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United States Nuclear Regulatory Commission
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Subject: Fire Protection - Schedule to Complete Fire Protection Corrective Actions (TAC Numbers 60994, 60995 and 61745)

Gentlemen:

On July 21, 1988, representatives of the NRC and Toledo Edison met to discuss additional NRC questions regarding Toledo Edison's recent fire protection submittals, the Davis-Besse Fire Protection Action Plan and the contents of the upcoming NRC Fire Protection Safety Evaluation Report. During the meeting, Mr. Kubicki, the NRC Staff Reviewer, stated that the NRC would issue an interim Safety Evaluation to address the NRC review of the Davis-Besse fire protection program completed to date. Mr. Kubicki stated that he had accepted the responses in the recent submittals and had no additional technical questions regarding the ongoing 10CFR50, Appendix R evaluations. Mr. Kubicki also acknowledged that Toledo Edison has committed to establish compliance with 10CFR50, Appendix R by restart from the sixth refueling outage. However, no schedule had been established to resolve any identified NFPA Code deficiencies associated with systems used to satisfy Appendix A to BTP APCSB 9.5-1.

The NRC issued a concise summary of that meeting in letter dated September 23, 1988 (Log Number 2705). Toledo Edison, however, wishes to clarify two apparent misunderstandings regarding its commitments as stated in the NRC's meeting summary.

The NRC's meeting summary states that Toledo Edison committed 1) to submit by September 1988 a schedule to implement the resolutions of any identified NFPA Code deficiencies affecting systems used to satisfy Appendix A to APCSB 9.5-1, and 2) to submit the results of the pending safe shutdown analyses before the end of 1988. In letter dated May 23, 1988 (Serial Number 1497), Toledo Edison did commit to identify such a schedule in September 1988 and to complete by the end of 1988 the evaluation of the time necessary to isolate any potential breach of a high-low pressure interface before an unrecoverable plant [illegible]tion occurs. However, Toledo Edison has not committed, in Serial Number

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1497 or in the aforementioned meeting, to transmit this information to the NRC and additional time will be required to prepare the submittals, which is discussed herein.

The following is a discussion of the schedules to submit the results of the safe shutdown analyses and the NFPA Code reviews, and the schedule to resolve any identified NFPA Code deviations. These schedules have been discussed with Mr. Kubicki, NRC Staff Reviewer, on October 4-5, 1988.

SCHEDULE TO SUBMIT RESULTS OF APPENDIX R EVALUATIONS

Based on conversations with Mr. Kubicki of the NRC Staff, Toledo Edison understands that the Appendix R evaluations to be submitted to the NRC are those associated with the time and manpower studies of the manual operator actions required by the post-fire safe shutdown procedure for a fire outside the Control Room. These evaluations are called safe shutdown analyses in the NRC's meeting summary. In letter dated May 23, 1988 (Serial Number 1497), Toledo Edison committed to complete the time and manpower evaluation by the end of 1988. These evaluations will include those associated with the high-low pressure interfaces discussed in Toledo Edison letter dated May 23, 1988 (Serial Number 1497) and those associated with the service water system and certain ventilation systems as discussed in letter dated June 6, 1988 (Serial Number 1535). An additional 2 months is necessary to prepare this submittal. Consequently, the results of these evaluations and the identification of the necessary corrective actions to satisfy 10CFR50, Appendix R will be submitted to the NRC by February 28, 1989.

SCHEDULE TO SUBMIT RESULTS OF NFPA CODE REVIEW

The NFPA Code review is scheduled to be completed by May 30, 1989 as stated in letter dated May 23, 1988 (Serial Number 1497). An additional 2 months is necessary to prepare this submittal. Therefore, by July 31, 1989, Toledo Edison will submit the results of the NFPA Code review and identify the resulting corrective actions to resolve any identified deficiencies.

SCHEDULE TO RESOLVE NFPA CODE DEFICIENCIES

In Serial Number 1497, Toledo Edison also committed by September 1988 to determine the schedule to resolve the NFPA Code deviations in fire protection systems used to satisfy Appendix A to BTP APCSB 9.5-1. Toledo Edison has prepared a comprehensive schedule addressing resolution of NFPA Code deviations affecting fire protection systems used to satisfy both Appendix A to BTP APCSB 9.5-1 and the applicable section of 10CFR50, Appendix R. This schedule, shown on Attachment 1, prioritizes the implementation of the resolutions based on the significance of the deviation and the system affected by the deviation.

The development of this schedule is based on the Davis-Besse Fire Protection Action Plan discussed during the July 1988 NRC meeting. The main purposes of the Action Plan are to establish compliance with 10CFR50, Appendix R by restart from the sixth refueling and to resolve the remaining fire protection corrective actions in an expedited and orderly manner. This Action Plan itemizes each modification and other corrective actions, such as evaluations, required for completion of the fire protection effort. For the 10CFR50, Appendix R evaluations and NFPA Code reviews that have not been completed at this time, Toledo Edison has conservatively estimated the schedule to implement the potential modifications necessary to complete the fire protection effort.

Attachment 1 can be summarized as follows. By the end of the sixth refueling outage, Toledo Edison will resolve NFPA Code deviations affecting existing capability used to satisfy 10CFR50, Appendix R. New fire protection capability will be installed to satisfy 10CFR50, Appendix R by restart from the sixth refueling outage and will satisfy the applicable NFPA Code or the alternative design will be technically justified and documented as part of the Davis-Besse fire protection program. The administrative enhancements to the fire protection program and procedures necessary to satisfy 10CFR50, Appendix R and the applicable NFPA Codes will also be completed by the end of the sixth refueling outage. The NFPA Code deviations that result in the inoperability of fire protection systems used to satisfy Appendix A to BTP APCSB 9.5-1 and for which compensatory measures are established will be resolved by the end of the seventh refueling outage. The remaining NFPA Code deviations will be resolved over the two operating cycles following the sixth refueling outage in order to be completed by restart from the eighth refueling outage.

The necessary compensatory measures for fire protection equipment that may be found inoperable as a result of the NFPA Code review would be established consistent with the Davis-Besse fire protection program until the equipment is restored to an operable condition. These compensatory measures address fire protection equipment used to satisfy 10CFR50, Appendix R and Appendix A to BTP APCSB 9.5-1. The compensatory measures for Appendix R fire protection equipment are consistent with or exceed the commitments stated in NRC letter dated October 4, 1983 (Log Number 1375). It is the Appendix R fire protection capability that protects plant equipment necessary to achieve a safe shutdown condition in the event of a fire, thereby ensuring the public safety. Fire protection equipment that is used to satisfy Appendix A to BTP APCSB 9.5-1, and not to satisfy 10CFR50, Appendix R, protects equipment used solely to mitigate the consequences of design basis accidents. The loss of such equipment in the event of a fire would not, per se, impact public safety as stated in 10CFR50, Appendix R. Nonetheless, Davis-Besse's fire protection program conservatively requires compensatory measures for the inoperability

of fire protection systems used to satisfy Appendix A to BTP APCSB 9.5-1. Therefore, Toledo Edison does not consider the safe operation of Davis-Besse to be jeopardized pending the completion of the necessary corrective actions resulting from the NFPA Code review.

If there are any questions regarding this matter, please contact Mr. R. W. Schrauder, Nuclear Licensing Manager at (419) 249-2366.

Very truly yours,

MAL/dlm

Attachment

cc: P. M. Byron, DB-1 NRC Resident Inspector
A. B. Davis, Regional Administrator, NRC Region III
A. W. DeAgazio, DB-1 NRC Senior Project Manager
D. J. Kubicki, NRC/NRR Staff Reviewer

Attachment 1

Schedule to Resolve NFPA Code Deviations

ACTION	SCHEDULE
Installation of new fire protection capability used to protect safe shutdown equipment (10CFR50, Appendix R)	End of the sixth refueling outage
Resolution of NFPA Code deviations for existing fire protection capability used to protect safe shutdown equipment (10CFR50, Appendix R)	End of the sixth refueling outage
Administrative enhancements to fire protection program and procedures	End of the sixth refueling outage
Resolution of NFPA Code deviations that affect operation of systems used to satisfy Appendix A to BTP APCSB 9.5-1	End of the seventh refueling outage
Resolution of NFPA Code deviations that do NOT affect the operation of systems used to satisfy Appendix A to BTP APCSB 9.5-1.	End of the eighth refueling outage