

Docket Nos. 50-325
50-324

NOV 10 1981

Mr. J. A. Jones
Senior Executive Vice President
Carolina Power and Light Company
336 Fayetteville Street
Raleigh, North Carolina 27602



Dear Mr. Jones:

The Commission has issued Enclosure 1, an Exemption to certain requirements of Section 50.48 and Appendix R to 10 CFR Part 50, in response to your letter dated March 6, 1981. This exemption pertains to the requirement for a fixed fire suppression system in the control room for the Brunswick Steam Electric Plant (BSEP). Enclosure 2 is a Notice of Granting an Exemption which is being filed with the Office of the Federal Register for publication.

You have also requested an exemption "from all provisions of Section III.G of Appendix R, except to the extent current plant configurations and procedures comply with said Section." Your ground for this request is "that the fire protection measures prescribed in Section III.G would not, if installed at BSEP, 'provide substantial, additional protection which is required for the public health and safety or the common defense and security' within the meaning of 10 CFR §50-109(a)." You assert three bases for this request: (1) that a fire protection Safety Evaluation Report (SER) has been issued for BSEP, (2) that the Commission has not complied with 10 CFR Part 50.109 in promulgating this "backfit" provision, and (3) that compliance with this section would significantly increase man-rem exposures at BSEP.

The issuance of a fire protection SER for BSEP prior to issuance of 10 CFR Part 50.48 and Appendix R does not relieve you of compliance with the rule. The Commission was aware, when it promulgated these requirements, that some issues previously closed might be re-opened. In the Statement of Considerations accompanying the final rule (45 Fed. Reg. 76603), the Commission stated:

Nevertheless, as a result of its continuing review of fire protection matters, the NRC staff has indicated to the Commission that there are requirements in three sections in which the protection afforded by Appendix R over and above that previously accepted may be desirable. The Commission

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has decided that these requirements should be retroactively applied to all facilities. This decision is not meant to reflect adversely on previous licensee or staff evaluations; rather, its purpose is to take fully into account the increased knowledge and experience developed in fire protection matters over the last several years. (emphasis added)

All fire protection issues covered by Section 50.48 and Appendix R are governed by those provisions, whether or not these issues were dealt with in a previously-issued SER.

Your reliance on 10 CFR Part 50.109 is misplaced. Paragraph B of that section states that it does not "relieve a holder of a construction permit or a license from compliance with the rules, regulations or orders of the Commission." Therefore, this section does not provide an independent basis for seeking an exemption from the Commission's regulations.

You have provided no information to support your assertion regarding occupational exposures resulting from fire protection modifications. Moreover, your premise that such modifications "will not contribute significantly to safety" is unacceptable. The Commission has clearly reached a contrary conclusion.

Based upon the above considerations, your request for alternative relief is denied.

We are separately considering your requests for exemption from: (1) 10 CFR Part 50.48(c) concerning the delay in submitting plans, schedules, design descriptions, and requests for additional exemptions, and (2) the last paragraph of Section III.G.3 of Appendix R to 10 CFR Part 50 to the extent that it requires the installation of fixed fire suppression systems in the cable spreading rooms.

Sincerely,

Original Signed by
H. R. Denton

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

- Enclosures:
1. Exemption
 2. Notice

cc w/encls:
See next page

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Mr. J. A. Jones
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NUCLEAR REGULATORY COMMISSION

In the Matter of

CAROLINA POWER AND LIGHT
 COMPANY
 (Brunswick Steam Electric Plant
 Unit Nos. 1 and 2)

Docket Nos. 50-325 and 50-324

EXEMPTION

I.

The Carolina Power and Light Company (the licensee) is the holder of Facility Operating License Nos. DPR-71 and DPR-62 which authorize operation of the Brunswick Steam Electric Plant (BSEP), Unit Nos. 1 and 2. These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The Facility comprises two boiling water reactors at the licensee's site located in Brunswick County, North Carolina.

II.

Section III.G.3 of Appendix R to 10 CFR Part 50 requires that a fixed fire suppression system be installed in an area, room or zone under consideration for alternative, safe shutdown modifications. In the case of BSEP, under this provision a fire suppression system would be required in the Control Room.

The licensee indicated in its March 6, 1981 letter, that the fire protection features currently installed in the Control Room are equal in effectiveness to a fixed fire suppression system and, therefore, requested an exemption from the requirement to install a fixed suppression system in the Control Room. The licensee's exemption request is based on the following:

- The control room is continually manned.
- Fire detection equipment has been installed generally throughout the control room including in cabinets and other areas not readily visible to operators.
- High risk areas for combustibles such as computer rooms have been separated from the control room by 3-hour fire barriers.
- CO₂ fire fighting capability is immediately available to operating personnel.

The modifications which the licensee's exemption request is based on are required by Appendix R to 10 CFR Part 50. Therefore, the above modifications alone do not justify an exemption from the requirement to install a fixed fire suppression system in areas where redundant divisions are located. However, the Control Room is a unique area of the plant that is required to be continually occupied by the operators. In the event of a fire, manual fire suppression would be effective and prompt. Because the operators provide a continuous fire watch in the Control Room, a fixed suppression system is not necessary to achieve adequate fire protection in the Control Room. This is similar to the concept reflected in the staff's acceptance, on a short-term basis, of a continuous fire watch as an alternative to fixed suppression systems when such systems become unavailable per 3.7.11.2 of the Standard Technical Specifications.

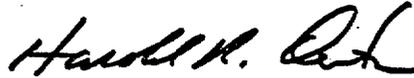
Based on our evaluation, we conclude that the licensee's fire protection features for the Control Room meets the objectives of Section III.G "Fire Protection of Safe Shutdown Capability" of Appendix R to 10 CFR Part 50 and, therefore, the licensee's request to be exempted from the requirement to provide a fixed fire suppression system in the Control Room should be granted.

III.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and is hereby granted.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

FOR THE NUCLEAR REGULATORY COMMISSION



Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland,
this 10th day of November 1981