

October 25, 1983

Docket No. 50-324

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, Unit 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 relates to your application dated September 29, 1983, requesting an extension of the completion date for modifications to the augmented off-gas system.

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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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
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Raleigh, North Carolina 27602

George F. Trowbridge, Esquire
Shaw, Pittman, Potts and Trowbridge
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Mr. Charles R. Dietz
Plant Manager
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Southport, North Carolina 28461

Mr. Franky Thomas, Chairman
Board of Commissioners
Post Office Box 249
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Division of Facility Services
Department of Human Resources
Post Office Box 12200
Raleigh, North Carolina 27605

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

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-62, issued to Carolina Power & Light Company (the licensee), for operation of the Brunswick Steam Electric Plant, Unit No. 2, located in Brunswick County, North Carolina.

The amendment proposed by the licensee would modify Operating License No. DPR-62, paragraph 2H to extend the completion date for modifications to the off-gas system for the Brunswick Steam Electric Plant, Unit 2. Modifications to the off-gas system were required as a result of the adoption of 10 CFR 50 Appendix I, "Numerical Guides for Design Objectives and Limiting Conditions for Operation to Meet the Criterion 'As Low as is Reasonably Achievable' for Radioactive Material in Light-Water-Cooled Nuclear Power Reactor Effluents." The schedular requirement for the completion of modifications by December 31, 1983 was added to the Operating License by Amendment No. 58 dated June 3, 1981. This was based on the licensee's scheduled 1983 refueling outage being completed by November 1983. Due to unforeseen delays, the projected refueling schedule could not be met and the licensee has requested that the completion date be extended from December 31, 1983 to "within two months following the extended outage scheduled to begin in March 1984." This proposed schedule is consistent with the original intent to have these modifications performed during this particular extended refueling outage.

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.

Carolina Power & Light Company has determined that the proposed revision to its Operating License involves no significant hazards consideration because the proposed change does not (1) involve an increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a reduction in a margin of safety since the existing Technical Specifications limit gaseous effluents. The Brunswick Technical Specifications limit the annual gaseous releases from the two units to the 10 CFR 50, Appendix I design objectives during the interim period until the modified off-gas system is installed and operational. During the interval from December 31, 1983 to March 1984, gaseous effluents will continue to be maintained within the current Technical Specification limits.

The staff concurs with the licensee's assessment of hazards considerations and finds that these considerations meet the Commission's

three criteria, stated above, for a proposed no significant hazards determination. The staff has also considered that the proposed license amendment will not permit an increase in the amount of effluents or radiation emitted from this facility nor would it allow operation for a time without full safety protections since the objective of Appendix I to 10 CFR 50 in keeping reactor effluents as low as reasonably achievable will be fully met. Based on these considerations 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 November 30, 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 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 September 29, 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 25th day of October, 1983.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "D. Vassallo", written over a horizontal line.

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