Docket No. 50-346

License No. NPF-3

Serial No. 1-463

September 20, 1984

TOLEDO EDISON

RICHARD P. CROUSE
Vice President
Nuclear
(419) 259-5221

Mr. C. E. Norelius, Director
Division of Reactor Projects
United States Nuclear Regulatory Commission
Region III
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Dear Mr. Norelius:

Toledo Edison acknowledges receipt of your August 14, 1984 letter (Log No. 1-1016), and enclosures; Appendix A, Notice of Violation, and Inspection Report No. 50-346/84-12 (DRP).

Following an examination of the items of concern, Toledo Edison herein offers information regarding these items:

1. Violation: Technical Specification Section 6.8.1.a requires written procedures to be established, implemented and maintained for the applicable procedures recommended in Appendix A of Regulatory Guide 1.33, November 1972. Procedures for Performing Maintenance are listed in Section 9 of Appendix A.

Maintenance Procedure, MP1410.63, Electrical Maintenance Guidelines, Section 7.1 requires equipment be maintained in accordance with drawing series M-269 for protection from actuation of the fire protection sprinkler system.

Contrary to the above, numerous electrical junction boxes were not maintained in accordance with drawing M-269AS in that these safety-related junction boxes were not protected from the fire protection sprinkler system.

This is a Severity Level V violation (Supplement I).

Response: (1) Corrective action taken and results achieved.

The inspection report states "the inspectors noted numerous safety-related electrical junction boxes not

protected from fire suppressision actuation (sprinklers)." Since the inspection report does not specify which safety-related electrical junction boxes are of concern, the Station Electrical Maintenance Group has been working with the NRC Resident Inspector to return those boxes identified by the Resident Inspector to the conditions described in drawing M-269.

The equipment identified in drawing M-269 falls under the cognizance of the Electrical Maintenance Group and the Instrument and Control (I&C) Maintenance Group. IC 2601.04, "Fire Shield and Spray Procedure", has been developed by the I&C Maintenance Group which addresses the requirements of drawing M-269.

(2) Corrective action to be taken to avoid further noncompliance.

Under Maintenance Work Order 1-84-2883-00, the equipment listed in drawing M-269 will be inspected against the protection required by drawing M-269.

Prior to conducting the inspection of this equipment, Electrical and I&C Shop personnel will be instructed on the use of MP 1410.63 and IC 2601.04 in respect to appropriate maintenance requirements for safety-related electrical junction boxes.

MP 1410.63, "Electrical Maintenance Guidelines", has been issued for required reading to the Electrical Maintenance Shop and Staff and to the Facility Modification Department. IC 2601.04, "Fire Shield and Spray Procedure", will be issued for required reading to the I&C Shop and Staff.

The Nuclear Training Department is developing a training program which will address the protection required by drawing M-269 and the requirements of Procedures MP 1410.63 and IC 2601.04. Formal training for Electrical and I&C personnel will include the requirements of the foremen-tioned procedures.

(3) Date when full compliance will be achieved.

Inspection of the equipment listed in drawing M-269 will be completed by December 31, 1984. The training on MP 1410.63 and IC 2601.04 will be completed by April 30, 1985.

2. Violation: 10 CFR 21.21(a) states, in part: "Each individual, corporation, partnership, or entity subject to the regulations in this part shall adopt appropriate procedures to:

(1) Provide for: (a) Evaluating deviations or...

(2) Assure that a director or responsible officer is informed if the construction or operation of a facility, or activity, or basic component supplied for such facility or basic activity:

(i) Fails to comply..., or

(ii) Contains a defect."

Contrary to the above requirements, the following deficiencies were identified in the procedures adopted by Toledo Edison Company (TEDCo) pursuant to 10 CFR 21.21(a):

a. No assurance is provided that potential 10 CFR 21 reportable items identified by Toledo Edison Company personnel would be forwarded to Nuclear Facility Engineering (NFE) for evaluation, as required by the TEDCo QA Manual.

b. Instructions provided by TEDCo procedure QAI 4150, QA Review of Nonconformance Reports, resulted in bypassing the programmatically required NFE evaluation of potential reportable deviations.

c. Neither QAI 4150 nor NFE procedure FFE-007, Processing of NCRs, SDRs, and SDDRs, provided for preparation and maintenance of records of the results of evaluations performed pursuant to 10 CFR 21. In addition, these procedures provided no detailed criteria upon which to base the evaluation.

d. The instructions provided for notification of a responsible company officer appeared to leave the determination of reportability to that responsible company officer.

The instructions provided for notification of a responsible company officer did not provide assurance that the required notification was made and did not provide for the preparation and maint[illegible]e of records to assure compliance with the provisions of 10 CFR 21.21(a)(2).

e. No documents reviewed by the inspector provided assurance that notifications made to the Commission pursuant to 10 CFR 21.21(b)(2) and (3).

f. The posting provided pursuant to 10 CFR 21.6 stated, "Any employee, who at any time is aware of any defect which could cause a substantial safety hazard to the Davis-Besse Nuclear Power Station, has the right, and indeed the obligation, to notify the Quality Assurance Director of the defect. In lieu of this notification, the guidelines of Nuclear Practices and Procedures (NPP) Admin-10 may be followed to maintain confidentiality. NPP Admin-10 may be obtained from any Nuclear Mission Area Head."

Review of procedure NPP Admin-10 revealed that notification made in accordance with the above would not procedurally result in an evaluation of the condition by NFE for reportability in accordance with 10 CFR 21.21(a)(1) and thereby could result in a failure to report an identified reportable condition.

This is a Severity Level V violation (Supplement I).

Response: (1) Corrective action taken and results achieved.

Toledo Edison has reviewed and enhanced the Conditions Adverse to Quality program to implement the requirements of 10 CFR 21. Attachment 1 provides the guidelines that have been developed for providing guidance in determining the applicability and reportability of a deficiency in accordance with the requirements of 10 CFR 21.

(2) Corrective action taken to avoid further noncompliance.

The guidelines specified in Attachment 1 have been incorporated into the applicable Station, Engineering, and Quality Assurance procedures. The procedures require that deficiencies considered reportable under 10 CFR 21 be reported through the Deviation Report System. This system has been modified to provide for prompt notification to the NRC per the requirements of 10 CFR 21.21(b)(2) of any such deficiencies.

Additionally, the posting required by 10 CFR 21.6 has been revised as per Attachment 2.

(3) Date when full compliance will be achieved.

Full compliance has been achieved.

Very truly yours,

RPC:SGW:nlf
encl.
cc: DB-1 NRC Resident Inspector

20 AD 1807.00.10

10 CFR 21 EVALUATION GUIDELINES

1. Does the Condition Adverse to Quality involve a basic component as defined below?

   a. If YES, the condition may be reportable under 10 CFR 21.

   b. If NO, the condition is NOT reportable under 10 CFR 21.

   A BASIC COMPONENT is defined as follows:

   1. A structure, system, component or part thereof which is classified as nuclear safety related or Seismic Class I.

   2. Services which could in themselves result in creating or identifying a defect in an associated nuclear safety-related structure, system, component or part thereof whether or not these services are performed by the component supplier or others. Safety-related services include design, engineering, testing, inspecting, and consulting services. Examples of these types of safety-related services and software are:

      - Nondestructive examination of safety related welds,
      - Design of safety-related pipe hangers and supports,
      - Seismic and geologic surveys for a reactor site,
      - Specification of safety-related hardware characteristics,
      - Computer codes for reactor analysis,
      - Emergency procedures,
      - Packaging as defined in Part 71,
      - Fire protection inspections by fire consultants,
      - Health physics service,
      - Waste disposal services,
      - Fuel fabrication
      - Authorized nuclear inspection services,
      - Design and safety-related services for Seismic Category I systems, components and structures,
      - Calibration services.

2. Does the Condition Adverse to Quality in the basic component contain or involve a defect as defined below?

   a. If YES, the condition may be reportable under 10 CFR 21.

   b. If NO, the condition is NOT reportable under 10 CFR 21.

   A DEFECT is defined as follows:

   1. A departure from the technical requirements includes in a procurement document for a basic component delivered to a purchaser for use in a nuclear power plant or an activity subject to 10 CFR 21 if, on the basis of an evaluation, the deviation could create a substantial safety hazard; or

2. The installation, use, or operation of a basic component containing a defect as defined above; or

3. A deviation in a portion of a nuclear power plant or manufacturing licensing requirements of 10 CFR 50 provided the deviation could, on the basis of an evaluation, create a substantial safety hazard and the portion of the nuclear power plant containing the deviation has been offered to the purchaser for acceptance; or

4. A condition or circumstance involving a basic component that could contribute to the exceeding of a safety limit, as defined in the technical specifications.

3. COULD the defect in basic component create a substantial safety hazard?

a. If YES, the condition is reportable under 10 CFR 21.

b. If NO, the condition is NOT reportable under 10 CFR 21.

A SUBSTANTIAL SAFETY HAZARD is defined as follows:

A substantial safety hazard is a loss of safety function to the extent that there is a major reduction in the degree of protection provided to public health and safety. This includes but is not limited to the following:

1. A condition or circumstance involving a Basic Component that could contribute to the exceeding of a safety limit as defined in plant Technical Specifications.

2. Occurrences which could result in potential offsite exposures comparable to those referred to in 10 CFR 100.11.

3. Occurrences that result in operation outside the Technical Specifications such that there is a major reduction in the degree of protection provided to public health and safety.

4. Occurrences related to the plant security system which allow or could allow an unauthorized individual to gain access to a vital area without being detected when such access could create a Substantial Safety Hazard as otherwise defined.

5. Moderate exposure to or release of licensed material such that there is a major reduction in the degree of protection provided to public health and safety.

6. Major degradation of essential safety-related equipment such that there is a major reduction in the degree of protection provided to public health and safety.

7. Major deficiencies involving design, construction, inspection, test, or use of licensed facilities or material such that there is a major reduction in the degree of protection provided to public health and safety.

4. HAS the NRC been previously informed of the 10 CFR 21 defect or failure to comply?

   a. If YES, the condition needs not be reported. However, the document by which the NRC has been informed should be denoted in Block 19 of the DVR form.

   b. If NO, the conditions must be reported in accordance with AD 1804.00.

   NOTE: Duplicate reporting of conditions which are also reportable under 10 CFR 20, 10 CFR 50, 10 CFR 70, or 10 CFR 73 is not necessary provided the 10 CFR 20, 10 CFR 50, 10 CFR 70, or 10 CFR 73 report contains that information required to be reported under 10 CFR 21.

END

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Attachment 2
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TOLEDO EDISON

RICHARD P. CROUSE
Vice President
Nuclear
(419) 259-5221

July 10, 1984

Supersedes 10CFR21 Notice
Posted August 5, 1983

NOTICE

This notice is posted in accordance with the posting requirements of the Federal Regulation 10CFR21 and must not be removed.

Toledo Edison has adopted procedures in accordance with the regulations of 10CFR21 to (1) provide for evaluating deviations and (2) assure that a responsible company office is informed if the modification or operation of the Davis-Besse Nuclear Power Station:

A. Fails to comply with the Atomic Energy Act of 1954 as amended, or any applicable rule, regulation, or or license of the Commission relating to a substantial safety hazard, or

B. Contains a defect which could create a substantial safety hazard.

Section 16 of the Toledo Edison Nuclear Quality Assurance Manual (NQAM) requires that Conditions Adverse to Quality be evaluated for their reportability in accordance with the requirements of 10CFR21. Detailed procedures for determining 10CFR21 reportability may be found in each Nuclear Mission Division's procedures or may be obtained from the Quality Assurance director.

Included as attachments to this Notice, addressing the posting requirements of 10CFR21 are (1) the regulations of 10CFR21 and (2) Section 206 of the Energy Reorganization Action of 1974.

Any employee, who at any time is aware of any defect which could cause a substantial safety hazard to the Davis-Besse Nuclear Power Station, has the right, and indeed the obligation, to notify the Quality Assurance Director of the defect.

RPC/jmc

Attachments