



Serial: RNP-RA/04-0114

10 CFR 72

SEP 03 2004

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2
INDEPENDENT SPENT FUEL STORAGE INSTALLATION
DOCKET NO. 72-3/LICENSE NO. SNM-2502

TWENTY-DAY RESPONSE TO ORDER EA-03-097, IMPLEMENTATION
OF ADDITIONAL SECURITY MEASURES ASSOCIATED WITH ACCESS
AUTHORIZATION FOR H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2

Ladies and Gentlemen:

On August 18, 2004, the U. S. Nuclear Regulatory Commission (NRC) issued an Order modifying the license for the H. B. Robinson Steam Electric Plant (HBRSEP), Unit No. 2, independent spent fuel storage installation (ISFSI). In the Order, Section III.B.1, the NRC requires that, within 20 days, Carolina Power and Light Company, now doing business as Progress Energy Carolinas, Inc. (PEC), notify the NRC (1) if PEC is unable to comply with any of the requirements described in Attachment 1 of the Order, (2) if compliance with any of the requirements is unnecessary in PEC's specific circumstances, or (3) if implementation of any of the requirements would cause PEC to be in violation of the provisions of any Commission regulation or the facility license. PEC has reviewed the Order and has concluded that it is able to comply with the requirements described in Attachment 1 of the Order, and that compliance with these additional security measures (ASMs) will not cause PEC to be in violation of any NRC regulations or the facility license.

Section III.B.2 of the Order requires PEC to notify the NRC within 20 days if implementation of any of the requirements of Attachment 1 of the Order would adversely impact the safe storage of spent fuel. PEC has reviewed the Order and concluded that compliance with the ASMs will not adversely impact the safe storage of spent fuel.

Section III.C.1 of the Order requires PEC, within 20 days, to submit to the NRC a schedule for achieving compliance with each requirement described in Attachment 1 of the Order. Section III.C.2 of the Order requires PEC to report to the NRC when full compliance with the requirements of Attachment 1 of the Order has been achieved.

The HBRSEP, Unit No. 2, ISFSI is located at the same site as the operating power reactor, HBRSEP, Unit No. 2 (Docket No. 50-261/License No. DPR-23). Attachment I, Section A.2, of

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the Order allows PEC the option of implementing the compensatory measures (CMs) of Order EA-02-261, "Issuance of Order for Compensatory Measures Related to Access Authorization," issued January 7, 2003, as an alternate means of complying with the ASMs of Order EA-03-097. PEC's implementation of the CMs provided in Order EA-02-261 constitutes the method of achieving compliance with the ASMs provided in Order EA-03-097. By letter dated February 3, 2004, Progress Energy, Inc., notified the NRC that HBRSEP, Unit No. 2, was in full compliance with the CMs provided in Order EA-02-261. Therefore, HBRSEP, Unit No. 2, has achieved full compliance with the ASMs of Order EA-03-097.

This letter does not contain safeguards information and is not subject to 10 CFR 73.21 restrictions. However, this letter does contain information concerning physical protection for the HBRSEP, Unit No. 2, ISFSI. Therefore, PEC requests that this letter be withheld from public disclosure in accordance with 10 CFR 2.390(d)(1).

Please refer questions regarding this submittal to Mr. William Guthrie, Superintendent – Security, at (843) 857-1241.

Sincerely,

A handwritten signature in black ink, appearing to read "J. F. Lucas".

J. F. Lucas

Manager – Support Services – Nuclear

H. B. Robinson Steam Electric Plant, Unit No. 2

U. S. Nuclear Regulatory Commission

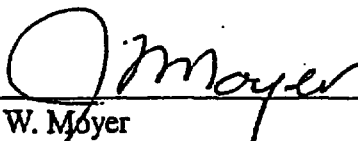
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Affirmation

The information contained in letter RNP-RA/04-0114 is true and correct to the best of my information, knowledge, and belief; and the sources of my information are officers, employees, contractors, and agents of Progress Energy Carolinas, Inc., also known as Carolina Power and Light Company. I declare under penalty of perjury that the foregoing is true and correct.

Executed On: 3 Sept. 2004



J. W. Moyer
Vice President
H. B. Robinson Steam Electric Plant, Unit No. 2

JMG/jmg

c: Dr. W. D. Travers, NRC, Region II
J. R. Strosnider, NRC, NMSS
NRC Resident Inspector, HBRSEP
C. P. Patel, NRC, NRR