



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 6, 2008

Mr. David A. Christian
President and Chief Nuclear Officer
Dominion Energy Kewaunee, Inc.
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

SUBJECT: KEWAUNEE POWER STATION - RESPONSE TO LETTER OF INTENT TO
ADOPT NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 805
(TAC NO. MD9260)

Dear Mr. Christian:

By letter to the Nuclear Regulatory Commission (NRC) dated July 21, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML082040111), Dominion Energy Kewaunee (DEK), informed the NRC staff of its intent to adopt National Fire Protection Association (NFPA) Standard 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 to Title 10 of the *Code of Federal Regulations*, at the Kewaunee Power Station (KPS).

DEK's letter stated that it intends to transition to the performance-based standard for fire protection at KPS, and that the period of transition was to commence in July 2008. DEK also requested an enforcement discretion period of 3 years in accordance with the NRC's enforcement policy.

On April 18, 2006, the NRC published in the *Federal Register* (71 FR 19905) a revision to its enforcement policy extending the NFPA 805 transition discretion period from 24 to 36 months. Therefore, the requested 36-month discretion period for KPS is granted. As such, the NRC considers the discretion period for KPS to begin in July 2008, and to expire in July 2011. In addition, in accordance with the Enforcement Policy, the discretion will continue past the 36-month period while the NRC staff is reviewing the license amendment request for transitioning to NFPA 805.

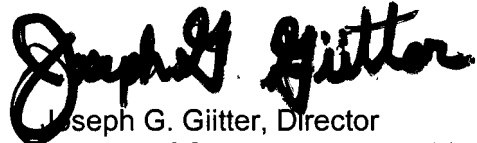
It should be noted that in order to receive enforcement discretion, a licensee must, in part: (a) evaluate the risk significance of all noncompliances to assure that they do not constitute "Red" (or Severity Level I) findings under the NRC's reactor oversight program, (b) enter all noncompliances into a corrective action program, and (c) implement and maintain appropriate compensatory measures until the corrective actions are completed, or until the NRC staff issues the license amendment with its associated safety evaluation. Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements," provides additional guidance regarding appropriate compensatory measures.

D. A. Christian

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If you have any questions regarding this matter, please contact Peter Tam, Project Manager for KPS, at 301-415-1451.

Sincerely,

A handwritten signature in black ink that reads "Joseph G. Giitter". The signature is written in a cursive style with a large initial "J".

Joseph G. Giitter, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-305

cc: Distribution via Listserv

October 6, 2008

D. A. Christian

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If you have any questions regarding this matter, please contact Peter Tam, Project Manager for KPS, at 301-415-1451.

Sincerely,

/RA/

Joseph G. Giitter, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-305

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