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CONGRESS OF THE UNITED STATES
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WASHINGTON, DC 20515

May 11, 2007

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Mr. David M. Walker
Comptroller General of the United States
441 G Street N.W.
Washington, DC 20548

Dear Mr. Walker,

I am writing to request that the Government Accountability Office (GAO) conduct a review of the enforcement of fire safety standards at nuclear power plants.

Stakeholder groups, including a number in my district, have expressed concerns about the adequacy of Nuclear Regulatory Commission (NRC) policies for preventing and mitigating cable and conduit fires and facilitating the safe shutdown of a plant in the case of a fire emergency. In particular, these groups have questioned the long term use of interim compensatory measures to meet fire safety requirements. The situation is complicated by the fact that the Agency is working with several nuclear power plants to transition to new risk-based fire safety standards.

To address these concerns, I am requesting that GAO conduct a review to examine: (1) the frequency and causes of recent fire emergencies at U.S. nuclear power plants; (2) the adequacy and acceptable duration of interim compensatory measures; and (3) whether the transition to risk-based fire safety standards has led to an over-reliance on such measures during the transition period.

Thank you for your time and attention to this request.

Sincerely,

A handwritten signature in black ink that reads "David Price".

David Price
Member of Congress

April 29, 2007

Mr. C. S. Hinnant
Senior Vice President
and Chief Nuclear Officer
Progress Energy

P.O. Box 1551
Raleigh, NC 27602

SUBJECT: PERIOD OF ENFORCEMENT DISCRETION DURING IMPLEMENTATION OF
NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 805, SHEARON
HARRIS UNIT 1, H. B. ROBINSON UNIT 2, BRUNSWICK UNITS 1 AND 2, AND
CRYSTAL RIVER UNIT 3

Dear Mr. Hinnant:

In a letter dated September 19, 2005 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML052140391), the U.S. Nuclear Regulatory Commission (NRC) acknowledged your letter of June 10, 2005 (ADAMS No. ML051720404), in which you stated that Progress Energy intends to adopt National Fire Protection Association (NFPA) Standard 805, "NFPA 805, Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generating Plants," 2001 Edition, pursuant to Title 10 of the Code of Federal Regulations, Section 50.48(c), for Shearon Harris Unit 1, H. B. Robinson Unit 2, Brunswick Units 1 and 2, and Crystal River Unit 3 nuclear power plants.

In your letter, you requested enforcement discretion for a period of 3 years for existing identified incidents of noncompliances in accordance with the NRC's Interim Enforcement Policy for each of the above power plants. In our September 19, 2005, letter, the NRC granted a 2-year enforcement discretion period for Shearon Harris. For the other sites, the 2-year discretion period for noncompliances identified during the transition will begin when the NRC receives the additional plant-specific letters of intent (LOI). However, we also noted that the NRC is considering your request for extended discretion and would contact you when we have reached a decision.

On the basis of a revision to the Enforcement Policy (71 FR 19905), I am now informing you that your request for a 3-year enforcement discretion period for Shearon Harris is granted. Therefore, the discretion period for Shearon Harris, which began on June 10, 2005, will expire on June 10, 2008. For the other sites, the 3-year enforcement discretion period begins when the NRC receives the plant-specific LOI for transitioning to NFPA 805.

As you are aware, in order to receive enforcement discretion, you must: (a) evaluate the risk significance of all noncompliances to assure that they do not constitute "Red" (or a Severity Level I) findings under the reactor oversight program, (b) enter them into your corrective action program, and (c) implement and maintain appropriate compensatory measures until you

C. Hinnant - 2

complete your corrective actions, or until the NRC staff approves your license amendment request and issues its safety evaluation. You should refer to NRC Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements," for additional NRC staff guidance on appropriate compensatory measures.

If you have any questions regarding this matter, please contact Chandu Patel, Project Manager, at 301-415-3025 or CCP@nrc.gov.

Sincerely,

/RA/

Catherine Haney, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos.: 50-400, 50-261, 50-325,
50-324 and 50-302

cc: See Attached List

C. Hinnant - 2

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Sincerely,

/RA/

Catherine Haney, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos.: 50-400, 50-261, 50-325,
50-324 and 50-302

cc: See Attached List

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