



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

November 21, 2008

Mr. Benjamin Waldrep, Vice President
Brunswick Steam Electric Plant
Carolina Power & Light Company
Post Office Box 10429
Southport, North Carolina 28461

SUBJECT: BRUNSWICK STEAM ELECTRIC PLANT, UNITS 1 AND 2 - RESPONSE TO
LETTER OF INTENT TO ADOPT NATIONAL FIRE PROTECTION ASSOCIATION
STANDARD 805 (TAC NOS. ME0070 AND ME0071)

Dear Mr. Waldrep:

By letter dated October 17, 2008 (Agencywide Documents Access and Management System Accession No. ML083030138), Carolina Power & Light Company (licensee), informed the U.S. Nuclear Regulatory Commission (NRC) of its intent to adopt National Fire Protection Association Standard 805 (NFPA 805), "Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generation Plants," 2001 Edition, pursuant to Section 50.48(c), Part 50 of Title 10 of the *Code of Federal Regulations*, at the Brunswick Steam Electric Plant, Units 1 and 2 (BSEP).

The licensee's letter stated that it intends to transition BSEP to NFPA 805 beginning October 17, 2008, and requested an enforcement discretion period of 3 years, in accordance with the NRC's Enforcement Policy.

On April 18, 2006, the NRC published a revision to its Enforcement Policy in the *Federal Register* (71 FR 19905), extending the NFPA 805 transition discretion period from 24 to 36 months. Therefore, the requested 36-month discretion period for BSEP is granted. As such, the NRC considers the discretion period for BSEP to begin on October 17, 2008, and to expire on October 17, 2011. In addition, in accordance with the Enforcement Policy, the discretion will continue past the 36-month period while the NRC staff is reviewing the license amendment request for transitioning to NFPA-805.

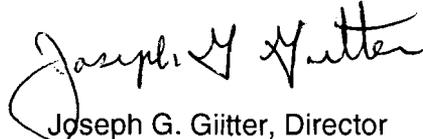
It should be noted that in order to receive enforcement discretion, a licensee must, in part: (a) evaluate the risk significance of all noncompliances to assure that they do not constitute "Red" (i.e., Severity Level I) findings under the NRC's reactor oversight program, (b) enter all noncompliances into a corrective action program, and (c) implement and maintain appropriate compensatory measures until the corrective actions are completed, or until the NRC staff issues the license amendment with its associated safety evaluation. The NRC's Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements," provides additional guidance regarding appropriate compensatory measures.

B. Waldrep

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If you have any questions regarding this matter, please contact Farideh Saba, Project Manager for BSEP, at 301-415-1447.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph G. Giitter". The signature is written in a cursive style with a large initial "J".

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

Docket Nos. 50-325 and 50-324

cc: See next page

Carolina Power & Light Company

**Brunswick Steam Electric Plant,
Units 1 and 2**

cc:

Sandra Spencer, Mayor
City of Southport
201 East Moore Street
Southport, North Carolina 28461

Additional Distribution via ListServ

B. Waldrep

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If you have any questions regarding this matter, please contact Farideh Saba, Project Manager for BSEP, at 301-415-1447.

Sincerely,

/RA/

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

Docket Nos. 50-325 and 50-324

cc: See next page

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