

September 13, 1994

Mr. R. A. Anderson, Vice President  
Carolina Power & Light Company  
Brunswick Steam Electric Plant  
Post Office Box 10429  
Southport, North Carolina 28461

SUBJECT: NOTICE REGARDING AMENDMENT REQUEST ON THE TEST FREQUENCY FOR THE  
DRYWELL-SUPPRESSION CHAMBER VACUUM BREAKERS - BRUNSWICK STEAM  
ELECTRIC PLANT, UNITS 1 AND 2 (TAC NOS. M90320 AND M90321)

Dear Mr. Anderson:

Enclosed for your information is a copy of the Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing. This Notice relates to your amendment request dated September 9, 1994. The proposed amendment would revise the frequency for verifying the position of the drywell-suppression chamber vacuum breakers when a valve position indicator is inoperable from at least once every 72 hours to at least once every 14 days. Your letter also requested exigent handling of this proposed amendment request.

This Notice is being sent to the Office of the Federal Register for publication.

Sincerely,

151

Patrick D. Milano, Sr. Project Manager  
Project Directorate II-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket Nos. 50-325  
and 50-324

Enclosure: Notice of Consideration

cc w/enclosure: See next page

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 13, 1994

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Carolina Power & Light Company  
Brunswick Steam Electric Plant  
Post Office Box 10429  
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This Notice is being sent to the Office of the Federal Register for publication.

Sincerely,

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

Patrick D. Milano, Sr. Project Manager  
Project Directorate II-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Docket Nos. 50-325  
and 50-324

Enclosure: Notice of Consideration

cc w/enclosure: See next page

Mr. R. A. Anderson  
Carolina Power & Light Company

Brunswick Steam Electric Plant  
Units 1 and 2

cc:

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Brunswick County Board of Commissioners  
Post Office Box 249  
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Executive Director  
Public Staff - NCUC  
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Resident Inspector  
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New Hanover County Department of  
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Mr. William Levis  
Plant Manager - Unit 1  
Carolina Power & Light Company  
Brunswick Steam Electric Plant  
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Southport, North Carolina 28461

Public Service Commission  
State of South Carolina  
Post Office Drawer 11649  
Columbia, South Carolina 29211

Mr. Clay C. Warren  
Plant Manager - Unit 2  
Brunswick Steam Electric Plant  
Post Office Box 10429  
Southport, North Carolina 28461

UNITED STATES NUCLEAR REGULATORY COMMISSION

CAROLINA POWER & LIGHT COMPANY

DOCKET NOS. 50-325 AND 50-324

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE. PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION. AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment 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 1 and 2, located in Brunswick County, North Carolina.

The proposed amendment would revise the frequency for verifying the position of the drywell-suppression chamber vacuum breakers when a valve position indicator is inoperable from at least once every 72 hours to at least once every 14 days. The proposed change is consistent with the testing frequency for this equipment that is stipulated in the Improved Boiling Water Reactor Standard Technical Specifications.

By letter dated September 9, 1994, the licensee requested exigent handling of the proposed amendment request. The licensee stated that, on September 3, 1994, the closed position indication was found inoperable on one vacuum breaker, and they have been performing the required testing to verify that the vacuum breaker is closed. Since the plant is in operation and the primary containment suppression chamber is inerted with nitrogen, the suppression chamber is not accessible to repair the vacuum breaker position

ENCLOSURE

indication without an unscheduled plant shutdown. To conduct the vacuum breaker test, the nitrogen pressure is increased inside the drywell to establish the test pressure. This test reduces the operational margin between the actual drywell pressure and the high drywell pressure trip setpoint. If this setpoint is reached or exceeded, a reactor scram and Group 1 isolation will occur. Therefore, the changes to the test frequency will reduce the potential for incurring an unnecessary plant transient.

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

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change revises the surveillance requirements associated with inoperable position indication for drywell-suppression chamber vacuum breakers. No safety-related equipment, safety function or plant operations will be altered as a result of the proposed change. The change does not affect the design, materials, or construction

standards applicable to the vacuum breakers or their position indication instrumentation.

Relaxation of the frequency for verifying the position of the drywell-suppression chamber vacuum breakers from at least once every 72 hours to at least once every 14 days, as stated in the existing Technical Specification 3.6.4.1, ACTION c, will not affect the ability of the drywell-suppression chamber vacuum breakers to perform their intended safety function. The extended frequency provides adequate assurance that the vacuum breakers will perform their intended safety function. Each drywell-suppression chamber vacuum breaker will continue to be demonstrated OPERABLE and closed at least once per 31 days and after any discharge of steam to the suppression chamber in accordance with Technical Specification 4.6.4.1.a. In addition, the new surveillance requirement provided in the proposed Technical Specification 4.6.4.1.a will require that each vacuum breaker be verified to be closed at least once every 14 days. The new surveillance provides further assurance that the vacuum breakers are capable of performing their design function under accident conditions of allowing the venting of non-condensable gases from the suppression chamber to the drywell while not allowing bypass flow from the drywell to the suppression chamber.

Based on the above, the proposed change does not create a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

As stated above, no safety-related equipment, safety function or plant operations will be altered as a result of the proposed change. The change does not affect the design, materials, or construction standards applicable to the vacuum breakers or their position indication instrumentation.

Relaxation of the frequency for verifying the position of the drywell-suppression chamber vacuum breakers of the existing Technical Specification 3.6.4.1, ACTION c from at least once every 72 hours to at least once every 14 days will not affect the ability of the drywell-suppression chamber vacuum breakers to perform their intended safety function.

In addition, the new surveillance requirement provided in proposed Technical Specification 4.6.4.1.a will require that each vacuum breaker be verified to be closed at least once every 14 days. The new surveillance will provide further assurance that the vacuum breakers are capable of performing their design function under accident conditions without altering plant operations in a manner that would create a new or different kind of accident.

As such, the proposed license amendment cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in a margin of safety.

The proposed change does not involve any changes to the plant design or operation. Therefore, no margins of safety, as defined by the plant's accident analyses, are impacted. Relaxation of the frequency for verifying the position of the drywell-suppression chamber vacuum breakers of the existing Technical Specification 3.6.4.1, ACTION c from at least once every 72 hours to at least once every 14 days will not affect the ability of the drywell-suppression chamber vacuum breakers to perform their intended safety function. The extended frequency provides adequate assurance that the vacuum breakers will perform their intended safety function. Each drywell-suppression chamber vacuum breaker will continue to be demonstrated OPERABLE and closed at least once per 31 days and after any discharge of steam to the suppression chamber in accordance with Technical Specification 4.6.4.1.a.

In addition, performance of Technical Specification 4.6.4.1.b requires pressurization of the drywell to approximately 1.0 psig and then verifying that the differential drywell to suppression chamber pressure is maintained greater than one-half the initial differential pressure for one hour without nitrogen makeup. During this evolution actual pressure will increase as high as 1.1 psig before stabilizing. The Drywell Pressure - High setpoint, which initiates a reactor scram and a Group 1 isolation, is less than or equal to 2.0 psig (the actual setpoint is 1.8 psig). As such, performance of this evolution once per 72 hours unnecessarily risks a plant transient without providing a significant increase in the level of safety gained by performing the verification on a 14 day frequency.

The new surveillance requirement provided in proposed Technical Specification 4.6.4.1.a will require that each vacuum breaker be verified to be closed at least once every 14 days. The new surveillance provides further assurance that the vacuum breakers are capable of performing their design function under accident conditions of allowing the venting of non-condensable gases from the suppression chamber to the drywell while not allowing bypass flow from the drywell to the suppression chamber.

Based on the above reasoning, the proposed license amendment does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are

satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-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 15-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 in the FEDERAL REGISTER a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.



The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 3, 1994, 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 request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297. 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 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 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. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle

the petitioner to relief. 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 the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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 immediately 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 request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last 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 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to David B. Matthews: 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 Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to R. E. Jones, General Counsel, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602, 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 presiding Atomic Safety and Licensing Board that the petition and/or

request should be granted 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 9, 1994, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, located at University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

Dated at Rockville, Maryland, this 13th day of September, 1994.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in dark ink, appearing to read "Patrick D. Milano", with a long horizontal flourish extending to the right.

Patrick D. Milano, Sr. Project Manager  
Project Directorate II-1  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation