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

April 16, 2010

Mr. George H. Gellrich, Vice President
Calvert Cliffs Nuclear Power Plant, LLC
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, MD 20657-4702

SUBJECT: EVALUATION REGARDING REQUEST FOR ADDITIONAL FIRE PROTECTION ENFORCEMENT DISCRETION FOR: CALVERT CLIFFS NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2 (TAC NOS. ME3304 AND ME3305)

Dear Mr. Gellrich:

On September 10, 2008, the Nuclear Regulatory Commission (NRC) published in the *Federal Register* (73 FR 52705) a revision to its Interim Enforcement Policy regarding enforcement discretion for certain fire protection issues, allowing licensees the option to request an extended enforcement discretion period for submittal of a license amendment request (LAR) if they are pursuing transition to Title 10 of the *Code of Federal Regulations* Section 50.48(c), "National Fire Protection Association [NFPA] Standard NFPA 805."

This revision states that an additional period of enforcement discretion may be granted on a case-by-case basis, if a licensee has made substantial progress in its transition effort. This additional period of enforcement discretion, if granted, would end 6 months after the date of the safety evaluation approving the second pilot plant LAR. These changes are in accordance with COMSECY-08-0022 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML081830602 and ML081830607), as approved by the Commission on August 19, 2008. The enforcement discretion will continue in place, without interruption, until NRC disposition of the site's LAR to transition to NFPA 805.

By letter dated January 28, 2010 (ADAMS Accession No. ML100320428), Calvert Cliffs Nuclear Power Plant, LLC, the licensee, requested the period of fire protection enforcement discretion for Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (CCNPP), be extended to 6 months past the NRC approval date of the second pilot plant LAR to transition to NFPA's risk-informed, performance-based standard for light-water reactors, NFPA 805.

To be granted this extension, a licensee must:

1. Compile a list of all fire protection related non-compliances and the related compensatory measures for those non-compliances.

2. Document that each Operator Manual Action put in place as a compensatory measure is feasible and reliable, and in accordance with the guidance in Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements."

3. Submit a description of the physical modifications performed to address existing risk-significant fire protection non-compliances.

4. Submit a status report of the transition, including a schedule of milestones, for completing the fire probabilistic risk assessment (PRA). The status report should describe the progress made in the following areas:

   - classical fire protection transition
   - nuclear safety performance criteria transition
   - non-power operation transitions
   - the NFPA 805 monitoring program
   - fire PRA development

The lists of non-compliances, compensatory measures, and operator manual action feasibility determinations should be maintained on-site and up to date for inspector review.

The NRC staff has reviewed the enforcement discretion extension request for CCNPP and documented their findings in the enclosed matrix. Based on the information provided by the licensee, the staff has determined that the licensee has made sufficient progress in their transition to NFPA 805 to grant the additional enforcement discretion. Accordingly, the enforcement discretion period for CCNPP is hereby extended until 6 months after the date of the safety evaluation approving the second pilot plant LAR.

If you have any questions regarding this matter, please contact Douglas Pickett at (301) 415-1364.

Sincerely,

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

Docket Nos. 50-317 and 50-318

Enclosure:
As stated

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NFPA 805 Enforcement Discretion Extension Evaluation

CALVERT CLIFFS NUCLEAR POWER PLANT UNITS 1 & 2

Task	Document Location	Progress Reported by the Licensee*
Required		
Compile a list of all fire protection related noncompliances and the related compensatory measures for those noncompliances.	On-site or NRC HQ	These are available in the site corrective action program. The licensee reported that appropriate compensatory measures have been implemented in accordance with the existing Fire Protection Program (FPP).
Document that each Operator Manual Action put in place as compensatory measures are feasible and reliable, in accordance with guidance in Regulatory Issue Summary (RIS) 2005–07.	On-site or NRC HQ	Disallowed Operator Manual Actions are considered compensatory measures under the FPP. These actions are required by the FPP to be in accordance with the guidance in RIS 2005-07. Currently existing Operator Manual Actions have been evaluated for feasibility and reliability based on existing Safe-Shutdown (SSD) and Probabilistic Risk Analysis (PRA) analyses. Their feasibility will be reanalyzed based on the Nuclear Compliance Assessment Fire PRA Analysis and Fire Modeling within the bounds of the NFPA 805 analysis, consistent with the pilot plants, since there may be changes as the transition progresses. This analysis will be performed after the Fire PRA is completed.
Submit a description of the physical modifications performed to address existing risk-significant fire protection issues.	NRC HQ	None have been performed to address fire protection issues. Any that are required will be included in the license amendment request with schedule and commitments.
Submit a status report of the transition, including a schedule of milestones for completing the fire PRA. The status report should be broken down into the following major areas:	NRC HQ	The status report was provided in the licensee's letter dated January 28, 2010.
• Classical fire protection transition (in accordance with National Fire Protection Association's (NFPA) 805 Chapter 3).	On-site	~75% on Fundamental FPP Elements and Minimum Design Requirements (Table B-1) (completion scheduled for March 2010) - open items may require iterative resolution through Fire PRA.

ENCLOSURE

• Nuclear Safety Performance Criteria transition (in accordance with NFPA 805 chapters 1, 2 and 4).	On-site	~25% on Nuclear Safety Capability Assessment, Methodology (Table B-2) - open items may require iterative resolution through Fire PRA (completion scheduled for July 2010); ~0% on Nuclear Safety Capability Assessment, Fire Area-by-Fire Area Review (Table B-3) (completion scheduled for September 2010).
• Non-power operational transitions.	On-site	~20% on Non-Power Operational Modes (Table F-1) - (completion scheduled for July 2010)
• NFPA 805 monitoring program.	On-site	This depends highly on the Fire PRA results and traditional FPP issues, rendering it one of the last items to be completed (consistent with pilot plants).
• Fire PRA.	On-site	~5% on Fire PRA Development - (completion scheduled for November 2010)
Optional		
Radioactive Release	On-site	100% on Radioactive Release (Table G-1)
SSD Analysis	On-site	~75% - (completion scheduled for June 2010)
Plant Change Evaluations	N/A	None have been performed to address fire protection issues. Any that are required will be included in the license amendment request with schedule and commitments.

*The referenced sections in this column refer to the pilot plant NFPA 805 License Amendment Request/Transition Reports that document the results of the NFPA 805 transition reports.

Overall Assessment of Progress:

In balance, enough substantial progress has been made based on the overall reported progress taken as a whole.

3. Submit a description of the physical modifications performed to address existing risk-significant fire protection non-compliances.

4. Submit a status report of the transition, including a schedule of milestones, for completing the fire probabilistic risk assessment (PRA). The status report should describe the progress made in the following areas:

   - classical fire protection transition
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/RA/
Joseph G. Giitter, Director
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