



Crystal River Nuclear Plant
Docket No. 50-302
Operating License No. DPR-72

10 CFR 50.48

February 28, 2007
3F0207-01

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
11555 Rockville Pike
Rockville, MD 20852

Subject: Crystal River Unit 3 – Letter of Intent to Adopt NFPA 805, “Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition”

- References:
- (1) Letter to the NRC (PE&RAS-05-033), “Letter of Intent to Adopt NFPA 805, “Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition,” dated June 10, 2005
 - (2) Final Rule: Voluntary Fire Protection Requirements for Light Water Reactors; Adoption of NFPA 805 as a Risk-Informed, Performance-Based Alternative (69 FR 33536, June 16, 2004)
 - (3) Policy Statement (Revision): NRC Enforcement Policy: Extension of Discretion Period of Interim Enforcement Policy (71 FR 19905, April 18, 2006)

Dear Sir:

By Reference 1, the NRC Staff was informed that it was the intent of Carolina Power & Light Company, doing business as Progress Energy Carolinas, Inc. (PEC), and Florida Power Corporation (FPC), doing business as Progress Energy Florida, Inc. (PEF), to adopt National Fire Protection Association (NFPA) Standard 805, “Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition,” in accordance with 10 CFR 50.48(c) (NFPA 805) for the Brunswick Steam Electric Plant (BSEP) Unit Nos. 1 and 2, the Shearon Harris Nuclear Power Plant (SHNPP), Unit No. 1, the H. B. Robinson Steam Electric Plant (HBRSEP), Unit No. 2, and the Crystal River Unit No. 3 Nuclear Generating Plant (CR-3). The transition for SHNPP began when that letter was submitted.

In that same letter, Progress Energy stated that PEC and PEF would submit an additional letter of intent for each plant after SHNPP to identify the beginning of each plant’s enforcement discretion window. This letter is being submitted in order to inform the NRC that it is the intent of PEF to adopt National Fire Protection Association (NFPA) Standard 805 “Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition,” in accordance with 10 CFR 50.48(c) (NFPA 805) for CR-3.

Progress Energy Florida, Inc.
Crystal River Nuclear Plant
15760 W. Powerline Street
Crystal River, FL 34428

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During the review and revalidation efforts of the CR-3 Safe Shutdown Analysis (SSA) currently in progress, issues have been identified that clearly could be corrected under 10 CFR 50.48(c). These include deviation to / exemption from existing 10 CFR 50.48(b) requirements, or from the requirements in the CR-3 fire protection license condition, which currently have no clear path for NRC approval. 10 CFR 50.48(c) / NFPA 805 provides an alternate, performance based, method to comply with NRC fire protection requirements. The NRC has encouraged licensees to consider the benefits of NFPA 805 and to transition the plant's Fire Protection Program from its current prescriptive license basis to this new standard (Reference 2). FPC recognizes that the overall benefit of NFPA 805 is ensuring optimum focus on enhancing plant safety through the use of performance based standards and risk informed decision-making techniques.

The NRC interim Enforcement Policy (69 FR 33684, June 16, 2004; 70 FR 2662, January 14, 2005; and, 71 FR 19905, April 18, 2006) provides guidelines on enforcement discretion for identified noncompliances. Those noncompliances must be entered into the licensee's Corrective Action Program, must not be associated with findings that the Reactor Oversight Process Significance Determination Process (SDP) would evaluate as Red or would not be categorized as Severity Level I violations, and must have appropriate compensatory measures implemented (non-safety significant). As outlined in the Enforcement Policy, enforcement discretion begins with the licensee's letter of intent.

FPC requests an enforcement discretion window of three years for CR-3. The three year discretion interval is consistent with Reference 3, which extends the enforcement discretion period to three years for those licensees that commit to transition to 10 CFR 50.48(c).

The proposed schedule for submitting the CR-3 License Amendment Request for transitioning to NFPA 805 is August 2009.

FPC understands that this letter of intent initiates a window of enforcement discretion for CR-3, during which no enforcement actions will be taken for non-safety significant noncompliances discovered as a result of evaluations to support this licensing basis transition process.

The NRC interim Enforcement Policy states: "Licensees will perform a plant-wide assessment to identify fire areas and fire hazards and evaluate compliance with their existing fire protection licensing basis." CR-3 will comply with this by performing an assessment in accordance with NEI 04-02, "Guidance for Implementing a Risk-Informed, Performance-Based Fire Protection Program under 10 CFR 50.48(c)."

The NFPA 805 transition process will proceed in three phases:

Phase I - Preliminary assessment of the Fire Protection Program

- Technical and regulatory assessments performed to determine the feasibility and practicality of performing the transition

Phase II - Reviews and Engineering Analysis

- Completion of SSA Validation Project
- Completion of Fire Probabilistic Risk Assessment
- Fundamental Fire Protection Program and Design Elements review
- Nuclear Safety Performance Criteria Transition review
- Non-Power Operational Mode Transition review
- Radiological Release Transition review
- Change Evaluations
- License Amendment Request

Phase III - Implementation

- Program Documentation
- Configuration Control
- Monitoring

The process will be considered complete upon receipt of the License Amendment authorizing the transition to NFPA 805.

Regulatory commitments are contained in the Attachment to this submittal.

If you have any questions regarding this submittal, please contact Mr. Paul Infanger, Supervisor, Licensing and Regulatory Programs, at (352) 563-4796.

Sincerely,



Dale E. Young
Vice President
Crystal River Nuclear Plant

DEY/dwh

Attachment - List of Commitments

xc: Regional Administrator, Region II (w/Attachment)
 CR-3 Resident Inspector (w/Attachment)
 NRR Project Manager (w/Attachment)

PROGRESS ENERGY FLORIDA, INC.

CRYSTAL RIVER UNIT 3

DOCKET NUMBER 50-302 / LICENSE NUMBER DPR-72

ATTACHMENT

LIST OF COMMITMENTS

LIST OF COMMITMENTS

The following table lists regulatory commitments identified by Florida Power Corporation (FPC) in this document. Any other actions discussed in the submittal represent intended or planned actions by FPC. They are described to the NRC for the NRC's information and are not regulatory commitments. Please notify the Supervisor, Licensing and Regulatory Programs of any questions regarding this document.

Regulatory Commitments	Due Date
CR-3 will submit a License Amendment Request for transitioning to NFPA 805.	August 2009 (proposed)
The NRC interim Enforcement Policy states: "Licensees will perform a plant-wide assessment to identify fire areas and fire hazards and evaluate compliance with their existing fire protection licensing basis." CR-3 will comply with this by performing an assessment in accordance with NEI 04-02, "Guidance for Implementing a Risk-Informed, Performance-Based Fire Protection Program under 10 CFR 50.48(c)."	February 28, 2010