



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

February 13, 2009

Mr. Mark B. Bezilla
Site Vice President
FirstEnergy Nuclear Operating Company
Mail Stop A-PY-A290
P.O. Box 97, 10 Center Road
Akron, OH 44081-0097

SUBJECT: PERRY NUCLEAR POWER PLANT, UNIT NO. 1 – CLARIFICATION OF INTENTION TO ADOPT NATIONAL FIRE PROTECTION ASSOCIATION 805 PERFORMANCE-BASED STANDARD FOR FIRE PROTECTION FOR LIGHT WATER REACTOR GENERATING PLANTS 2001 EDITION

Dear Mr. Bezilla:

By letter to the Nuclear Regulatory Commission (NRC) dated December 22, 2005 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML060040259), FirstEnergy Nuclear Operating Company (FENOC) informed the NRC staff of its intent to adopt National Fire Protection Association (NFPA) Standard 805 (NFPA 805), "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition," in accordance with the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.48(c), for the Beaver Valley Power Station, Units 1 and 2 (BVPS), the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS), and the Perry Nuclear Power Plant, Unit 1 (PNPP).

FENOC's letter stated that its transition to the performance-based standard for fire protection will be implemented as a fleet initiative, and will commence in a staggered fashion beginning with BVPS. By letter dated May 11, 2006 (ADAMS Accession No. ML060970062), the NRC staff confirmed its understanding that all three of the above listed plants intend to submit license amendment requests (LARs) to transition to NFPA 805 starting in 2010. As of February 1, 2009, no correspondence with regard to the intention of PNPP to transition to the performance-based standard for fire protection has been received.

Therefore, in order to properly align NRC resources for the incoming NFPA 805 LARs, the NRC staff requests that FENOC provide confirmation that PNPP intends to transition to NFPA 805, or has decided to withdraw from the transition process. If, however, PNPP does intend to submit an NFPA 805 LAR, the NRC staff also requests that FENOC provide an estimated schedule or milestone timeline for the transition. This information will be beneficial to the NRC staff and FENOC's cooperation and prompt attention to this issue is appreciated.

M. Bezilla

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If you have any questions, or would like to set up a conference call regarding this matter, please contact Sean Meighan at (301) 415-1020.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell Gibbs". The signature is fluid and cursive, with the first name "Russell" being more prominent and the last name "Gibbs" following in a similar style.

Russell Gibbs, Chief
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-440

cc: Distribution via ListServ

M. Bezilla

- 2 -

If you have any questions, or would like to set up a conference call regarding this matter, please contact Sean Meighan at (301) 415-1020.

Sincerely,

/RA/

Russell Gibbs, Chief
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-440

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| NAME | MVaaler | SMeighan | EWhitt | RGibbs |
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