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Docket Nos.: 50-315  
50-316

U. S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Mail Stop O-P1-17  
Washington, DC 20555-0001

Donald C. Cook Nuclear Plant Units 1 and 2  
REVISED COMPLETION SCHEDULE FOR TRANSITION TO NFPA 805,  
AND REQUEST FOR EXTENSION OF ENFORCEMENT DISCRETION

- References:
- 1) National Fire Protection Association (NFPA) Standard 805, "Performance-based Standard for Fire Protection for Light Water Reactor Electric Generating Plants," 2001 Edition.
  - 2) Federal Register Volume 69, Page 33684 (69 FR 33684), "NRC Enforcement Policy," dated June 16, 2004.
  - 3) Letter from J. N. Jensen, Indiana Michigan Power Company (I&M), to U. S. Nuclear Regulatory Commission (NRC) Document Control Desk, "Letter of Intent to Adopt NFPA 805, 'Performance-Based Standard for Fire Protection for Light Water Reactor Generating Plants, 2001 Edition'," dated December 28, 2005 (ML060090370).
  - 4) Letter from C. Haney, NRC, to M. K. Nazar, I&M, "Donald C. Cook Nuclear Plant, Units 1 and 2 - Response to Letter of Intent to Adopt 10 CFR 50.48(c), National Fire Protection Association Standard 805 (TAC Nos. MC9496 and MC9497)," dated February 14, 2006 (ML060250675).
  - 5) Federal Register Volume 71, Page 19905 (71 FR 19905), "NRC Enforcement Policy: Extension of Discretion Period of Interim Enforcement Policy," dated April 18, 2006.
  - 6) Regulatory Guide 1.205, "Risk-Informed, Performance-Based Fire Protection for Existing Light-Water Nuclear Power Plants," dated May 2006 (ML061100174).

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This letter revises the expected completion schedule for Donald C. Cook Nuclear Plant's (CNP's) transition to NFPA 805, and requests an extension of the associated enforcement discretion to December 31, 2008.

### Background

Regulation 10 CFR 50.48(c) allows licensees to adopt a risk-informed, performance-based fire protection program in accordance with NFPA 805 (Reference 1). By Reference 2, the NRC revised its enforcement policy to provide licensees interim enforcement discretion for certain noncompliances with their existing fire protection licensing basis, if those noncompliances are identified during the transition to the fire protection program allowed by 10 CFR 50.48(c). This enforcement discretion policy was to be in effect for up to two years from the date of a licensee's letter informing the NRC of its intent to adopt the 10 CFR 50.48(c) requirements. By Reference 3, I&M informed the NRC of its intent to adopt 10 CFR 50.48(c) requirements for CNP, and stated that transition to an NFPA 805 approach was expected to take approximately 24 months. I&M indicated that the schedule was subject to change depending on the extent to which plant modifications or changes to the fire protection program were needed to comply with NFPA 805. By Reference 4, the NRC approved enforcement discretion for CNP, beginning on December 31, 2005, and ending on December 31, 2007. By Reference 5, the NRC revised its interim enforcement policy to extend the available enforcement discretion period to three years.

### Schedule Revision and Extension Request

I&M is hereby revising the expected completion schedule for CNP's transition to NFPA 805, and requesting an extension of the enforcement discretion to December 31, 2008, in accordance with the revised interim enforcement discretion policy described in Reference 5. As described in Reference 3, Phase II of the CNP transition process consisted of reviews and engineering analysis. I&M has identified several changes related to Phase II. Specifically, I&M has identified a need to update the CNP base Probabilistic Risk Assessment (PRA) model prior to completing the first quantification task associated with the Fire PRA. In addition, recently issued NRC guidance (Reference 6) indicates the need to ensure adequacy of the Fire PRA developed under the transition process by performing a separate peer review. Industry guidance for performing such a review is currently under development and not expected to be available until 2007. For these reasons, the transition period is expected to increase to approximately 36 months. I&M understands that during the period of enforcement discretion, no enforcement actions will be taken for non-safety significant non-compliances, subject to the guidance provided in Reference 2 and Reference 5.

This letter contains no regulatory commitments. Should you have any questions, please contact Ms. Susan D. Simpson, Regulatory Affairs Manager, at (269) 466-2428.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jensen', with a large, sweeping flourish extending to the right.

Joseph N. Jensen  
Site Support Services Vice President

JRW/jen

- c: J. L. Caldwell, NRC Region III  
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