

November 9, 1983

Docket Nos. 50-325/324

Mr. E. E. Utley
Executive Vice President
Carolina Power & Light Company
Post Office Box 1551
Raleigh, North Carolina 27602

Dear Mr. Utley:

Re: Brunswick Steam Electric Plant, Units 1 and 2

The Commission has filed the enclosed "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" with the Office of the Federal Register for publication. The notice is in response to your application dated October 3, 1983, related to providing limited flexibility in scheduling containment leak testing surveillance consistent with planned outages.

Sincerely,

Original signed by/

Domenic B. Vassallo, Chief
Operating Reactors Branch #2
Division of Licensing

Enclosure:
As stated

cc w/enclosure:
See next page

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WJones

OPA, CMiles

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10/1/83

see notes

OELD

M. KARMAN

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SMacKay
10/17/83

DL:ORB#2
DVassallo
10/17/83

DL:AD-OR
GLainas
10/1/83

10/25/83
11/9/83

Mr. E. E. Utley
Carolina Power & Light Company
Brunswick Steam Electric Plant, Units 1 and 2

cc:

Richard E. Jones, Esquire
Carolina Power & Light Company
336 Fayetteville Street
Raleigh, North Carolina 27602

George F. Trowbridge, Esquire
Shaw, Pittman, Potts and Trowbridge
1800 M Street, N. W.
Washington, D. C. 20036

Mr. Charles R. Dietz
Plant Manager
Post Office Box 458
Southport, North Carolina 28461

Mr. Franky Thomas, Chairman
Board of Commissioners
Post Office Box 249
Bolivia, North Carolina 28422

Mrs. Chrys Baggett
State Clearinghouse
Budget and Management
116 West Jones Street
Raleigh, North Carolina 27603

U. S. Environmental Protection
Agency
Region IV Office
Regional Radiation Representative
345 Courtland Street, N. W.
Atlanta, Georgia 30308

Resident Inspector
U. S. Nuclear Regulatory Commission
Post Office Box 1057
Southport, North Carolina 28461

James P. O'Reilly
Regional Administrator
Region II Office
U. S. Nuclear Regulatory Commission
101 Marietta Street, Suite 3100
Atlanta, Georgia 30303

Dayne H. Browns, Chief
Radiation Protection Branch
Division of Facility Services
Department of Human Resources
Post Office Box 12200
Raleigh, North Carolina 27605

UNITED STATES NUCLEAR REGULATORY COMMISSIONCAROLINA POWER & LIGHT COMPANYDOCKET NOS. 50-325 AND 50-324NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-71 and DPR-62, issued to Carolina Power & Light Company (the licensee), for operation of the Brunswick Steam Electric Plant, Units Nos. 1 and 2, located in Brunswick County, North Carolina.

The amendments proposed by the licensee would change the Technical Specifications to provide limited flexibility in scheduling containment leak testing surveillance consistent with planned outages. They do not result in a long-term extension of the surveillance schedule because of the requirements of Specification 4.0.2.b (the 3.25 times the surveillance interval rule). These changes make the Brunswick Technical Specifications conform more closely with the requirements of Appendix J to 10 CFR 50, and are clearly in keeping with the NRC Staff guidance provided in the Standard Technical Specifications.

Appendix J of 10 CFR 50 requires that a Type A Overall Integrated Containment Leakage Rate test be performed approximately every 18 months for a primary containment that has failed to meet the applicable leakage limits during two consecutive Type A tests. Brunswick Technical Specification 4.6.1.2.b requires that if two consecutive Type A tests fail

to meet the required leakage limits, a Type A test be performed at least every 18 months.

The proposed Technical Specifications would permit the extension of the 18 month surveillance intervals referenced above. In addition to the revision concerning the requirements of Technical Specification 4.0.2, the format of the Technical Specification requirements concerning primary containment leakage have been reformatted to be consistent with more recent revisions of the Standard Technical Specifications.

Before issuance of the proposed license amendment, the Commission will have made findings as required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The NRC staff has reviewed this amendment request and has found that the proposed Technical Specification revisions are not likely to involve significant hazards consideration because with the proposed changes the Technical Specifications, Appendix A of the Brunswick Operating License, conform to the provisions of 10 CFR, Appendix J. The Commission has provided guidance concerning the application of its standards set forth in 10 CFR 50.92 for no significant hazards considerations by providing certain

examples published in the Federal Register on April 6, 1983 (48 FR 14864). One of the examples of an amendment which will likely be found to involve no significant hazards considerations is a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method. The proposed changes, which simply provide some limited flexibility in scheduling containment leak testing surveillance consistent with planned outages by allowing the surveillance interval to vary by 25%, do not result in a long-term extension of the surveillance schedule because of the requirements of Specification 4.0.2.b (the 3.25 times the surveillance interval rule). The proposed changes make the Brunswick Technical Specifications conform more closely with the requirements of Appendix J to 10 CFR 50, and are clearly in keeping with the NRC Staff guidance provided in the Standard Technical Specifications which allow the 18-month surveillance interval to vary by 25%. Therefore, the staff finds that the proposed changes are similar to and fall within the Commission's example (vi) of an action not likely to involve a significant hazards consideration.

Therefore, since the application for amendment involves proposed changes that are similar to examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attn: Docketing and Service Branch.

By December 19, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention

should be permitted with particular reference to the following factors:

(1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attn: Docketing and Service Branch,

or may be delivered to the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Domenic B. Vassallo: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, and to George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N. W., Washington, D. C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment, dated October 3, 1983, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W.,

Washington, D. C., and at the Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Dated at Bethesda, Maryland, this 9th day of November, 1983.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in dark ink, appearing to read "D. Vassallo", written in a cursive style.

Domenic B. Vassallo, Chief
Operating Reactors Branch #2
Division of Licensing

INITIAL
NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION
AND NOTICING ACTION

*For Docket
only*

Docket No. 50-325/324 Facility: Brunswick Steam Electric Plant,
Units 1 and 2
Licensee: Carolina Power & Light Co. Date of application: October 3, 1983
Request for:

(See attached notice or press release for more details.)

Initial Determination:

- (X) Proposed determination - amendment request involves no significant hazards considerations (NSHC).
() Final determination - amendment request involves significant hazards considerations (SHC).

Basis for Determination

- () Licensee's NSHC discussion has been reviewed and is accepted. See attached amendment request.
(X) Basis for this determination is presented in the attached notice.
() Other (state):

(Attach additional sheets as needed.)

Initial Noticing Action: (Attach appropriate notice or input for monthly FRN)

1. () Monthly FRN. Notice of opportunity for hearing (30 days) and request for comments on proposed NSHC determination - monthly FRN input is attached (Attachment 8).
2. (X) Individual FRN (30 days). Same notice matter as above. Time does not allow waiting for next monthly FRN (Attachments 9a and 9b).

(THIS FORM SHOULD BE TYPED EXCEPT FOR UNUSUAL, URGENT CIRCUMSTANCES.)

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3. () Local media notice. Valid exigent circumstances exist (evaluated below).
Local media notice requesting public comments on proposed NSHC determination is attached (Attachment 10).
4. () No notice. A valid emergency situation exists (evaluated below) and there is no time for public notice on proposed NSHC determination.
(No attachment.)
5. () Individual FRN (30-days). Licensee's claim of exigent or emergency circumstances is invalid (evaluated below). Notice of opportunity for hearing (30 days) and request for comments on proposed NSHC determination is attached (Attachments 9a and 9b). Letter of explanation to licensee is also attached.
6. () Individual FRN (30-days). The amendment request involves SHC. Notice of opportunity for prior hearing is attached (Attachment 5). Letter to licensee also attached.
7. () Individual Short FRN. Valid emergency circumstances exist (evaluated below). There is no time for the usual 30-day FRN. (Attachment 16).

Evaluation of exigent or emergency circumstances (if applicable):

(attach additional sheets as needed)

Approvals:

Date

1. M. Grottenhuis
(Project Manager)
2. M. Masallo
(Branch Chief)
3. M. KATMAN (See Notice)
(OELD)

10/17/83
10-17-83
11-1/83

Additional approval (for noticing actions types 3, 4, 5, 6 and 7):

4. _____
(Assistant Director)

Additional approval (for noticing action types 4 and 5):

5. _____
(Director, Division of Licensing)

Attachment: as indicated

cc: Original - Docket File (with note "Docket File only")
Project Manager
Licensing Assistant
Branch Files