

May 31, 2006

Mr. J. M. Heffley
Chief Nuclear Officer
Constellation Generation Group
1997 Annapolis Exchange Parkway
Suite 310
Annapolis, MD 21401

SUBJECT: RESPONSE TO LETTER OF INTENT TO ADOPT NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD 805, CALVERT CLIFFS NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2, AND NINE MILE POINT NUCLEAR STATION, UNIT NOS. 1 AND 2

Dear Mr. Heffley:

I am responding to your letter dated April 17, 2006 (Agencywide Documents Access and Management System Accession No. ML061150257), in which you informed the Nuclear Regulatory Commission (NRC) that Constellation Generation Group, LLC (CGG) intends to adopt NFPA Standard 805, "NFPA 805, Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generation Plants," 2001 Edition, pursuant to Section 50.48(c) of Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.48(c)), at the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (CCNPP), and Nine Mile Point Nuclear Station, Unit Nos. 1 and 2 (NMPNS). In a letter dated February 13, 2006, the NRC responded to your letter of intent dated December 19, 2005, to adopt NFPA 805 at R.E. Ginna Nuclear Power Plant.

In your April 17 letter, you informed us that the transition to the performance-based standard for fire protection at CCNPP and NMPNS will be implemented as a fleet initiative and will commence in a staggered fashion according to the following start date schedule:

NMPNS, Unit 1	May 1, 2006
CCNPP, Units 1 and 2	May 1, 2007
NMPNS, Unit 2	May 1, 2008

Your letter indicated that the current schedule, for each of these CGG sites, for the proposed initiative is 3 years for full-implementation, which includes the following:

Phase I - Preliminary assessment of the current fire protection program
Phase II - Reviews and engineering analysis

You also requested 3 years of enforcement discretion for non-safety significant noncompliances beginning with the implementation of the above start dates. You noted that the above phased approach may change as physical plant modifications or changes to the fire protection program are determined to be necessary. Unless you inform us in writing that your implementation schedule has changed, the enforcement discretion periods for each of the plants would begin on the dates that you had indicated and would last 3 years in accordance with the enforcement

discretion policy. The enforcement discretion period will continue beyond the 3 years while the NRC staff is reviewing your request for the license amendment.

In order to receive enforcement discretion, you must: (a) evaluate the risk significance of all noncompliances to assure that they do not constitute "Red" (or a Severity Level I) findings under the NRC's Reactor Oversight Process, (b) enter them into your corrective action program, and (c) implement and maintain appropriate compensatory measures, until the NRC staff approves your license amendment request and issues its safety evaluation. You should refer to NRC Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements," to determine appropriate compensatory measures.

In response to requests made by a number of licensees, which are not pilots for NFPA 805, for meetings with the NRC staff to discuss their transition issues, the NRC staff plans to hold periodic workshops on NFPA 805 implementation issues at the Regional offices or onsite at units transitioning to the new standard. The staff will inform the nuclear plant licensees of the schedules of these workshops.

If you have any questions regarding this matter, please contact Patrick Milano, Sr. Project Manager, at (301) 415-1457 or pdm@nrc.gov.

Sincerely,

/RA/

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

Docket Nos. 50-317, 50-318,
50-220, and 50-410

cc: See next page

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NAME	PLain	PMilano:tsw	SLittle	SWeerakkody	RGibbs
DATE	05/18/06	05/15/06	05/15/06	05/11/06	05/11/06
OFFICE	OE	R-I/DRS/EB3:BC	LPLI-1:BC	DRA:D	DORL:D
NAME	DSolorio	JRogge	RLaufer	JLyons	CHaney
DATE	05/18/06	05/15/06	05/22/06	05/18/06	05/31/06

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B. McDermott, R-I

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P. Koltay

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RidsNrrLASLittle

Q. Nguyen

D. Holland

Constellation Energy Generation Group

Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2
Nine Mile Point Nuclear Station, Unit Nos. 1 and 2

cc:

Mr. Michael J. Wallace
President
R.E. Ginna Nuclear Power Plant, LLC
c/o Constellation Energy
750 East Pratt Street
Baltimore, MD 21202

Mr. John M. Heffley
Senior Vice President and
Chief Nuclear Officer
Constellation Generation Group
1997 Annapolis Exchange Parkway
Suite 500
Annapolis, MD 21401

Mr. James A. Spina, Vice President
Calvert Cliffs Nuclear Power Plant, Inc.
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, MD 20657-4702

Mr. Timothy J. O'Connor
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

Mr. Carey Fleming, Esquire
Sr. Counsel - Nuclear Generation
Constellation Generation Group, LLC
750 East Pratt Street, 17th floor
Baltimore, MD 21202

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Mark Giles, Sr. Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 287
St. Leonard, MD 20685

Kenneth Kolaczyk, Sr. Resident Inspector
R.E. Ginna Nuclear Power Plant
U.S. Nuclear Regulatory Commission
1503 Lake Road
Ontario, NY 14519

Gordon Hunegs, Sr. Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 126
Lycoming, NY 13093

Mr. R. I. McLean, Manager
Nuclear Programs
Power Plant Research Program
Maryland Department of Natural Resources
580 Taylor Avenue (B wing, 3rd floor)
Tawes State Office Building
Annapolis, MD 21401

Mr. Peter R. Smith, President
New York State Energy, Research, and
Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Mr. Paul Eddy
New York State Department of
Public Service
3 Empire State Plaza, 10th Floor
Albany, NY 12223

Mr. Louis Larragoite
Director, Regulatory Matters
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, MD 20657-4702

President
Calvert County Board of
Commissioners
175 Main Street
Prince Frederick, MD 20678

Constellation Energy Generation Group

cc:

Ms. Kristen A. Burger, Esquire
Maryland People's Counsel
6 St. Paul Centre
Suite 2102
Baltimore, MD 21202-1631

Mr. Roy Hickok
NRC Technical Training Center
5700 Brainerd Road
Chattanooga, TN 37411-4017

Ms. Patricia T. Birnie, Esquire
Co-Director
Maryland Safe Energy Coalition
P.O. Box 33111
Baltimore, MD 21218

Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

Supervisor
Town of Scriba
Route 8, Box 382
Oswego, NY 13126

Mr. James R. Evans
LIPA
P.O. Box 129
Lycoming, NY 10393

Mr. Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

C. Adrienne Rhodes
Chairman and Executive Director
State Consumer Protection Board
5 Empire State Plaza, Suite 2101
Albany, NY 12223-1556

Mr. Mark J. Wetterhahn, Esquire
Winston & Strawn
1700 K Street, NW
Washington, DC 20006