



**Pacific Gas and
Electric Company®**

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PG&E Letter DCL-05-153

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Docket No. 50-275, OL-DPR-80
Docket No. 50-323, OL-DPR-82
Diablo Canyon Units 1 and 2

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

Dear Commissioners and Staff:

This letter serves to inform you of Pacific Gas and Electric Company's (PG&E) intent to adopt National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants," 2001 Edition, in accordance with 10 CFR 50.48(c) for Diablo Canyon Power Plant (DCPP) Units 1 and 2.

DCPP will begin the transition to the performance-based standard for fire protection in January 2006. PG&E will pursue a schedule consistent with submittal of a license amendment request within 36 months. The transition process will be considered complete upon receipt and implementation of the approved license amendment authorizing transition to NFPA-805. The NFPA transition process will proceed in three phases:

Phase I – Preliminary assessment of the Fire Protection Program and limited scope fire probabilistic risk assessment (PRA) upgrade.

Phase II – Reviews, engineering analysis, full scope fire PRA upgrade, and submittal of a license amendment request.

Phase III – Implementation.

The specific transition schedule is subject to change depending on the extent to which PG&E determines that it needs to make either physical modifications or changes to the fire protection program to comply with NFPA 805. The license amendment request, as required by 10 CFR 50.48(c)(3)(i), will include an updated implementation schedule.

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In accordance with the NRC Interim Enforcement Policy (69 FR 33684, June 16, 2004), enforcement discretion is requested for NRC unresolved items, being conservatively treated as noncompliances for the purpose of transitioning to NFPA 805, and PG&E-identified noncompliances related to fire protection. Additionally, PG&E understands that this letter of intent initiates a period of enforcement discretion during which no enforcement actions will be taken for noncompliances (which meet the enforcement policy guidelines) discovered as a result of evaluations to support this licensing basis transition.

PG&E respectfully requests a 36-month enforcement discretion window for the following reasons:

- Efficiencies will be gained by observing completion of the transition for pilot plants and implementing lessons learned.
- PG&E resources would be constrained under a 24-month transition window.
- Industry resources required to assist in the transition will be limited due to the number of plants PG&E anticipates to be transitioning at the same time. There is a limited number of industry experts in the areas of Electrical Engineering (circuit analysis), System Engineering, and Appendix R Safe Shutdown needed to support the transition to NFPA 805.

PG&E recognizes the long-term benefits of a performance-based, risk-informed fire protection program. However, PG&E understands that after submitting this letter of intent to comply with 10 CFR 50.48(c), and prior to submitting the license amendment request, it may withdraw the intent and not complete the transition to 10 CFR 50.48(c) by submitting a letter stating PG&E's intent to retain the existing fire protection licensing basis.

Sincerely,

James R. Becker
Vice President – Operations and Station Director



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cc: Diablo Distribution
cc: Edgar Bailey, DHS
Bruce S. Mallett, Region IV
Terry W. Jackson, Senior Resident Inspector
Alan B. Wang, NRR