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Docket Number 50-346

License Number NPF-3

Serial Number 1-1116

United States Nuclear Regulatory Commission
Document Control Desk
Washington, D.C. 20555

Subject: Response to Notice of Deviation (NRC Inspection Report Number
50-346/96011)

Ladies and Gentlemen:

Toledo Edison (TE) has received Inspection Report 50-346/96011(DRS) (Log
Number 1-3785) dated January 6, 1997. Toledo Edison accepts the alleged
deviation and provides the following response.

In discussions with Mr. James Creed, Region III Branch Chief, Plant Support
Branch 2, the required response to this Notice of Deviation was extended to
February 21, 1997.

Reply to Notice of Deviation (50-346/96011-01)

Deviation: In a December 6, 1982, correspondence to the NRC, Toledo Edison
indicated that the backup Emergency Operations Facility (EOF)
would be located in the Toledo Edison Corporate Office in
Toledo, Ohio, approximately 21 miles from the Davis-Besse plant
site. The location of the backup EOF received Commission
approval on May 18, 1983. Toledo Edison was advised of the
Commission action by letter dated June 28, 1983 (letter received
by Toledo Edison on July 1, 1983).

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Contrary to the above, on December 18, 1996, it was determined
that provisions for a backup EOF had never been developed, and
the licensee's Emergency Plan had not been modified to include a
backup EOF.

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Response: Reason for the Deviation

In a May 27, 1981, letter to the NRC (Serial Number 719), Toledo Edison submitted in response to NRC Generic Letter 81-10, its Emergency Response Facilities (ERF) Plan. This ERF description did not identify a backup Emergency Operations Facility (EOF).

In SECY letter 81-509 dated August 24, 1981, the NRC Staff requested Commission approval for the Staff to process, and where appropriate, approve requests for exceptions from licensees regarding the EOF location and backup criteria for EOF's as identified in NUREG-0696. In this document, the Davis-Besse Nuclear Power Station (DBNPS), although not specifically identified, was used as an example of a facility without provisions for a backup EOF. The SECY further stated that the staff proposed to approve such an alternative proposal with respect to EOF locations "as it meets the intent and purpose of NUREG-0696 criteria and the requirements of the regulations (10CFR50.47(b)(8) and 10CFR Part 50 Appendix E IV.E) for adequate emergency response facilities near site."

In an April 15, 1983, letter to the NRC (Serial Number 933), Toledo Edison submitted schedules for completing each of the basic requirements of Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Toledo Edison provided the following information:

"The Emergency Response Facilities for the Davis-Besse Nuclear Power Station are completed and operational. A description of each of these facilities is detailed in the attachment to TED's May 27, 1981 letter to Harold R. Denton (Serial No. 719), entitled "Emergency Response Facilities, June 1, 1981."

"This previous submittal provides TED's response to the criteria in 10CFR50 and Appendix E, as well as NUREG 0696.

"The configuration of the Data Acquisition and Display System (Section VI.C of June 1, 1981 submittal), has been modified in the last two years, and will be better represented in this and future submittals related to the Safety Parameter Display System. However, the physical facilities (Technical Support Center, Emergency Operations Facility, i.e., Davis-Besse Emergency Control Center) are as described.

"The Central Accident Management philosophy that located these primary facilities adjacent to each other at the boundary of Davis-Besse's owner controlled area is described in Section I of the June 1, 1981 submittal. This location includes the Emergency Operations Facility functions. All these facilities are radiologically habitable to the same criteria as the Davis-Besse Control Room (Section V.D. of the June 1, 1981 submittal), making the use of the backup

facility unlikely. However, if required, these functions can be provided with existing facilities, the most distant being TED's Corporate headquarters located 22 miles away. (emphasis added) This distance is two miles beyond the guidance most recently provided.

"Deviations from NRC guidance are not considered significant and their justification is discussed in detail in the June 1, 1981, submittal. It is requested that concurrence in the adequacy of these facility locations be provided through whatever approval chain is deemed required." (emphasis added)

Portions of the Toledo Edison Plaza were designated as the Emergency Support Center (ESC) in Serial Number 719 referenced in the April 15, 1983 submittal. Based on a documentation review and discussions with knowledgeable DBNPS personnel, appropriate resources were most likely available to fulfill the requirements of a back-up EOF. However, Toledo Edison can not at this time confirm that specific criteria for utilizing the Toledo Edison Plaza as a backup EOF were articulated or considered necessary to be articulated in the operative Emergency Plan or station procedures.

When engineering personnel were re-located from the Toledo Edison Plaza to the DBNPS site in 1985, the resources required for a backup EOF were no longer available at the Toledo Edison Plaza. Therefore, it is uncertain as to whether all of the NUREG-0737 criteria for a backup EOF could have been efficiently fulfilled after that time.

Based on our examination of available procedures, records and cognizant personnel interviews, it appears that Toledo Edison did not fully proceduralize the criteria for a backup EOF when the locations of the Toledo Edison emergency facilities were approved by the NRC. It also appears that Toledo Edison did not prepare contingency plans for efficient use of the Toledo Edison Plaza as a backup EOF when engineering personnel were re-located to the DBNPS site.

Current Emergency Plan Communications Capabilities

As described in the DBNPS Emergency Plan Revision 19, the Emergency Control Center (ECC) is co-located in the same environmentally protected envelope as the Technical Support Center (TSC), 2100 feet from the Protected Area in the Davis-Besse Administration Building (DBAB). The ECC and the TSC are activated at an Alert or higher emergency classification. The "centralized emergency management" concept has been demonstrated and evaluated as a strength during past NRC and Federal Emergency Management Agency evaluated exercises.

Upon classification of a Site Area Emergency or a General Emergency, Technical Liaisons are dispatched to the Ottawa County, Lucas County and the State of Ohio Emergency Operations Centers (EOCs). The utility Technical Liaisons have access to a

dedicated communicator who responds to their requests for information and provides periodic updates to the utility Technical Liaisons. They interact with the governmental officials that are present in the EOC to clarify information and to address their concerns. For significant issues, provisions for the Emergency Director or Emergency Offsite Manager to teleconference with the county commissioners or the governor have been made. This direct interface has been successfully demonstrated during past exercises.

Liaisons from the county and state respond to the ECC and have direct interface with the emergency management team in the ECC and the TSC. They have been provided telephones and have access to the State of Ohio emergency radio system, which is utilized by the State of Ohio Radiation Monitoring Teams (RMT). The Site Emergency Operations Center (SEOC) is a dedicated work space for the responding offsite officials. This dedicated room is located next to a conference room designated for use by the federal responders. Both areas are within the protected environment of the DBAB.

The State of Ohio EOC has direct access to those plant parameters required to monitor and make offsite dose projections via the Nuclear Data System (NDS). The State of Ohio also has access to those parameters that are transmitted by the Emergency Response Data System (ERDS).

The Joint Public Information Center (JPIC) is activated at an Alert and an open communication path between the ECC and the JPIC is established. Periodically the Company Spokesperson and the JPIC Manager caucus with the governmental representatives which are present at the JPIC.

Upon classification of a Site Area Emergency or a General Emergency the Corporate Planning Center (CPC) is activated in Independence, Ohio to provide corporate support. An open communications path is established between the ECC and CPC. This center is managed by the Senior Vice President - Nuclear or his representative. This center provides corporate support and coordinates emergency activities requested at the corporate level.

In summary, five predesignated locations are staffed with knowledgeable representatives from the utility which provide or can provide direct interface with offsite officials. In addition, procedure guidance is provided to send a utility liaison to the Federal Radiological Monitoring and Assessment Center (FRMAC). Therefore, Toledo Edison has maintained a significant commitment to have direct interface with key organizations outside of the 10 mile emergency planning zone. Each of these offsite agencies of the company has access to predesignated communications paths. Therefore, although the DBNPS Emergency Plan does not directly describe an alternate Emergency Operations Facility (EOF), provisions have been made and are being maintained to facilitate this offsite interface.

Corrective Steps Taken and Results Achieved

The three Emergency Operations Centers, Joint Public Information Center and the Corporate Planning Center have been reviewed. The JPIC located at the Edison Club in Maumee, Ohio has been determined to be best suited for the location of the interim alternate EOF. The JPIC has adequate space, controlled documents and telephones for interface with the station emergency response facilities.

As a result of this review, Toledo Edison is revising the Emergency Director Section of procedure RA-EP-02010, Emergency Management, and the Emergency Plan to designate the JPIC as an interim alternate location outside the 10 mile EPZ to caucus with government officials if access to the DBNPS site becomes limited or restricted during an emergency. This revision will be completed by March 21, 1997.

Corrective Steps to be Taken to Avoid Further Deviation

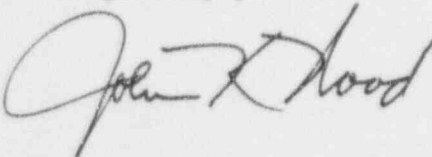
Toledo Edison is pursuing the following two alternatives:

1. Provide for a backup EOF meeting the requirements of Option 1 to Table 1, "Emergency Operations Facility," of the Supplement 1 to NUREG-0737, "Clarification of TMI Action Plan Requirements (Requirements for Emergency Response Capability)," as discussed in SECY-96-170 dated August 5, 1996.
2. Submit an exception request to allow the use of an alternative location in place of a backup EOF as discussed in SECY-96-170.

Toledo Edison will submit the results, including an exception request, if applicable, to the NRC by May 1, 1997.

Should you have any questions or require additional information, please contact Mr. James L. Freels, Manager - Regulatory Affairs, at (419) 321-8466.

Very truly yours,



CAK/dlc

cc: A. B. Beach, Regional Administrator, NRC Region III
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Attachments:

- I. Reply to Notice of Violation