance or activity interference. However, without further descriptive information from the licensee, the staff cannot agree with the licensee's conclusions.

Recommendations:

ETS 4.1 Operational Noise Surveillance should remain in the ETS for the facility until the critical elements of the program, as described in the Specification section, or the staff's critical statements concerning the conduct of the program to date are satisfied. If the licensee elects to try to satisfy the staff's concerns, the following should be included in the submitted information:

a) The licensee should reconcile the wind problem. That is, the licensee must explain why the on-site noise measurements are accurate but those off-site could not be made. Also, the licensee should explain why the