

5501 N. State Route 2  
Oak Harbor, OH 43449

419-249-2300  
FAX: 419-321-8337

John K. Wood  
Vice President - Nuclear  
Davis-Besse

Docket Number 50-346

License Number NPF-3

Serial Number 2461

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United States Nuclear Regulatory Commission  
Document Control Desk  
Washington, D.C. 20555-0001

Subject: Request for Exception from NUREG-0737, Supplement 1, "Clarification of TMI Action Plan Requirements, Requirements for Emergency Response Capability", dated January 1983

Ladies and Gentlemen:

Toledo Edison hereby requests exception from the Emergency Operations Facilities (EOF) Guidance of NUREG-0737, Supplement 1, "Clarification of TMI Action Plan Requirements, Requirements for Emergency Response Capability", dated January 1983, for the Davis-Besse Nuclear Power Station (DBNPS), Unit 1. The guidance in this NUREG states that a Back-up EOF should be provided for facilities with a close-in primary EOF (within 10 miles of the site).

Toledo Edison is requesting approval for an Alternate EOF to be located at the Toledo Edison Club, the same facility which houses the DBNPS Joint Public Information Center (JPIC). This request is in accordance with the guidance provided in SECY letter 96-170 dated August 5, 1996, entitled "Assessment of Exceptions Granted for Locations and Staffing Times of Emergency Operation Facilities".

The information contained in the enclosure and supplemental information contained in previous submittals should provide the information necessary for evaluation and approval of this request. Toledo Edison requests NRC approval of this exception request by November 1, 1997.

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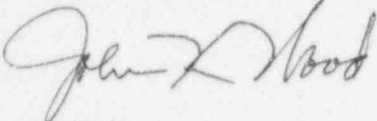
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Should you have any questions or require additional information, please contact Mr. James L. Freels, Manager - Regulatory Affairs, at (419) 321-8466.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John L. Wood".

CAK/dlc

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

A. G. Hansen, NRC Project Manager

S. Stasek, DB-1 NRC Senior Resident Inspector

Utility Radiological Safety Board

**Davis-Besse Nuclear Power Station  
Request for an Exception from NUREG-0737, Supplement 1  
"Clarification of TMI Action Plan Requirements, Requirements for  
Emergency Response Capability", dated January 1983**

Toledo Edison hereby requests exception from NUREG-0737, Supplement 1, "Clarification of TMI Action Plan Requirements, Requirements for Emergency Response Capability", dated January 1983, (NUREG-0737, Supplement 1) for the Davis-Besse Nuclear Power Station (DBNPS), Unit 1.

REGULATORY POSITION

NUREG-0737, Supplement 1 defines the EOF requirements. Guidance provided in NUREG-0737 Table 1, Emergency Operations Facility, lists two options. Option 1 is for two facilities: a close-in Primary EOF (within 10 miles) and a Backup EOF. Option 2 is for one facility at or beyond 10 miles.

NUREG-0737, Supplement 1 further states that: "These requirements provided a degree of flexibility within which licensees can exercise management prerogatives in designing and building emergency response facilities (ERF) that satisfy specific needs of each licensee. The forecast consideration regarding ERFs is that they provide adequate capabilities of licensees to respond to emergencies."

In SECY letter 81-509, "NUREG-0696, Criteria for Emergency Operations Facilities for Nuclear Power Reactors," dated August 24, 1981, (SECY 81-509) the NRC staff discusses EOF exceptions and states:

"An example of a number of requests relating to EOF location and habitability is a specific request (Enclosure 2) for permission to locate an EOF inside the 10 mile EPZ without provisions for a backup EOF. In this case the licensee is building a fully hardened EOF within the 10 mile EPZ with protection factors in excess of 100 and ventilation systems which will assure a habitable facility even during a core melt accident. The licensee had concluded that a backup EOF is not necessary because in all scenarios there would be no need to evacuate the primary EOF. The staff proposes to approve this proposal with respect to EOF location (other aspects of the design are under review) 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."

It should be noted that Enclosure 2 to SECY 81-509 is Toledo Edison's submitted response to NRC Generic Letter 81-10, "Post TMI Requirements for the Emergency Operations Facility," dated May 27, 1981, for DBNPS, Emergency Response Facilities (Serial Number 719).

NRC memorandum from Chilk to Dircks entitled "SECY-81-509 NUREG-0696 Criteria for Emergency Operations Facilities For Nuclear Power Reactors", dated September 30, 1981, in response to SECY letter 81-509, denies the Staff authority to approve deviations without Commission approval, but the Commission agreed that the staff could accept an alternate location in place of a backup EOF where licensees had built a close-in hardened EOF.

NRC memorandum dated October 16, 1981, from Steve Ramos to all Operating Reactor and Licensing Branch Chiefs entitled "Modification of the Location and Habitability Criteria for Emergency Operations Facilities" provides further clarification of the September 30, 1981 memorandum. Requirements for Emergency Operations Facility location, distance from the plant, and the associated protection factors required are listed.

SECY letter 96-170 dated August 5, 1996, from Taylor to the Commissioners, entitled "Assessment of Exceptions Granted for Locations and Staffing Times of Emergency Operations Facilities," (SECY 96-170) specifically addresses exceptions, and it states:

"Exceptions to the EOF Guidance Criteria:

Supplement 1 to NUREG-0737 (at 24) states that "exemptions from or alternative methods of implementing these requirements should be discussed with NRC staff and in some cases could require commission approval.

The guidance contained in NUREG-0737, Supplement 1, does not constitute in itself regulatory requirements for licensees. Accordingly, the "exemptions" referred to in Supplement 1 to NUREG-0737 are not exemptions as defined in the regulations (10CFR50.12) but more accurately are described as "exceptions" from the guidance."

SECY 96-170 further states the following:

"Exceptions to EOF Location Guidance

Exceptions to EOF location criteria fall generally into four categories:

1. Exceptions to the primary EOF location.
2. Exceptions to the backup EOF location if there is a requirement for a backup EOF.
3. Exceptions for an alternate EOF or its location when the primary EOF is hardened.
4. Exceptions to the near-site EOF concept in Supplement 1 to NUREG-0737  
(Attachment 2, Notes B and D)

Hardened EOF - located within the 10 mile emergency planning zone with protection factors much greater than 5 and ventilation systems that will ensure a habitable facility even during a core-melt accident."

SECY 96-170 Attachment 2, Note A states:

"In response to SECY-81-509, the Commission authorized the staff to approve an alternate location in place of a backup EOF where licensees had built an EOF with a high degree of habitability within 10 miles of the plant. An alternate location is defined by the Commission as a facility located between 10 and 20 miles of the plant site where utility and Government officials can meet to discuss plant status and appropriate public protective actions, and arrangements have been made to communicate with the Technical Support Center. The seven currently operating sites which have hardened EOFs include Artificial Island, Haddam Neck, Pilgrim, Vermont Yankee, Brunswick, Harris, and WNP2."

#### EXCEPTION SOUGHT

Toledo Edison seeks exception to the EOF guidance criteria specified in NUREG-0737, Supplement 1. Specifically, Toledo Edison requests an exception to allow for the use of an Alternate EOF located 27 straight-line miles from the primary EOF.

By letter dated May 27, 1981, (Serial Number 719), Toledo Edison described the centralized management philosophy which located the emergency response facilities in the Davis-Besse Administration Building (DBAB). The DBAB, which houses both the Technical Support Center (TSC) and the primary EOF, is located at the site boundary. The habitability of the combined TSC and EOF is designed to meet the radiation protection requirements of 10 CFR 50 Appendix A General Design Criteria 19 "Control Room." The DBAB is outfitted with a Central Control and Monitoring System (CCMS) that will, upon initiation, bring the outside and recirculating air filtration units into operation. The air filtration units are equipped with high efficiency air particulate (HEPA) filters. The details of the primary EOF habitability, security and communication functions are more completely described in Serial Number 719.

SECY 81-509, describing Davis-Besse's facility, states "the licensee is building a fully hardened EOF within the 10 mile EPZ with protection factors in excess of 100 and ventilation systems which will assure a habitable facility even during a core melt accident."

By letter dated June 9, 1988, (Serial Number 1532), Toledo Edison requested approval for the location of the TSC outside the site protected area. In response to that request, by letter dated June 9, 1989, (Log Number 2955), the NRC approved the request, stating that "...the TSC meets the functional requirements of Supplement 1 to NUREG-0737 even though the TSC is located outside the site protected area." The DBNPS's Primary EOF is located in the same structure as the fully hardened TSC.

An area in the Toledo Edison Club, the same facility which houses the DBNPS Joint Public Information Center (JPIC), has been designated as the DBNPS Interim Alternate EOF as discussed in Toledo Edison's letter dated February 21, 1997, Response to Notice of Deviation (Serial Number 1-1116). The appropriate procedure changes have been implemented to designate this facility as the Interim Alternate EOF.

Toledo Edison requests that this location be approved as the alternate EOF. As described in this letter, the following was stated:

"The JPIC has adequate space, controlled documents and telephones for interface with the station emergency response facilities."

This area of the Toledo Edison Club has no other assigned JPIC function. And while the JPIC and Alternate EOF would be housed in the same facility, they would be separate enough so that Governmental officials could convene without interference.

The Toledo Edison Club, the proposed Alternate EOF, is approximately 27 straight-line miles to the Davis-Besse plant site and the Primary EOF. This is a driving distance of approximately 34 miles. Under normal traffic and weather conditions, driving time is about 50 minutes. The attached map (Attachment 1) shows the location of the Lucas and Ottawa County EOCs, the JPIC and the proposed Alternate EOF and the DBNPS.

The plans to locate the Alternate EOF at the Toledo Edison Club have been discussed with the State of Ohio and Ottawa and Lucas County officials. Toledo Edison anticipates acceptance of this location. The Alternate EOF proposed will not only meet the requirements specified in NUREG-0737, Supplement 1, but will provide a functional facility that would compliment the DBNPS emergency response organization should the need arise.

This request for exception from NUREG-0737, Supplement 1, is in accordance with SECY 96-170 and other cited NRC guidance. This request is similar to exceptions granted to other facilities as cited in SECY 96-170.