



Serial: RNP-RA/10-0013

JUL 08 2010

United States Nuclear Regulatory Commission
 ATTN: Document Control Desk
 Washington, DC 20555-0001

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

REQUEST FOR EXTENSION OF ENFORCEMENT DISCRETION DURING
 TRANSITION TO NATIONAL FIRE PROTECTION ASSOCIATION STANDARD NFPA 805

Ladies and Gentlemen:

The Nuclear Regulatory Commission (NRC) was informed by letter dated June 10, 2005, that it is the intent of Carolina Power and Light Company, now doing business as Progress Energy Carolinas, Inc. (PEC), and Florida Power Corporation, now doing business as Progress Energy Florida, Inc. (PEF), collectively known as Progress Energy, 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) 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 Nuclear Generating Plant, Unit No. 3. Progress Energy (PE) stated that PEC and PEF would submit an additional letter of intent for each plant after SHNPP, Unit No. 1, to identify the beginning of each plant's enforcement discretion window.

The NRC was informed of the beginning of enforcement discretion for HBRSEP, Unit No. 2, in a letter dated August 22, 2007. By letter dated December 21, 2007, the NRC informed PEC that HBRSEP, Unit No. 2, enforcement discretion would begin on August 22, 2007 and would expire on August 22, 2010, in accordance with the revision to the enforcement policy the NRC published in the Federal Register (71 FR 19905).

The purpose of this letter is to request extension of enforcement discretion for HBRSEP, Unit No. 2. PEC believes the extension is necessary and justified for the reasons outlined below.

Pilot Plant Delays

PEC has been working closely with the staff, using SHNPP, Unit No. 1, as a pilot plant, to help lead the industry in transitioning to NFPA 805 and to develop and adjust the implementation process for industry use as lessons learned. The original date that PEC expected to receive the Safety Evaluation (SE) for SHNPP, Unit No. 1, was mid-2009. Due to delays in the pilot process, the SE was approved on June 28, 2010. The other pilot plant, Oconee, expects to receive their SE in late 2010. The date of the Oconee SE is important because the

Progress Energy Carolinas, Inc.
 Robinson Nuclear Plant
 3581 West Entrance Road
 Hartsville, SC 29550

ADD
 NRC

majority of License Amendment Request (LAR) submittals from the plants that are transitioning to 10 CFR 50.48(c) are dependent on the date the second pilot plant receives the approved SE.

Recognizing the effect of the pilot plant delays, the staff issued 73 FR 52705 NRC, "Enforcement Policy: Extension of Discretion Period of Interim Enforcement Policy," on September 10, 2008. This Federal Register Notice (FRN) allowed most licensees transitioning to 10 CFR 50.48(c) to request additional enforcement discretion of six months after approval of the second pilot SE. On July 1, 2009, the staff issued a memo to the Nuclear Energy Institute (NEI) that included a table identifying eight plants that were not eligible for an extension of enforcement discretion. BSEP, Unit Nos. 1 and 2, was one of those plants. At the time the FRN was issued, the staff expected to issue the second pilot (Oconee) SE around September 2009. As noted above, it is currently expected that the second SE will be issued more than a year later than this date.

Extension Request Resulting from Pilot Plant Delays

By letter dated November 25, 2009, PEF requested that enforcement discretion for Crystal River, Unit No. 3, be extended to six months after the staff issued the second pilot (Oconee) SE. In a letter dated February 19, 2010, the staff granted that request. Crystal River, Unit No. 3, is currently expected to submit its LAR in early 2011.

Schedule Changes Resulting from Pilot Plant Delays and Resource Challenges

Across the four Progress Energy plants, significant resources are being dedicated to the NFPA 805 transition and making safety improvements at the plants. The pilot plant delays are beyond Progress Energy's control and have impacted the fleet implementation schedule that was in place and Fire Protection and Probabilistic Risk Assessment resources.

Based on the previous schedule for the pilot plant LAR approvals, PEC and PEF had anticipated submitting the Crystal River, Unit No. 3, LAR in February 2010; the HBRSEP, Unit No. 2, LAR in August 2010; and the BSEP, Unit Nos. 1 and 2, LAR in August 2011. The proposed new schedule involves leaving the BSEP, Unit Nos. 1 and 2, schedule as is (LAR submittal in August 2011) and moving HBRSEP, Unit No. 2, from being the third in the fleet to transition to NFPA 805 to the last plant in the fleet to do so. The proposed new schedule is outlined below:

- June 2010 – SHNPP, Unit No. 1, SE Received
- Fourth Quarter 2010 – SHNPP, Unit No. 1, Program Transition and Modifications Completed
- First Quarter 2011 – Crystal River, Unit No. 3, LAR Submitted
- August 2011 – BSEP, Unit Nos. 1 and 2, LAR Submitted
- August 2012 – HBRSEP, Unit No. 2, LAR Submitted

The new schedule will allow Progress Energy to keep resources dedicated to BSEP, Unit Nos. 1 and 2, on their original schedule. Without this change in schedule, Progress Energy would be submitting three LARs within an approximate nine-month time frame. Submitting three LARs in a compressed time frame would be a significant resource challenge.

Need and Basis for Additional Enforcement Discretion for HBRSEP, Unit No. 2

In order to implement the new schedule, necessitated by the pilot plant delays and resource challenges, PEC requests additional enforcement discretion for HBRSEP, Unit No. 2, until August 22, 2012. The planned schedule for NFPA 805 transition is provided as Table 1 in the attachment to this letter.

Although we are requesting additional enforcement discretion, our primary focus remains on safety. Even with the Fire Probabilistic Risk Assessment still under development, PEC has used risk insights to identify modifications to support the transition to 10 CFR 50.48(c). The primary reason for these modifications is to resolve risk-significant multiple spurious operations and dependency on time-critical manual actions. Implementation of these modifications has resulted in a positive impact by addressing previously identified risk contributors at the plant. These modifications and the status of their implementation are provided as Table 2 in the attachment to this letter. The fact that PEC has already identified and implemented these modifications, as well as the recent successful Fire Protection Triennial Inspection at HBRSEP, Unit No. 2, that exited with no major issues identified, are an indication of a commitment to having a high quality Fire Protection program at the plant.

PEC will maintain appropriate compensatory measures in place until the transition to NFPA 805 is complete and will continue to use risk insights to identify and prioritize modifications that will be integrated into the HBRSEP, Unit No. 2, schedule for implementation.

Consistent with the enforcement discretion extension guidance in 73 FR 52705, PEC understands that we must: (a) evaluate the risk significance of all noncompliances to assure that they do not constitute "Red" (or Severity Level I) findings under the NRC reactor oversight program, (b) enter all noncompliances into the 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 SE. These actions have been performed.

Progress Energy is fully committed to transitioning the four fleet plants to NFPA 805. Significant resources are being dedicated to the NFPA 805 pilot process, to the NFPA 805 transition process, and safety improvements are being made at the four fleet plants, including HBRSEP, Unit No. 2, as a result of this effort.

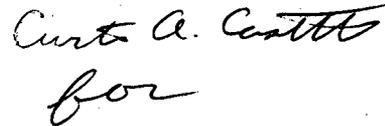
United States Nuclear Regulatory Commission

Serial: RNP-RA/10-0013

Page 4 of 4

No new regulatory commitments have been made in this submittal. If you have any questions concerning this matter, please contact Mr. Curtis A. Castell, Supervisor –Licensing/Regulatory Programs, at (843) 857-1626.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis A. Castell" on the top line and "for" on the bottom line.

Benjamin C. White
Manager – Support Services – Nuclear

BCW/grs

Attachment

c: L. A. Reyes, NRC, Region II
T. J. Orf, NRC, NRR
NRC Resident Inspector
J. Ertman