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DAVIS-BESSE NUCLEAR POWER STATION
PORT CLINTON, OHIO

Receipt of Application

The Cleveland Electric Illuminating Company and the Toledo Edison Company submitted an application to the Atomic Energy Commission for a permit to construct the Davis-Besse Nuclear Power Station on August 1, 1969.

Review of the Application

Each application for a permit to construct and operate a nuclear reactor is evaluated by the technical specialists in the AEC's regulatory staff and also by the independent Advisory Committee on Reactor Safeguards (ACRS). The regulatory staff and the ACRS have completed their reviews, both of which concluded that there is reasonable assurance that the facility could be constructed and operated at the proposed site without undue risk to the health and safety of the public.

Public Hearing

The Atomic Energy Act requires that a public hearing be held on each application for a construction permit. The chronology of the public hearing before the three-man Atomic Safety and Licensing Board to consider whether a construction permit should be issued for the proposed Davis-Besse plant is as follows:

December 8-10, 1970; January 5-7, 1971
January 25-29, 1971; February 8-12, 1971.

All sessions of the public hearing were held in Port Clinton, Ohio. In addition to a number of limited appearances by citizens in the area, the Coalition for Safe Nuclear Power, L.I.F.E. (Living in a Finer Environment), and Glenn Lau intervened and became parties to the proceeding.

The Atomic Safety and Licensing Board has not rendered its initial decision in this case. If the Board authorizes the issuance of the construction permit, the Director of Regulation will issue the permit within 10 days or within the time specified by the Board. When the initial decision is issued, it will be reviewed by the Atomic Safety and Licensing Appeal Board. The Appeal Board's review will be done formally if an appeal is taken from the initial decision, or informally if no appeal is filed.

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Continuing Inspection and Review

The AEC's Division of Compliance conducts inspections of AEC-licensed operations to assure that such operations are carried out in compliance with the requirements of the regulations and the license, and in a manner which does not result in undue risk to the public health and safety.

Radiological Effects

The principal bases for the Commission's regulations and special license requirements governing the release of radioactivity in effluents from AEC-licensed activities are the radiation protection guides developed by the Federal Radiation Council (FRC) and approved by the President for the guidance of all Federal agencies. The FRC radiation protection guides take into account the recommendations of the National Council for Radiation Protection and Measurements (NCRP) and the International Commission on Radiological Protection (ICRP). Under the President's Reorganization Plan No. 3, which became effective on December 2, 1970, the functions of the FRC and that part of AEC's authority, as administered by its Division of Radiological and Environmental Protection, to develop and set generally applicable environmental radiation standards for the protection of the general environment were transferred to the new Environmental Protection Agency (EPA). The AEC retains the responsibility for the implementation and enforcement of the EPA standards in carrying out its functions under the Atomic Energy Act of 1954, as amended. Any changes in radiation protection standards issued by EPA will be reflected in AEC regulations.

Thermal Effects

The applicants have stated that the Davis-Besse facility would employ a closed cycle cooling tower system to condense the steam after it passes through the plant turbine. Utilization of such a system would preclude the discharge of large quantities of heated water to the aquatic environment which is Lake Erie. Cooling tower heat rejection would be accomplished by the process of evaporation such that air leaving the tower becomes nearly saturated with water vapor. The vapor then becomes dispersed in the atmosphere. The cooling tower for the Davis-Besse facility will be a natural draft, hyperbolic type.

National Environmental Policy Act of 1969

Under the National Environmental Policy Act of 1969 (NEPA), each Federal agency is required to consult with appropriate Federal, State, and local agencies concerning major Federal actions significantly affecting the quality of the human environment and to prepare a detailed statement concerning, among other things, the environmental impact of the proposed

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action. The Toledo Edison Company and the Cleveland Electric Illuminating Company submitted an Environmental Report to the AEC. That report was forwarded to applicable Federal, State, and local agencies for comment. A copy of the report was also sent to the Governor of Ohio, and to the Council on Environmental Quality. At the conclusion of the comment period, the AEC regulatory staff prepared a detailed environmental statement which included a discussion of any problems or objections raised and the disposition thereof. Copies of this final report were sent to the Governor and applicable Federal, State, and local agencies.

Water Quality Improvement Act of 1970

Section 21(b) of the Federal Water Pollution Control Act as amended by the Water Quality Improvement Act of 1970 (WQIA), generally requires applicants for Federal licenses or permits to conduct any activity, including the construction of a facility such as a nuclear power plant, which may result in any discharge into the navigable waters of the United States, to provide the Federal licensing agency with certification from the State or interstate water pollution control agency, or the Secretary of the Interior, as appropriate, that there is reasonable assurance, as determined by such certifying authority, that the activity will be conducted in a manner which will not violate applicable water quality standards. The proposed Davis-Besse plant will discharge effluents into Lake Erie, part of the navigable waters of the United States, and is therefore subject to the requirements of section 21(b) of the Act.

However, section 21(b)(8) of the Act provides that any application for a license or permit that is pending on April 3, 1970, and that is issued within one year following this date shall not require certification for one year following issuance, except that any such license or permit so issued without certification shall terminate at the end of one year unless prior to that time certification is provided. The application for a construction permit for the proposed Davis-Besse plant was pending on April 3, 1970, and therefore would be covered by this "grandfather clause" if a construction permit is issued before April 3, 1971. Thus, any construction permit that may be issued for the plant before April 3, 1971, without the WQIA certification would terminate at the end of one year unless prior to that time the certification is provided.

The Environmental Protection Agency has not yet approved all aspects of the water quality standards of the State of Ohio for Lake Erie; consequently, the furnishing of a water quality certificate has not yet been possible. However, the applicants have stated their intention to abide by all pertinent State and Federal standards applicable to water quality, and that it would observe the strict temperature standards which the State of Ohio has determined must be met in the operation of the Davis-Besse Station.

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