

July 31, 2006

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

SUBJECT: PERIOD OF ENFORCEMENT DISCRETION DURING IMPLEMENTATION OF  
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD 805,  
R.E. GINNA NUCLEAR POWER PLANT

Dear Mr. Heffley:

In a letter dated February 13, 2006 (Agencywide Documents Access and Management System Accession No. ML060240514), I acknowledged your letter of December 19, 2005 (ADAMS No. ML053620035) in which you stated that Constellation Generation Group, LLC, intended to adopt NFPA Standard 805, "NFPA 805, Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generating 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 R.E. Ginna Nuclear Power Plant (Ginna).

In your December 19 letter, you requested enforcement discretion for a period of 3 years for existing identified incidents of noncompliances in accordance with the Nuclear Regulatory Commission's (NRC's) Interim Enforcement Policy. In my February 13 letter, we granted a 2-year enforcement discretion period for Ginna. However, I noted that the NRC was considering your request and would contact you when we have reached a decision.

On the basis of a revision to the Enforcement Policy, I am now informing you that your request for a 3-year enforcement discretion period is granted. Therefore, the discretionary period for Ginna, which began on December 31, 2005, will expire on December 31, 2008.

As you are aware, 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 Reactor Oversight Program, (b) enter them into your corrective action program, and (c) implement and maintain appropriate compensatory measures, until you complete your corrective actions or the NRC staff approves your license amendment request (LAR) and issues its safety evaluation. You should refer to NRC Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements," for additional NRC staff guidance on appropriate compensatory measures.

J. Heffley

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

Sincerely,

*/RA/*

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

Docket No. 50-244

cc: See next page

J. Heffley

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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 No. 50-244

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