

April 29, 2007

Mr. John S. Keenan  
Senior Vice President and Chief Nuclear Officer  
Pacific Gas and Electric Company  
Diablo Canyon Power Plant  
P.O. Box 770000  
San Francisco, CA 94177-0001

SUBJECT: PERIOD OF ENFORCEMENT DISCRETION DURING IMPLEMENTATION OF  
NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 805, DIABLO  
CANYON POWER PLANT, UNITS 1 AND 2.

Dear Mr. Keenan:

In a letter dated March 1, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML060600229), the U.S. Nuclear Regulatory Commission (NRC) acknowledged your letter of December 29, 2005 (ADAMS Accession No. ML060100480), in which you stated that Pacific Gas and Electric Company intended to adopt the National Fire Protection Association (NFPA) Standard 805, NFPA 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants," 2001 Edition, pursuant to Paragraph 50.48(c) of Title 10 of the *Code of Federal Regulations*, at Diablo Canyon Power Plant, Units 1 and 2.

In your letter, you requested enforcement discretion for a period of 3 years for existing identified incidents of noncompliance in accordance with the NRC's Interim Enforcement Policy. In our March 1, 2006, letter, the NRC granted a 2-year enforcement discretion period for Diablo Canyon Power Plant, Units 1 and 2. However, we also noted that the NRC is considering your request for extended discretion and would contact you when we have reached a decision.

On the basis of a revision to the Enforcement Policy (71 FR 19905), I am now informing you that your request for a 3-year enforcement discretion period is granted. Therefore, the discretion period for Diablo Canyon Power Plant, Units 1 and 2, which began on December 29, 2005, will expire on December 29, 2008.

As you are aware, in order to receive enforcement discretion, you must: (a) evaluate the risk significance of all noncompliance to assure that they do not constitute "Red" (or 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 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," for additional NRC staff guidance on appropriate compensatory measures.

J. Keenan

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If you have any questions regarding this matter, please contact Alan B. Wang, Project Manager, at (301) 415-1445 or [ABW@nrc.gov](mailto:ABW@nrc.gov).

Sincerely,

*/RA/*

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

Docket Nos. 50-275 and 50-323

cc: Those on the attached list

J. Keenan

- 2 -

If you have any questions regarding this matter, please contact Alan B. Wang, Project Manager, at (301) 415-1445 or [ABW@nrc.gov](mailto:ABW@nrc.gov).

Sincerely,

*/RA/*

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

Docket Nos. 50-275 and 50-323

cc: Those on the attached list

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Letter to Mr. John S. Keenan from Catherine Haney April 29, 2007

SUBJECT: PERIOD OF ENFORCEMENT DISCRETION DURING IMPLEMENTATION OF  
NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 805, DIABLO  
CANYON POWER PLANT, UNITS 1 AND 2.

Diablo Canyon Power Plant, Units 1 and 2

cc:

NRC Resident Inspector  
Diablo Canyon Power Plant  
c/o U.S. Nuclear Regulatory Commission  
P.O. Box 369  
Avila Beach, CA 93424

Antonio Fernández, Esq.  
Pacific Gas & Electric Company  
P.O. Box 7442  
San Francisco, CA 94120

Sierra Club San Lucia Chapter  
ATTN: Andrew Christie  
P.O. Box 15755  
San Luis Obispo, CA 93406

City Editor  
The Tribune  
3825 South Higuera Street  
P.O. Box 112  
San Luis Obispo, CA 93406-0112

Ms. Nancy Culver  
San Luis Obispo  
Mothers for Peace  
P.O. Box 164  
Pismo Beach, CA 93448

Director, Radiologic Health Branch  
State Department of Health Services  
P.O. Box 997414, MS 7610  
Sacramento, CA 95899-7414

Chairman  
San Luis Obispo County  
Board of Supervisors  
1055 Monterey Street, Suite D430  
San Luis Obispo, CA 93408

Mr. James D. Boyd, Commissioner  
California Energy Commission  
1516 Ninth Street (MS 31)  
Sacramento, CA 95814

Mr. Truman Burns  
Mr. Robert Kinoshian  
California Public Utilities Commission  
505 Van Ness, Room 4102  
San Francisco, CA 94102

Mr. James R. Becker, Vice President  
Diablo Canyon Operations  
and Station Director  
Diablo Canyon Power Plant  
P.O. Box 56  
Avila Beach, CA 93424

Diablo Canyon Independent Safety  
Committee  
ATTN: Robert R. Wellington, Esq.  
Legal Counsel  
857 Cass Street, Suite D  
Monterey, CA 93940

Jennifer Tang  
Field Representative  
United States Senator Barbara Boxer  
1700 Montgomery Street, Suite 240  
San Francisco, CA 94111

Regional Administrator, Region IV  
U.S. Nuclear Regulatory Commission  
Harris Tower & Pavillion  
611 Ryan Plaza Drive, Suite 400  
Arlington, TX 76011-8064

January 2007