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**Subject: Beaver Valley Power Station, Unit Nos. 1 & 2, Docket Nos. 50-334 & 50-412
Davis-Besse Nuclear Power Station, Unit No. 1, Docket No. 50-346
Perry Nuclear Power Plant, Unit No. 1, Docket No. 50-440
Information Regarding Proposed Adoption of NFPA 805 "Performance-
Based Standard for Fire Protection for Light Water Reactor Electric
Generating Plants, 2001 Edition"**

The NRC has encouraged licensees to consider the benefits of NFPA 805 (Performance-Based Standard for Fire Protection for Light Water Reactor Generating Plants, 2001 Edition) and transfer the plant's Fire Protection Program to this standard in accordance with 10 CFR 50.48(c). FirstEnergy Nuclear Operating Company (FENOC) recognizes that the overall benefit of NFPA 805 is to ensure optimum focus on enhancing plant safety through the use of performance based standards and risk informed decision-making techniques. This letter provides FENOC's intentions regarding the adoption of NFPA 805 as the regulatory basis for Fire Protection Programs at the Beaver Valley Power Station (BVPS), Davis-Besse Nuclear Power Station (DBNPS), and Perry Nuclear Power Plant (PNPP).

The transition to the performance-based standard for fire protection will be implemented as a fleet initiative, and will commence in a staggered fashion beginning with BVPS Unit Nos. 1 & 2. The current timetable for the proposed initiative provides three years for full implementation activities at each FENOC site, which include the following:

Phase I - Preliminary assessment of the Fire Protection Program:

- Technical and regulatory assessments performed to determine the feasibility and practicality of performing the transition

Phase II - Reviews and Engineering Analysis:

- Completion of Fire Protection Probabilistic Risk Assessment (PRA)

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- Fundamental Fire Protection Program and Design Elements review
- Nuclear Safety Performance Criteria Transition review
- Non-Power Operational Mode Transition review
- Radiological Release Transition review
- Change Evaluations
- License Amendment Request

Phase III – Implementation:

- Program Documentation
- Configuration Control
- Monitoring

The process for each site will be considered complete upon implementation of the License Amendment authorizing the transition to 10CFR 50.48(c). The approach described above is subject to change as physical modifications or changes to the Fire Protection Program are determined to be necessary. At all three FENOC sites, newly identified issues involving the potential for fire induced circuit failures will be addressed by applying NFPA-805 risk informed performance based analytical methods to determine appropriate corrective action. This phased and extended transition approach is considered the most appropriate for the following reasons:

- 1) Based on past experience, there is a strong desire to maintain consistency between FENOC sites. If sufficient personnel (either in-house or contractor) are not available to perform the multiple plant transitions in parallel, there is added burden to maintain the analysis consistency and quality.
- 2) Due to developing interpretation of regulations and standards, noncompliances may be identified as the pilot plants and the FENOC plants transition to 10CFR 50.48(c). Thorough investigation and determination of the extent of condition across the FENOC fleet will ensure the most effective application of the new compliance standard.
- 3) Development of Probabilistic Risk Assessment (PRA) for fire protection application, necessary for the transition to a performance-based fire protection program, is expected to take approximately eighteen to twenty-four months. Therefore, the PRA being developed for the change analysis will not be available until approximately two years after the start of the transition.
- 4) Within FENOC, and in the nuclear industry in general, there is a limited availability of Fire Protection experts needed to support the transition to 10CFR 50.48(c).

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The NRC Interim Enforcement Policy (69 FR 33684, June 16, 2004, and 70 FR 2662, January 14, 2005) established NRC policy regarding enforcement discretion for certain noncompliances related to fire protection programs and the transition to 10 CFR 50.48(c). As outlined in the Enforcement Policy, enforcement discretion begins with the licensee's letter of intent. FENOC understands that this letter of intent initiates a window of enforcement discretion for BVPS Unit Nos. 1 & 2, as appropriate, based on the conditions established in the Enforcement Policy. As a follow-up, FENOC will submit implementation schedules for DBNPS and PNPP to establish the beginning of their respective enforcement discretion windows. The Enforcement Policy also provides for extension of the discretion period if adequate justification is provided. Given the challenges resulting in the extended implementation approach described above, it is anticipated that extension of the enforcement discretion period will need to be considered.

Since the transition to the NFPA 805 performance-based standard for fire protection is a voluntary initiative, this correspondence contains no regulatory commitments. If there are any questions or if additional information is required, please contact Mr. Gregory A. Dunn, Manager – FENOC Fleet Licensing, at (330) 315-7243.

Sincerely,



cc: NRC Project Manager - Beaver Valley Power Station
NRC Project Manager - Davis Besse Nuclear Power Station
NRC Project Manager - Perry Nuclear Power Plant
NRC Resident Inspector - Beaver Valley Power Station
NRC Resident Inspector - Davis Besse Nuclear Power Station
NRC Resident Inspector - Perry Nuclear Power Plant
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