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September 26, 2008

U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTENTION: Document Control Desk

SUBJECT: **R.E. Ginna Nuclear Power Plant**
Docket No. 50-244

Request for Extension of Enforcement Discretion for a Revised Date of 10 CFR 50.48(c) License Amendment Request Submittal

- REFERENCES:**
- (a) Letter from J.M. Heffley, (CGG) to Document Control Desk (NRC), dated December 19, 2005, Letter of Intent to Adopt NFPA 805 – Performance-Based Standard for Fire Protection for Light Water Reactor Generation Plants, 2001 Edition
 - (b) Letter from C. Haney (NRC) to J.M. Heffley (CGG), dated February 13, 2006, Response to Letter of Intent to adopt National Fire Protection Association (NFPA) Standard 805, R.E. Ginna Nuclear Power Plant
 - (c) Letter From J.M. Heffley (CGG) to Document Control Desk (NRC), dated April 17, 2006, Letter of Intent to Adopt NFPA 805 – Performance-Based Standard for Fire Protection for Light Water Reactor Generation Plants, 2001 Edition
 - (c) Letter From C. Haney (NRC) to J.M. Heffley (CGG), dated July 31, 2006, Period of Enforcement Discretion During Implementation of National Fire Protection Association (NFPA) Standard 805, R.E. Ginna Nuclear Power Plant

R.E. Ginna Nuclear Power Plant, LLC (Ginna LLC) requests an extension of enforcement discretion pending transition to the National Fire Protection Association (NFPA) 805 standard for the R.E. Ginna Nuclear Power Plant. We request that the enforcement discretion period be extended to 6 months past the date of the safety evaluation approving the second pilot plant license amendment request approval.

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ADD 6

NRK

We submitted a letter of intent to adopt NFPA 805 in accordance with 10 CFR 50.48(c) (Reference a) on December 19, 2005. That letter requested a 36-month transition period.

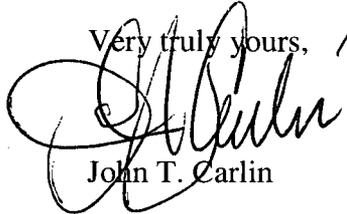
Reference (b) acknowledged receipt of the letter of intent, but granted a two-year transition period. On April 17, 2006, we submitted Reference (c), which again requested a schedule of a 36-month transition period. In Reference (d), the NRC granted an enforcement discretion period of 36 months.

The NRC published an allowed third year of enforcement discretion in Federal Register Notice 71 FR 7119905 dated April 18, 2006. In accordance with NRC Enforcement Policy, the enforcement discretion period will continue until the NRC approval of the license amendment request is completed.

The Commission has approved the staff's proposed revision to the NRC Enforcement Policy and its publication in the Federal Register (COMSECY-08-022). This revision will extend the existing enforcement discretion period for a period of six months beyond the date of the safety evaluation approving the second pilot plant license amendment request to transition to NFPA 805. Accordingly, we are requesting that enforcement discretion be extended for the R.E. Ginna Nuclear Power Plant to six months after the safety evaluation is issued for the second pilot plant. We understand that approval of this request is based upon our demonstrated substantial progress toward completion of NFPA 805 transition. The progress to date is discussed in Attachment 1.

This letter contains no new commitments and no revisions to existing commitments

Should you have questions regarding this matter, please contact Mr. David F. Wilson at 585-771-5219 or david.f.wilson@constellation.com.

Very truly yours,

John T. Carlin

Attachment: (1) R.E. Ginna Nuclear Power Plant Progress on NFPA 805

cc: D. V. Pickett, NRC
S. J. Collins, NRC
Resident Inspector, NRC (Ginna)

J. P. Spath, NYSERDA
P. D. Eddy, NYSOPS

ATTACHMENT (1)

R.E. GINNA NUCLEAR POWER PLANT PROGRESS ON NFPA 805

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R.E. GINNA NUCLEAR POWER PLANT PROGRESS ON NFPA 805

Progress on NFPA 805 Transition

COMSECY-08-022 requested information from licensees on demonstrated progress toward completion of NFPA 805 transition, as a condition of granting an extension of enforcement discretion. Constellation Energy has made substantial progress in the NFPA 805 transition effort. Constellation Energy has participated in the NEI NFPA 805 Task Force and Fire PRA task forces and Frequently Asked Question (FAQ) process and made significant efforts in performing work activities in an effective manner, while utilizing the lessons learned from the Pilot Plant process.

The following table represents the major work activities associated with NFPA 805 Transition. The "LAR/TR Reference" column refers to the referenced section of the Pilot Plant NFPA 805 License Amendment Request / Transition Reports that document the results of the NFPA 805 Transition Reports. As shown in the table below, Constellation Energy has demonstrated substantial progress in the NFPA 805 transition process.

ATTACHMENT (1)
R.E. GINNA NUCLEAR POWER PLANT PROGRESS ON NFPA 805

R.E. Ginna, (LAR Due Date 12/31/2008)

LAR/TR Reference	Topic	Approximate % Complete	Current Milestone Schedule Date ²
N/A	Safe shutdown Analysis Update (pre-requisite task)	90%	10/22/08
4.1 Attachment A	Fundamental FP Program Elements and Minimum Design Requirements (Table B-1)	90% ¹	10/20/08
4.2.1 Attachment B	Nuclear Safety Capability Assessment - Methodology (Table B-2)	75% ¹	10/28/2008
Section 4.2.2 Attachment C	Nuclear Safety Capability Assessment - Fire Area – by - Fire Area Review (Table B-3)	60% ¹	12/5/2008
Section 4.3 Attachment D	Non Power Operational Modes (Table F-1)	75%	12/15/08
Section 4.4 Attachment E	Radioactive Release (Table G-1)	100%	Completed
4.5.1	Fire PRA Development	30%	6/30/2009
4.5.2	Risk Informed, Performance Based Change Evaluation Process	5%	6/30/2009
4.5.3	Risk Informed, Performance Based Change Evaluation Results	5%	6/30/2009

Note 1 - The purpose of task is to complete the appropriate table. Upon completion, open items will exist that may require fire PRA to resolve.

Note 2 - Schedule dates are milestones and do not constitute commitments.

Physical Modifications

While physical plant modifications may be identified as part of the transition effort, no physical modifications have been performed to address any fire protection issues. Any modifications required will be identified in the LAR submittal letter and that letter will provide a schedule and commitments for any such modifications.

NFPA 805 Monitoring Program

COMSECY-08-022 requested that as part of the status report for demonstrating substantial progress on the transition that the status of the NFPA 805 monitoring program be provided. The

ATTACHMENT (1)
R.E. GINNA NUCLEAR POWER PLANT PROGRESS ON NFPA 805

NFPA 805 monitoring program is highly dependent on fire PRA results as well as the traditional fire protection program issues. Therefore, the monitoring program is one of the last items to be completed during the transition effort. This is consistent with the manner in which both pilot plants are proceeding.

Information Available On Site

In addition to the information contained in this attachment, COMSECY-08-022 required additional information to be compiled/documented on site available for inspection/audit.

Fire protection related non-compliances, as they are identified, are or will be entered into the site corrective action program and appropriate compensatory measures in accordance with the existing fire protection program have or will be implemented, as necessary. This information is contained within the site's corrective action program and is available for review.

Disallowed Operator Manual Actions are considered compensatory measures according to the fire protection program. The fire protection program requires that any such actions comply with RIS 2005-07. The feasibility of the Operator Manual Actions has been reviewed and any such action being considered as a compensatory measure is considered feasible. The feasibility review for these actions was done based on the pre-NFPA 805 safe shutdown analysis. The post-NFPA 805 feasibility study may require modification and/or revision due to the information generated by the NFPA 805 transition effort. That post-NFPA 805 feasibility review can not be completed until most other transition efforts are complete since the information generated during the transition effort may change which actions are required or may change the timing required for required actions. This effort is tied to the completion of the Fire PRA. Therefore, the post NFPA 805 feasibility study of some of these actions will be reviewed at the completion of the Fire PRA effort. This is consistent with the pilot plants' approach.