



**FPL Energy.**

**Duane Arnold Energy Center**

FPL Energy Duane Arnold, LLC  
3277 DAEC Road  
Palo, Iowa 52324

January 30, 2009

NG-08-0947  
10 CFR 50.48

U.S. Nuclear Regulatory Commission  
ATTENTION: Document Control Desk  
Washington, D.C. 20555-0001

Duane Arnold Energy Center  
Docket No. 50-331  
License No. DPR-49

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

In accordance with COMSECY-08-022, FPL Energy Duane Arnold, LLC, the licensee for the Duane Arnold Energy Center, respectfully requests that the due date for the 10 CFR 50.48(c) License Amendment Request (LAR) be extended to 6 months past the date of the safety evaluation approving the second pilot plant LAR review.

A letter of intent to transition the Duane Arnold Energy Center to NFPA 805 was submitted by NMC, the operator of the Duane Arnold Energy Center at that time, on November 30, 2005 (ML053460342). FPL Energy Duane Arnold, LLC, submitted a letter reaffirming the transition to NFPA 805 on July 11, 2006 (ML062060317) for the Duane Arnold Energy Center. By letter dated October 30, 2006 (ML062500229), the NRC acknowledged receipt of the letter of intent and specifically granted a three year enforcement discretion period through July 11, 2009.

As provided for in COMSECY-08-022, FPL Energy Duane Arnold, LLC, is requesting that enforcement discretion be extended for the Duane Arnold Energy Center until 6 months after the Safety Evaluation is issued for the second pilot plant based upon the demonstrated substantial progress toward completion of NFPA 805 transition, as discussed in the attachment to this letter.

On September 30, 2008, FPL Energy Duane Arnold, LLC submitted a License Renewal application requesting a twenty year extension of the Duane Arnold Energy Center Operating License. Any impact on the License Renewal application as a result of the transition to NFPA 805 will be addressed in accordance with the annual update provision of 10 CFR 54.21.

This letter contains no new commitments nor revises any previous commitments.

A001  
A006  
NRR

If you have any questions, please contact Steve Catron at (319) 851-7234.

A handwritten signature in black ink that reads "Richard L. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Richard L. Anderson  
Vice President, Duane Arnold Energy Center  
FPL Energy Duane Arnold, LLC

cc: Regional Administrator, Region III, USNRC  
Senior Resident Inspector, USNRC, Duane Arnold  
Director, Office of Enforcement

Attachment

### 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. FPL Energy Duane Arnold, LLC, hereafter FPL Energy Duane Arnold, has made substantial progress in the Duane Arnold Energy Center NFPA 805 transition effort. FPL Energy Duane Arnold 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 for the Duane Arnold Energy Center associated with NFPA 805 Transition. The "LAR/TR Reference" column refers to the referenced section of the Pilot Plant NFPA 805 LAR/Transition Reports that document the results of the NFPA 805 Transition Reports. As shown in the table below, Duane Arnold Energy Center has demonstrated substantial progress in the NFPA 805 transition process.

LAR/TR Reference	Topic	Approximate % Complete as of 1/6/09	Current Milestone Schedule Date <sup>2</sup>
N/A	Safe shutdown Analysis Update (pre-requisite task)	N/A	N/A
4.1 Attachment A	Fundamental FP Program Elements and Minimum Design Requirements (Table B-1)	84% <sup>1</sup>	February 2009
4.2.1 Attachment B	Nuclear Safety Capability Assessment - Methodology (Table B-2)	50% <sup>1</sup>	May 2009
Section 4.2.2 Attachment C	Nuclear Safety Capability Assessment - Fire Area - by - Fire Area Review (Table B-3)	24% <sup>1</sup>	May 2009
Section 4.3 Attachment D	Non Power Operational Modes (Table F-1)	2%	July 2009
Section 4.4 Attachment E	Radioactive Release (Table G-1)	100%	December 2008
4.5.1	Fire PRA Development	55%	October 2009

Note 1 – These tables contain open items that may require fire PRA to close (change evaluation).

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

**Physical Modifications**

While physical 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 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/documentated on site available for inspection/audit.

All fire protection-related noncompliances have been entered into the site corrective action program and appropriate compensatory measures in accordance with the existing fire protection program have been implemented. This information is contained within the site's corrective action program and is available for review.

Unallowed Operator Manual Actions (those designated as bin H under NEI 04-02) 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 have 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 existing safe shutdown analysis. This feasibility may require modification and/or revision due to the information generated by the NFPA 805 transition effort. That feasibility review can not be complete 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. Some of that effort is tied to the completion of the fire PRA. Therefore, the feasibility of some of these actions will be reviewed at the completion of the fire PRA effort. This is consistent with the pilot plants.