



**Consumers
Power
Company**

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Harold R Denton, Director
Office of Nuclear Reactor Regulation
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US Nuclear Regulatory Commission
Washington, DC 20555

MIDLAND PROJECT
DOCKET NOS 50-329, 50-330
MIDLAND FIRE PROTECTION EVALUATION EFFORT AND NRC
STAFF INTERIM POSITION ON APPENDIX R TO 10 CFR 50
FILE B9.5.1, 0485.1 SERIAL 13353

We are writing to respond to the NRC's correspondence of June 11 and 29, 1981 which relate to the April 15, 1981 meeting with the staff and the staff's interim position on Appendix R, respectively. We are also writing to request a series of meetings with the staff to support the fire protection effort and the NRC fire protection walkdown.

We have carefully reviewed the NRC staff interim position on fire protection which was contained in the NRC's correspondence of June 29, 1981. The interim position contained in that correspondence would require plants licensed after January 1, 1979, which includes Midland Units 1 and 2, to comply with the fire protection requirements established by Appendix R to 10 CFR 50 in accordance with the requirements of 10 CFR 50.48 as well as by Branch Technical Position (BTP) APCSB 9.5-1.

We have recently submitted Revision 35 of the Midland FSAR which was distributed by Consumers Power letter dated July 14, 1981. This revision to FSAR Appendix 9A, Fire Protection Evaluation Report, documents the substantial effort which was completed to measure the Midland Plant design against current NRC guidance, including Branch Technical Position (BTP) APCSB 9.5-1 and Appendix R, on fire protection. We believe that the Midland fire protection design meets the intent of the guidelines contained in Appendix R and BTP APCSE 9.5-1.

In those instances where specific requirements could not be met in a practical manner, alternate positions have been developed which meet the intent of NRC guidance and are documented in FSAR Appendix 9A.

In spite of this, we call your attention to an issue of legal disagreement with the staff upon which we wish to reiterate our position and make it known

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for the record. We view the staff's interim position as an unwarranted attempt to extend the provisions of Appendix R beyond the bounds established by the document. As your June 29, 1981 correspondence properly points out, Appendix R is expressly limited to plants licensed to operate prior to January 1, 1979. The interim position seems to ignore that limitation. It is equally clear from the terms of Appendix R that plants licensed to operate after January 1, 1979 were not intended to fall under Appendix R. For plants in the advance stages of design, such as Midland, Appendix R does not provide the proper balance of specific requirements and flexibility to develop innovative solutions to plant-specific problems related to fire protection. Other NRC documents, such as BTP APCS 9.5-1, do provide a more balanced approach. We, therefore, reiterate our position that the Midland Plant is not required to comply with the specific requirements of Appendix R to 10 CFR 50. Additionally, it is our position that since we do not need to comply with Appendix R, exceptions to this regulation will not be identified and addressed in the Midland FSAR or elsewhere.

In reviewing the summary of the April 15, 1981 meeting submitted with your June 11, 1981 letter, we feel certain statements require clarification as identified below:

- A. Paragraph 4 states: "The Midland fire protection evaluations are based upon the premise that a fire will be limited to a single control cabinet. The staff will advise the applicant further its position whether loss of additional cabinets need be considered."

Although the staff has not yet advised us of its position on whether the assumption of a fire in the control room is confined to only a single cabinet, we assume that it is a valid premise and the Midland design effort is proceeding based on this assumption. This is based upon the direction given to other plants being licensed by the NRC staff and in correspondence from Mr T E Mulvey, NRC Director of the Division of Safety Technology, to Mr S A Bernsen, Bechtel (SF) Manager of Nuclear Engineering dated May 8, 1981.

- B. Paragraph 5, first and second sentence state: "The Midland control room design does not include a fire suppression system. This is not in accordance with Section 3 of the Appendix R and will require an exception."

This statement is not true in that manual fire suppression has been provided in the control room. In addition, detection is provided in the control room and major walk-in control cabinets. Because Appendix R requirements cannot legally be applied to Midland, we will not identify exceptions to Appendix R. The method of fire protection we have provided for the control room is an alternative rather than an exception to the NRC guidelines.

- C. Paragraph 6, second sentence stated: "Three cabinets are located in a small but clean room of the Electrical Penetration Area with numerous overhead cable trays complicating installation of any fire barrier."

The cabinets are located within the auxiliary shutdown panel area, not the electrical penetration area. There is only one small cable tray located within this area. The obstruction to installing a floor to ceiling, wall to wall, one hour rated fire barrier is caused by an intervening stairway and several conduits.

- D. Paragraph 7, second sentence stated: "The staff noted that a failure mode analysis would be needed."

This statement seems to imply that it was the staff's position that a failure modes and effects analysis would be required on Midland. R Ferguson mentioned that failure positions and the demonstrated capability to control the plant in the event of electrical failures should be considered. It was our understanding from the discussion of our meeting that the NRC has not asked us to perform a failure modes and effects analysis.

- E. Paragraph 7, last sentence stated: "Special attention to the protection for water chillers is also needed."

This statement is only partial representation of the discussions from the meeting. The staff stated that based upon the information we presented, they would require Consumers Power to present the fire protection provided in the area of the safety grade chilled water coolers as an alternative. The staff would then review the area to determine if the alternative sufficiently met the intent of Appendix R.

In addition to the above clarifications, there was no mention of the positions taken by the staff on the use of marine board as a fire barrier, the reactor coolant pump motor oil collection system design, or the method of providing electrical isolation between alternate and main points of control. It is felt that the meeting summary did not sufficiently represent the full discussion between Consumers Power and the staff.

As stated earlier, we have recently issued Revision 35 of the Midland FSAR which updated our fire hazards analysis. We believe a meeting with the NRC staff would be helpful at this time, during the staff's review of the Midland FSAR Appendix 9A, Fire Protection Evaluation Report. Our objective for this meeting would be to clarify and fully explain the revised Fire Protection Evaluation Report while responding to NRC staff questions. We prefer that this meeting take place during the week of August 17, 1981 to support the current fire protection effort.

The present plant construction schedule will allow a plant fire protection walkdown to be performed anytime after September 7, 1981. By this time 99% of all cable tray and 93% of all electrical conduit will be installed. As demonstrated to Mr R Anand (NRC) during the April 28, 1981 tour of the Midland Plant, the electrical cable need not be installed since separation distances can be easily observed using the installed conduit and cable trays. Based on Mr R Anand's responses during our April tour, it is our understanding that he readily agreed with the conclusion that electrical construction on Midland would be sufficiently complete to allow the NRC's walkdown to take place in September 1981. We believe a meeting just prior to the site walkdown would be

useful to the NRC and allow us to present the approach used to identify separation problems in fire areas and to establish solutions in areas where problems were identified.

Consumers Power feels that the position we are presenting to the staff on fire protection meets the intent of Appendix R to 10 CFR 50. The site walkdown and meeting schedule presented to the staff are important to ensure that proper implementation of the fire protection program can proceed at its current rate to support the present construction and start-up schedule of the Midland Plant. Please contact Mr D M Budzik at (517) 788-2414 at the earliest possible time to discuss further arrangements for the series of meetings outlined above.


R A Wells
Executive Manager

For: J W Cook

JWC/RLT/RAP/mo

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