

July 1, 2009

Alexander Marion, Vice President
Nuclear Operations
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006

Dear Mr. Marion:

The purpose of this letter is to inform you of a change in the review schedule for the second pilot plant adopting National Fire Protection Association Standard 805 (NFPA 805), "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants," in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.48(c).

As you know, under the enforcement discretion policy applicable to plants that are transitioning to NFPA 805 (73 Federal Register (FR) 52705; September 10, 2008), the enforcement discretion period for each licensee adopting NFPA 805 is three years from the beginning of the transition to NFPA 805, or, for plants that meet certain criteria as outlined in the policy, six months after the second pilot plant safety evaluation is issued by the U.S. Nuclear Regulatory Commission (NRC), whichever is later. That is, licensees that meet certain criteria, as described in the subject enforcement discretion policy, have the flexibility to submit their applications to adopt NFPA 805 up to six months following the issuance of the second pilot plant safety evaluation.

Originally, the NRC staff expected to issue safety evaluations for both pilot plants in September 2009. However, the staff now expects to issue the second pilot plant safety evaluation in March 2010.

Based on the current review schedule for the pilot plants, plants that began transition before September 30, 2007, may apply for extensions to their enforcement discretion period under the enforcement policy described in 73 FR 52705. Plants that have not received extensions under this enforcement policy, or that began transition after September 30, 2007, must maintain their current submittal schedule.

Table 1 of the enclosure identifies the plants and licensees that already have requested and have received enforcement discretion extensions under the enforcement policy described in 73 FR 52705. Licensees for the plants listed in Table 1 do not have to take any further actions with respect to requesting an extension.

Table 2 of the enclosure identifies the plants and licensees that, because of the schedule change for the second pilot plant, are now eligible to apply for extension. Licensees for the

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plants listed in Table 2 who apply for an extension must show that substantial progress has been made with their transition to NFPA 805 in accordance with the enforcement policy in 73 FR 52705.

Table 3 of the enclosure identifies the plants and licensees who are planning to transition to NFPA 805, but are not eligible to apply for extensions under the enforcement policy in 73 FR 52705 because their three year transition schedules end later than September 2010.

Please inform your stakeholders of this change and request that they contact Ms. Marlayna Vaaler of the NRC (Tel: 301-415-3178, E-mail: marlayna.vaaler@nrc.gov) if they have additional questions on this matter.

Sincerely,

/RA/

John A. Grobe, Associate Director
for Engineering and Safety Systems
Office of Nuclear Reactor Regulation

Enclosure:
As stated

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Please inform your stakeholders of this change and request that they contact Ms. Marlayna Vaaler of the NRC (Tel: 301-415-3178, E-mail: marlayna.vaaler@nrc.gov) if they have additional questions on this matter.

Sincerely,

/RA/

John A. Grobe, Associate Director
for Engineering and Safety Systems
Office of Nuclear Reactor Regulation

Enclosure:
As stated

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NRR-106

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NAME	DOudinot	AKlein	TBoyce	SMagruder	MCunningham	JGrobe
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Status of Enforcement Discretion for Non-Pilot Plants Planning to Transition to NFPA 805

Table 1: Plants that have received enforcement discretion extensions in accordance with the enforcement policy in 73 FR 52705

Unit	Licensee
ANO 1 & 2	Entergy Nuclear Operations, Inc.
Beaver Valley 1 & 2	FirstEnergy Nuclear Company
Callaway	AmerenUE
Cooper	Nebraska Public Power District
D.C. Cook 1 & 2	Indiana Michigan Power Company
Diablo Canyon 1 & 2	Pacific Gas & Electric
Duane Arnold	FPL Energy
Ginna	Constellation Nuclear
McGuire 1 & 2	Duke Energy
Monticello	Nuclear Management Company
Nine Mile Point 1	Constellation Nuclear
Palisades	Entergy Nuclear Operations Inc.
Point Beach 1 & 2	Florida Power & Light
Prairie Island 1 & 2	Nuclear Management Company
St. Lucie 1 & 2	Florida Power & Light
Turkey Point 3 & 4	Florida Power & Light
Waterford 3	Entergy Nuclear Operations Inc.

Table 2: Plants that may apply for enforcement discretion extensions in accordance with the enforcement policy in 73 FR 52705

Unit	Licensee
Calvert Cliffs 1 & 2	Constellation Nuclear
Catawba 1 & 2	Duke Energy Nuclear
Crystal River 3	Progress Energy
Davis-Besse	FirstEnergy Nuclear
H. B. Robinson 2	Progress Energy
V.C. Summer	SC Electric & Gas

Table 3: Plants that are not eligible to apply for enforcement discretion extensions in accordance with the enforcement policy in 73 FR 52705

Unit	Licensee
Brunswick 1 & 2	Progress Energy
Browns Ferry 1, 2, & 3	Tennessee Valley Authority
Farley 1 & 2	Southern Nuclear Operating Co.
Fort Calhoun	Omaha Public Power District
Kewaunee	Dominion
Nine Mile Point 2	Constellation Energy
Perry 1	FirstEnergy Nuclear
San Onofre 2 & 3	Southern California Edison