



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

November 20, 2008

Mr. David J. Bannister  
Vice President and CNO  
Omaha Public Power District  
Fort Calhoun Station FC-2-4  
Post Office Box 550  
Fort Calhoun, NE 68023-0550

SUBJECT: FORT CALHOUN STATION, UNIT NO. 1 - RESPONSE TO LETTER OF INTENT  
TO ADOPT NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 805  
(TAC NO. MD9736)

Dear Mr. Bannister:

By letter to the Nuclear Regulatory Commission (NRC) dated June 9, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML081620232), the Omaha Public Power District (OPPD), 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 Title 10 of the *Code of Federal Regulations*, at the Fort Calhoun Station, Unit 1 (FCS).

OPPD's letter stated that it intends to transition to the performance-based standard for fire protection at FCS, and that the period of transition was to commence on June 9, 2008. OPPD 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 FCS is granted. As such, the NRC considers the discretion period for FCS to begin on June 9, 2008, and to expire on June 9, 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.

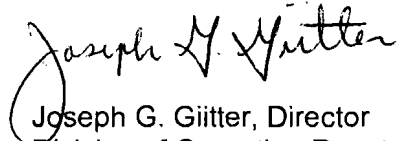
It should be noted that in order to receive enforcement discretion, a licensee must, in part: (a) evaluate the risk significance of all noncompliances to assure that they do not constitute "Red" (or Severity Level I) findings under the NRC's reactor oversight program, (b) enter all noncompliances into 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.J. Bannister

- 2 -

If you have any questions regarding this matter, please contact Alan Wang, Project Manager for FCS, at 301-415-1445.

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. 50-285

cc: Distribution via Listserv

November 20, 2008

D. J. Bannister

- 2 -

If you have any questions regarding this matter, please contact Alan Wang, Project Manager for FCS, at 301-415-1445.

Sincerely,  
/RA/

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

Docket No. 50-285

cc: Distribution via Listserv

DISTRIBUTION:

PUBLIC

- Lpl4 Reading File
- RidsAcrcAcnw\_MailCTR Resource
- RidsNrrDorl Resource
- RidsNrrDorlLpl4 Resource
- RidsNrrDra Resource
- RidsNrrDraAfpb Resource
- RidsNrrLAJBurkhardt Resource
- RidsNrrPMAWang Resource
- RidsRgn4MailCenter Resource
- RidsOeMailCenter Resource
- RidsOgcRp Resource
- PLain, NRR/DRA/AFP
- MVaaler, NRR/DORL

**ADAMS Accession No. ML082710002**

**NRR-106**

OFFICE	DORL/LPL4/PM	DORL/LPL4/LA	DORL/LPL4/BC	DRA/AFP/BC	DRA/D	DORL/D
NAME	AWang <i>AW</i>	JBurkhardt <i>JB</i>	MMarkley <i>MM</i>	AKlein <i>AK</i>	MCWright <i>MC</i>	JGiitter <i>JG</i>
DATE	11/20/08	10/17/08	11/19/08	11/17/08	11/17/08	11/20/08

OFFICIAL RECORD COPY

*Handwritten signature and date: 11/20/08*