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C. S. Hinnant
Sr. Vice President and Chief Nuclear Officer
Progress Energy, Inc.

10 CFR 50.4(b)(4)
10 CFR 2.202

Serial: PE&RAS-03-069
June 3, 2003

United States Nuclear Regulatory Commission
ATTENTION: Director, Office of Nuclear Reactor Regulation
Washington, DC 20555

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2
DOCKET NOS. 50-325 AND 50-324 / LICENSE NOS. DPR-71 AND DPR-62

SHEARON HARRIS NUCLEAR POWER PLANT, UNIT NO. 1
DOCKET NO. 50-400 / LICENSE NO. NPF-63

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2
DOCKET NO. 50-261 / LICENSE NO. DPR-23

CRYSTAL RIVER UNIT 3 NUCLEAR GENERATING PLANT
DOCKET NO. 50-302 / LICENSE NO. DPR-72

**ANSWER, RESPONSE AND REQUEST FOR EXTENSION OF TIME AND
CLARIFICATION IN RESPONSE TO APRIL 29, 2003, ORDER FOR COMPENSATORY
MEASURES RELATED TO FITNESS-FOR-DUTY ENHANCEMENTS APPLICABLE TO
NUCLEAR FACILITY SECURITY FORCE PERSONNEL (EA-03-038)**

Ladies and Gentlemen:

By this letter Progress Energy Carolinas, Inc. (PEC) (also known as Carolina Power & Light Company) and Progress Energy Florida, Inc. (PEF) (also known as Florida Power Corporation) hereby answer the April 29, 2003, Order for Compensatory Measures Related to Fitness-For-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel (EA-03-038) ("Order"). Pursuant to Section IV of the Order and 10 CFR §2.202, PEC and PEF request an extension of time in which to submit information in response to the Order and to request a hearing. In addition, PEC and PEF request the NRC provide certain information to ensure PEC and PEF fully understand the underlying bases of the Order and, therefore, can most effectively implement the individual requirements.

Section II of the Order states that, "[t]he Commission has determined that the security measures addressed by the enclosed compensatory measures are required to be implemented by licensees as prudent measures to address issues that may arise from work-hour related fatigue of nuclear facility security force personnel."

The Order does not explain the bases for the specific limits and other requirements described in the Order in sufficient detail for PEC and PEF to understand the rationale for the requirements. PEC and PEF therefore request that the NRC provide: the bases for the specific limits prescribed in the Order; the bases upon which it relied to establish a linkage between the specific limits chosen and any causal relationship to fatigue that would otherwise occur if those individual or group work hour limits were to be exceeded; and information pertaining to any events or incidents where the NRC has determined that fatigue was the cause or a major contributing factor in those events or incidents.

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As provided for in Section IV of the Order, good cause for granting an extension of time to respond to the Order and to request a hearing is shown in that no basis or rationale for the Order has been demonstrated. Thus, PEC and PEF request that the Director, Nuclear Reactor Regulation extend the time periods for responding to the Order (including, specifically, Sections III B.1 and B.2) and for requesting a hearing from the time period specified in the Order until 35 days after the date that the NRC provides the bases for the work hour limits in the Order. Section III C.1 of the Order requires that "[a]ll licensees shall, within thirty-five (35) days of the date of this Order, submit to the Commission, a schedule for achieving compliance with each requirement described in Attachment 2 [of the Order]." Subject to the foregoing request for information concerning the bases for the Order and the request for an extension of time in accordance with Section IV, PEC and PEF will achieve compliance with all applicable requirements not later than October 29, 2003.

PEC and PEF also hereby confirm an understanding that the Commission intends to exercise enforcement discretion to accommodate issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of this Order. We further understand that the Commission will exercise enforcement discretion for the period necessary to resolve such issues, and to integrate the requirements of this Order with the orders issued February 25, 2002, as well as with other pertinent regulatory requirements, and our safeguards contingency plans, security plans and security officer training and qualification plans.

Sincerely,



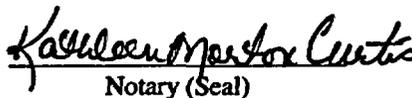
C. S. Hinnant
Senior Vice President and
Chief Nuclear Officer

C. S. Hinnant, having been first duly sworn, did depose and say that the information contained herein is true and correct to the best of his information, knowledge and belief; and the sources of his information are officers, employees, and agents of Progress Energy Carolinas, Inc. and Progress Energy Florida, Inc.



My commission expires:

11/10/2003



Notary (Seal)

- c: **USNRC Document Control Desk (original and three copies)**
 L. A. Reyes, Regional Administrator – Region II (two copies)
 USNRC Resident Inspector – BSEP, Unit Nos. 1 and 2
 B. L. Mozafari, NRR Project Manager – BSEP, Unit Nos. 1 and 2; CR3
 J. S. Stewart, USNRC Senior Resident Inspector – CR3
 J. B. Brady, USNRC Senior Resident Inspector – SHNPP, Unit No. 1
 C. P. Patel, NRR Project Manager – SHNPP, Unit No. 1; HBRSEP, Unit No. 2
 USNRC Senior Resident Inspector – HBRSEP, Unit No. 2

USNRC Secretary, Office of the Secretary of the Commission, Rulemakings and Adjudications Staff
USNRC Assistant General Counsel for Materials Litigation and Enforcement

J. A. Sanford - North Carolina Utilities Commission
E. L. Jacobs, Jr., Florida Public Service Commission