

January 31, 2006

Mr. Charles D. Naslund, Senior Vice President
and Chief Nuclear Officer
Callaway Plant
AmerenUE
P.O. Box 620
Fulton, MO 65251

SUBJECT: NRC RESPONSE TO AMERENUE'S LETTER OF INTENT TO ADOPT
10 CFR 50.48(c) (NFPA 805 RULE) FOR CALLAWAY PLANT, UNIT 1

Dear Mr. Naslund:

This letter responds to your letter dated December 2, 2005 (Agencywide Documents Access and Management Systems Accession No. ML053420340), in which you informed us that AmerenUE intends to adopt National Fire Protection Association (NFPA) 805, "Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generating Plants," 2001 Edition (NFPA 805 Rule), in accordance with the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Paragraph 50.48(c) for the Callaway Plant.

In your letter, you informed us that your transition to the performance-based fire protection standard will commence in January 2006. You also indicated that the actual start date will be contingent on finalizing the contract vendor. Your letter requests enforcement discretion for existing U.S. Nuclear Regulatory Commission (NRC) identified unresolved items and non-compliances identified during the transition process in accordance with the NRC's Interim Enforcement Policy (69 FR 33684 and 70 FR 2662) for 24 months. Since you met the deadline to receive the discretion for existing identified non-compliances, NRC approves your request. In accordance with the current Enforcement Policy, your discretion period will begin December 31, 2005, and expire on December 31, 2007.

In your letter, you requested an enforcement discretion window of 3 years to allow program development, submittal of an amendment request, and NRC approval of the request. A number of utilities have requested a 36-month enforcement discretion window to have time to create a fire probabilistic risk assessment. Issues similar to ones you raised, as the basis for requesting a 36-month enforcement discretion window, have been raised by the other licensees that have sent us a letter of intent to adopt NFPA 805. The NRC staff is considering your request and will contact you when we have reached a decision.

You have also proposed that we consider the Callaway Plant as a pilot for the NFPA 805 Transition Pilot Program. NRC has already selected two pilot plants to enable us to develop and refine the regulatory structure supporting the NFPA 805 implementations. The Chief Financial Officer will respond to you separately on your request for a fee waiver per regulation 10 CFR 170.11.

In your letter you have requested a meeting with the NRC staff in early 2006, to review your project plans. You have also requested opportunities to keep the NRC staff informed of the transition status and be a forum to discuss and resolve issues identified during the course of the transition. We recognize the benefits from communications among transitioning licensees, Office of Nuclear Reactor Regulation (NRR), and regional staff. Therefore, we plan to hold periodic workshops at the regional offices on NFPA 805 implementation issues. We recognize that Callaway will be one of the first Region IV plants to transition to NFPA 805 and lessons learned from your transition would be beneficial to the Region IV staff and other licensees who are transitioning. These workshops will allow you to communicate ongoing transition issues and facilitate the development of acceptable solutions. It will also afford you a chance to learn from other licensee's transition issues industry wide. In addition, the opportunity always exist for on-site visits to Callaway with NRR and regional staff on an as-needed basis.

Please note that in order to receive the enforcement discretion, you must evaluate the risk significance of all non-compliances to assure that they do not constitute "Red" findings, enter them into your corrective action program, and implement and maintain appropriate compensatory measures, until the NRC staff approves your license amendment request to transition to NFPA 805 and issues the safety evaluation report. Please refer to NRC Regulatory Issue Summary 2005-07 "Compensatory Measures to Satisfy the Fire Protection Program Requirements," to determine appropriate compensatory measures.

If you have any questions regarding this matter, please contact Jack Donohew, NRR Project Manager for Callaway at (301) 415-1307 (jnd@nrc.gov).

Sincerely,

/RA/

Catherine Haney, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-483

cc: See next page

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Sincerely,
/RA/

Catherine Haney, Director
Division of Operating Reactor Licensing
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