



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

November 18, 2010

Mr. Eric McCartney, Vice President  
H. B. Robinson Steam Electric Plant,  
Unit No. 2  
Carolina Power & Light Company  
3581 West Entrance Road  
Hartsville, South Carolina 29550-0790

SUBJECT: H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2 – EVALUATION OF REQUEST FOR AN EXTENSION OF ENFORCEMENT DISCRETION IN ACCORDANCE WITH THE INTERIM ENFORCEMENT POLICY FOR FIRE PROTECTION ISSUES DURING TRANSITION TO NATIONAL FIRE PROTECTION STANDARD NFPA 805 (TAC NO. ME4460)

Dear Mr. McCartney:

On September 10, 2008, the U.S. 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 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 Accession Nos. ML081830602 and ML081830607), as approved by the Commission on August 19, 2008.

By letter dated July 8, 2010, as supplemented by letter dated August 31, 2010, Carolina Power and Light Company, now doing business as Progress Energy Carolinas, Inc. (PEC), requested that the period of fire protection enforcement discretion for H. B. Robinson Steam Electric Plant, Unit No. 2 (HBRSEP), be extended until August 22, 2012. Per the new interim fire protection enforcement policy outlined above, licensees may request an extension of their evaluation period beyond the 3 years of enforcement discretion previously provided.

To be granted this extension, a licensee must:

1. Compile a list of all fire protection-related noncompliances and the related compensatory measures for those noncompliances.
2. Document that each Operator Manual Action put in place as a compensatory measure is feasible and reliable, in accordance with the guidance in Regulatory Issue

Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements."

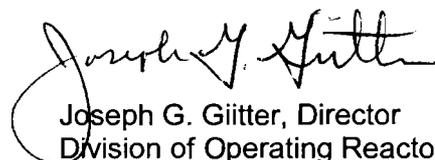
3. Submit a description of the physical modifications performed, if any, to address existing risk-significant fire protection issues.
4. Submit a status report of the transition, including a schedule of milestones for completing the fire probabilistic risk assessment. The status report should describe 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

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

The NRC staff reviewed PEC's request, and has determined that the PEC has made substantial progress in their transition to NFPA 805, and so the NRC staff will grant the additional enforcement discretion allowed by the interim fire protection enforcement policy. Accordingly, the enforcement discretion period for HBRSEP is hereby extended until 6 months after the date of the safety evaluation approving the second pilot plant LAR. Although PEC requested an extension until August 22, 2012, the extension period granted by the NRC staff conforms to the existing policy cited above. With respect to any period of time between the end of the 6 months after the approval of both pilot plant transitions and the time PEC submits the HBRSEP NFPA 805 LAR, HBRSEP will not receive enforcement discretion and is subject to the normal Enforcement Policy.

If you have any questions regarding this matter, please contact the project manager, Tracy Orf, at (301) 415-2788.

Sincerely,



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

Docket No. 50-261

cc: Distribution via Listserv

E. McCartney

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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. 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 reviewed PEC's request, and has determined that the PEC has made substantial progress in their transition to NFPA 805, and so the NRC staff will grant the additional enforcement discretion allowed by the interim fire protection enforcement policy. Accordingly, the enforcement discretion period for HBRSEP is hereby extended until 6 months after the date of the safety evaluation approving the second pilot plant LAR. Although PEC requested an extension until August 22, 2012, the extension period granted by the NRC staff conforms to the existing policy cited above. With respect to any period of time between the end of the 6 months after the approval of both pilot plant transitions and the time PEC submits the HBRSEP NFPA 805 LAR, HBRSEP will not receive enforcement discretion and is subject to the normal Enforcement Policy.

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DATE	9/28/2010	9/28/2010	9/15/10	9/15/10	9/29/2010	11/18/2010

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Letter to Eric McCartney from Joseph G. Giitter dated, November 18, 2010

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