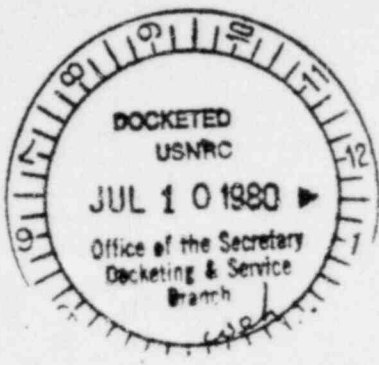


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Docket No. 50-346  
License No. NPF-3  
Serial No. 626  
June 30, 1980



RICHARD P. CROUSE  
Vice President  
Nuclear  
191 259-52

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DOCKET NUMBER PR 50  
PROPOSED RULE  
(45 FR 36082)

Secretary of the Commission  
United States Nuclear Regulatory Commission  
Washington, D. C. 20555

Dear Mr. Chilk:

Toledo Edison is partial owner and operator of the Davis-Besse Nuclear Power Station, Unit 1 located near Port Clinton, Ohio. The unit is a 906 megawatt electric generator that has been in operation since 1977. Currently the facility is completing a multi-million dollar upgrade of its fire protection program which underwent over a year of review by the NRC staff prior to acceptance on July 26, 1979. It is with this background that we provide comments on the proposed Appendix R to 10CFR50.

Toledo Edison takes this time to object strongly to the method selected for implementing fire protection requirements. Our comments include:

- 1) Overspecification of detailed design and procedural requirements are inappropriate.
- 2) As a result of overspecification all industry and regulatory efforts to date involved in upgrading fire protection capability at nuclear facilities have been voided.
- 3) The option to provide alternative equivalent or superior fire protection capability is removed.
- 4) The regulation provides punitive action for those facilities that have not chosen the "prescribed way" to address a specific site related fire hazard even when found totally acceptable by previous industry and regulatory review.

The method of imposing such actions on fire protection program upgrades via the proposed Appendix R is at issue. By its basic prescriptive nature it guarantees that facilities cannot meet the itemized details within the time period allotted in the manner required. Especially when no recognition is given for acceptable alternative and superior approaches.

As a final note the reason given to not extend implementation of such requirements is not supported by history. Issues involved in fire protection have been discussed for several years. Throughout this period one key issue recognized by all concerned was flexibility of solutions. This has been paramount in reviews and implementation of facility upgrades. This proposed regulation denies the existence of this fact and therefore invalidates all industry and regulatory efforts to provide adequate assurance that general Design Criteria 3 is met at commercial nuclear power facilities.

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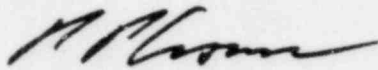
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Page Two

Toledo Edison strongly urges reconsideration and abandonment of this proposed Appendix R to 10CFR 50.

Very truly yours,

A handwritten signature in cursive script, appearing to read "M. H. ...".

RPC:TJM:cts