

# Office of the Consumers' Counsel



William A. Spratley, **Consumers' Counsel** (614) 466-8574

137 East State Street  
Columbus, Ohio 43215

May 18, 1979

Mr. Donald Grimsley, FOIA Officer  
Chief, Freedom of Information and  
Privacy Branch  
Nuclear Regulatory Commission  
1717 H Street, NW  
Washington, DC 20555

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-79-189

REC'D 5-23-79

Dear Mr. Grimsley:

Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552, I am requesting that the Nuclear Regulatory Commission (hereinafter NRC) forward to me certain information pertaining to the Davis-Besse Nuclear Unit No. I, located in Ottawa County, Ohio, set forth below.

1. Copies of the inspector's report and any documents or memoranda in connection with:
  - (a) An incident which occurred on or about September 24, 1977 when the plant went partway into its automatic response to a coolant feed-water leak, and when a pressure relief valve failed for 21 minutes.
  - (b) An incident which occurred on or about April, 1978 when the NRC ordered the plant shut-down from April 28, 1978 to July 28, 1978 because of defective reactor control rods.
  - (c) An incident which occurred on or about January 3, 1979, involving a failure by the Toledo Edison Company of Ohio to detect and thaw a frozen water pipeline from the reactor's emergency coolant system pumps.
  - (d) An incident which occurred on or about March 6, 1979 where two improperly set valves jeopardized part of the emergency core cooling system.

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2. Copies of the transcripts of the following proceedings, not exempt from disclosure, covering:

- (a) The executive session held by the NRC on or about April 5, 1979, including the discussion of two abnormal events involving emergency cooling systems at Davis-Besse No. 1, and the discussion pertaining to the plant's rating wherein John Davis, Acting Director of NRC's Inspection and Enforcement Division, stated, "If we did have a rating system of A, B, C, we would put Davis-Besse 'C' on this scale."
- (b) The testimony delivered by John McMillan, vice president of Babcock & Wilcox, on or about April 16, 1979 to the NRC Advisory Committee on Reactor Safeguards, wherein he discussed five transient incidences which occurred at the plant.
- (c) The conference held between Toledo Edison officials and the NRC during the week of April 23, 1979, including, but not limited to, the comments of Lowell E. Roe, Toledo Edison's Facilities-Development Vice President.
- (d) The meeting held on or about April 25, 1979 between NRC specialists and Toledo Edison spokespersons in which the need for Davis-Besse's shut-down was discussed.

3. Copies of letters written by Norman C. Mosley, NRC Director, Division of Reactor-Operations:

- (a) On or about February 28, 1979 to James A. Creswell, an NRC field inspector, wherein he stated, "Our preliminary evaluation indicates these items do not appear to be new issues."
- (b) On or about September, 1978 to John Williamson, president of the Toledo Edison Company, wherein he made reference to SFAS (safety features actuation system) problems and stated that "the enforcement aspect of this case have been escalated from the Regional Office to Headquarters for handling."

4. Copies of the NRC report on a meeting between the NRC's Thomas N. Tambling, Chief Inspector for the Davis-Besse

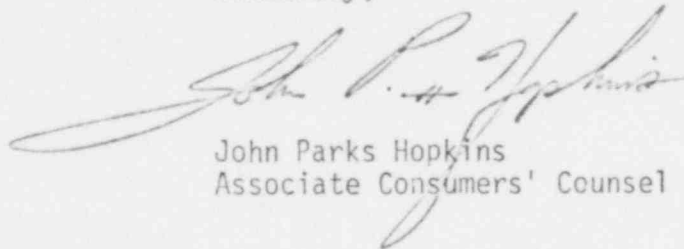
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plant, two other NRC inspectors, and Toledo Edison officials, held on or about August, 1978, wherein the plant's numerous violations of NRC administrative and safety requirements, equipment failures and other problems were cited.

5. Copies of the three page memorandum submitted to the NRC on or about January 8, 1979 by James H. Creswell, an NRC field inspector, urging the Commission to consider certain design problems that could jeopardize safety at the Davis-Besse plant and other reactors built by Babcock & Wilcox.
6. Copies of the plant's system checks ordered by the NRC and submitted on or about April 10, 1979.
7. Copies of the NRC's formal request, issued on or about April 27, 1979, ordering the shut-down of the plant and requiring specific system changes.

I appreciate your assistance and look forward to receiving your reply within ten business days as provided in the subject statute.

Sincerely,



John Parks Hopkins  
Associate Consumers' Counsel

JPH/bka

cc: Michael Byers, Esq.  
Dominique Hawker

CERTIFY MAIL

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