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December 19, 2005

U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

**ATTENTION:** Document Control Desk

**SUBJECT:** Calvert Cliffs Nuclear Power Plant  
Unit Nos. 1 & 2; Docket Nos. 50-317 & 50-318  
Nine Mile Point Nuclear Station  
Unit Nos. 1 & 2; Docket Nos. 50-220 & 50-410  
R.E. Ginna Nuclear Power Plant  
Docket No. 50-244

Letter of Intent to Adopt NFPA 805 – Performance-Based Standard for Fire Protection for Light Water Reactor Generation Plants, 2001 Edition

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This letter serves to inform you that Constellation Generation Group, LLC (CGG) intends to adopt NFPA 805 (Performance-Based Standard for Fire Protection for Light Water Reactor Generation Plants, 2001 Edition) in accordance with 10CFR50.48(c) for the R.E. Ginna Nuclear Power Plant (Ginna). We are currently evaluating the potential to similarly adopt NFPA 805 for the Nine Mile Point Nuclear Station and Calvert Cliffs Nuclear Power Plant. This evaluation is anticipated to be completed by May 1, 2006 at which time an additional letter will be submitted indicating any intention to adopt NFPA 805.

The transition to the performance-based standard for Ginna will commence during the first quarter, 2006, and will take approximately 36 months to fully implement. The schedule is subject to change depending on the extent of any physical plant modifications and/or changes to the fire protection program determined necessary to comply with NFPA 805. An updated schedule will accompany the License Amendment Request required under 10CFR50.48(c)(3)(i).

The NRC Interim Enforcement Policy (69FR33684, June 19, 2004) provides guidelines for enforcement discretion for identified non-compliances. Those non-compliances must be entered into the licensee's Corrective Action Program, must not be associated with findings that the Reactor Oversight Process Significance Determination Process would evaluate as Red, or would not be categorized as Severity Level 1, and appropriate compensatory measures need to have been taken. As outline in the Enforcement Policy, enforcement discretion begins with the licensee's letter of intent.

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For the reasons stated below, Ginna requests an extension of the enforcement discretion window to three (3) years:

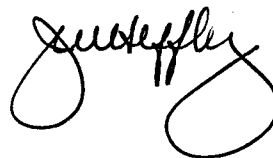
- Within CGG, and the nuclear industry in general, there are a limited number of experts in the areas of Electrical Engineering (circuit analysis), System Engineering, and Appendix R Safe Shutdown who would be needed to support reconstitution of the Appendix R design basis and the transition to NFPA 805.
- Since Ginna would be the first CGG plant to adopt NFPA 805, we want to use this as an opportunity to incorporate lessons learned into potential future adoptions within the CGG fleet. Consequently, we plan to use a structured approach and process to utilize fleet resources most effectively.
- We believe that the risk of extension of the enforcement discretion window is low since the issues have been assessed as low risk.

We also propose that Ginna be considered a pilot plant for the initial implementation of performance-based fire protection using NFPA 805. As part of this pilot process, we request that all licensing and review fees be waived for the License Amendment Request. Ginna is the oldest operating pressurized water reactor (PWR) in the United States and offers the opportunity to gain considerable insight into applying current risk-informed practices with respect to a plant originally designed and licensed in the 1960s. It would also offer the opportunity to expand and further learn from some of the risk evaluation practices originally implemented during the Systematic Evaluation Program that Ginna participated in during the late 1970s and early 1980s. The waiver of licensing fees will somewhat offset the expense and burden of orchestrating the on-site observation process.

This correspondence contains no regulatory commitments.

Should you have any questions regarding the information in this submittal, please contact Mr. Mark Flaherty at (410) 897-5087 or [mark.flaherty@constellation.com](mailto:mark.flaherty@constellation.com).

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark Flaherty", written in a cursive style.

cc: Director, Project Directorate I-1, NRC  
P. D. Milano, NRC  
S. J. Collins, NRC  
T. G. Colburn, NRC

Resident Inspector, NRC (Calvert Cliffs)  
Resident Inspector, NRC (Ginna)  
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