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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
Before the Director of Nuclear Reactor Regulation

DOCKETED  
USNRC

In the Matter of: )  
Toledo Edison Company, et. al. )  
(Davis-Besse Nuclear Power )  
Station, Unit No. 1) )

'86 OCT 30 P5:21

Docket No. 50-346-ML

(2-206)

OFFICE OF SECRETARY  
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PETITION OF TOLEDO COALITION FOR SAFE ENERGY  
AND SUSAN A. CARTER FOR REVOCATION,  
MODIFICATION OR SUSPENSION OF OPERATING  
LICENSE PER 10 C.F.R. §2.206

1. Petitioners

1. Petitioner Toledo Coalition for Safe Energy ("TCSE") is an association of persons living in northwestern Ohio who espouse the use of nonnuclear energy production alternatives. The majority of TCSE's membership lives within a 50 mile radius of Davis-Besse Nuclear Power Station (DBNPS).

2. Petitioner Susan A. Carter is a residential ratepayer of Toledo Edison Company, the utility which operates DBNPS. Susan A. Carter resides within 50 miles of DBNPS.

2. Jurisdictional Grounds

3. Jurisdiction is vested in the Nuclear Regulatory Commission, Director of Nuclear Reactor Regulation, by 10 C.F.R. §2.206 and 10 C.F.R. §2.202, to receive and process requests from "any person" to institute a proceeding to modify, suspend or revoke an operating license for a commercial nuclear power plant.

4. Upon information and belief, Toledo Edison Company possesses an operating license per 10 C.F.R. Part 50 for DBNPS.

FIRST CAUSE OF ACTION

5. As licensee of DBNPS, Toledo Edison company is required by 10 C.F.R. §50.47 to develop a range of emergency plans and protective actions for an "emergency planning zone" which is ten (10) miles in radius around the Davis-Besse plant.

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6. On or about December 7, 1981, the Federal Emergency Management Agency (FEMA), which is charged with review and approval of comprehensive emergency plans for nuclear power plants, notified Toledo Edison Company and State of Ohio officials that Lucas County, Ohio must submit a radiological emergency preparedness plan (REP) for that portion of Lucas County which lies within 10 miles of Davis-Besse, consisting of a 3 to 5 mile segment of Jerusalem Township. This area is west-northwest of DBNPS, contains human population and is contiguous to the heavily populated ring of suburbs around Toledo, Ohio.

7. In 1985, FEMA warned the State of Ohio, Director Services Agency, and Toledo Edison Company that preparations for Jerusalem Township must be part of Davis-Besse emergency offsite plan, and that failure to so include plans for the township would compel FEMA to find that offsite emergency planning and preparedness around Davis-Besse are not adequate to protect the public health and safety.

8. Presently, there is no approved offsite plan for Lucas County, Ohio.

9. Davis-Besse had been continuously shut down since June 9, 1985 due to a combination of human and technical failures causing an unusual event at the plant on that date.

10. In August, 1986, Governor Richard Celeste of the State of Ohio made a written request of the Nuclear Regulatory Commission to restrain Davis-Besse from a resumption of operations pending a thorough review by the State of the emergency plans for Davis-Besse.

11. The NRC has refused to issue any order or directive restraining restart of Davis-Besse, and Toledo Edison Company presently contemplates restart of the plant on November 4, 1986, without an approved plan for the entire EPZ.

SECOND CAUSE OF ACTION

12. Petitioners incorporate by reference and reallege herein the contents of the foregoing paragraphs 1 through 11.

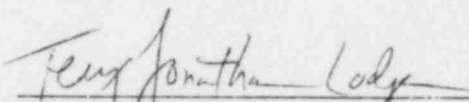
13. On October 20, 1986, members of the Northwest District of the Ohio Association of Public School Employees, American Federation of State, County and Municipal Employees, AFL-CIO voted not to participate in planning or evacuation in case of an emergency at Davis-Besse.

14. The OAPSE union includes some 2,000 members who are employed as school bus drivers, secretaries, education aides, custodians, and food service workers in Ottawa, Lucas, Sandusky and Erie counties of Ohio, among others. Many of the workers are included as volunteers to drive buses and operate refugee reception centers at schools as part of the emergency and evacuation plans for Davis-Besse.

15. The passage of the resolution by the union raises serious questions and doubts as to the efficacy of existing emergency plans for Davis-Besse, as extensive reliance is placed upon the use of school buses and volunteer drivers to transport children and adults with special transportation needs from the emergency planning zone in the event of a nuclear accident at DBNPS.

WHEREFORE, Petitioners, Susan Carter and Toledo Coalition for Safe Energy demand that the Director of Nuclear Reactor Regulation and/or the full Nuclear Regulatory Commission require Toledo Edison Company to show cause why its operating license for Davis-Besse Nuclear Power Station should not be suspended or terminated for the alleged deficiencies and infractions. Further, the Petitioners demand that the Commission issue an immediate order restraining Davis-Besse from its contemplated November 4, 1986 restart, or any other contemplated date for the startup of the plant, pending full adjudication of the

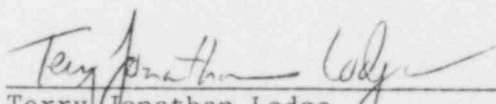
within issues. Further, the Petitioners demand that the Commission afford the public living within 50 miles of Davis-Besse such other and further relief at law and in equity as may be deemed properly necessary to serve the public interest.

  
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Counsel for Petitioners Susan A. Carter  
and Toledo Coalition for Safe Energy

CERTIFICATION

I hereby certify that a copy of the foregoing "Petition for Revocation, Modification or Suspension of Operating License per 10 C.F.R. §2.206" was sent by me via regular U.S. Mail, postage prepaid this 28th day of October, 1986 to the persons or entities set forth in the attached Service List.

  
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