

December 21, 1995

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

Dear Mr. Campbell:

SUBJECT: ISSUANCE OF EXEMPTION TO 10 CFR 50.71(e)(4), BRUNSWICK STEAM
ELECTRIC PLANT UNITS 1 AND 2 (TAC NOS. M92761 AND M92762)

The Commission has issued the enclosed exemption from certain requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the Final Safety Analysis Report (FSAR) and design change reports for facility changes made under 10 CFR 50.59 for the Brunswick Steam Electric Plant (BSEP), Units 1 and 2. This exemption is related to your application dated June 9, 1995, to schedule updates to the single, unified FSAR for the two units that comprise BSEP once per fuel cycle (based upon the Unit 1 refueling outage schedule). With the current length of fuel cycles, FSAR updates would be submitted every 18 months, but not to exceed 24 months from the last submittal.

A copy of the exemption and the supporting Safety Evaluation by the staff are enclosed. The exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

(Original Signed By)

David C. Trimble, 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: Exemption

cc w/enclosure:
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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David C. Trimble

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Project Directorate II-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosure: Exemption

cc w/enclosure:
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Brunswick Steam Electric Plant
Units 1 and 2

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

CAROLINA POWER & LIGHT COMPANY

Brunswick Steam Electric Plant
Units 1 and 2

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Docket Nos. 50-325 and 50-324

EXEMPTION

I.

The Carolina Power & 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). The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

These facilities consist of two boiling water reactors located at the licensee's site in Brunswick County, North Carolina.

II.

Title 10 CFR 50.71 "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The two BSEP units share a common FSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for either unit.

III.

10 CFR 50.12(a), "Specific exemptions," states that...

The Commission may, upon application by any interested person, or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are- (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

10 CFR 50.12(a)(2)(ii) states that special circumstances are present when...

Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule...

IV.

As noted in the staff's safety evaluation, the licensee's proposed schedule for FSAR updates will ensure that the BSEP FSAR will be maintained current within 24 months of the last revision and the interval for submission of the 10 CFR 50.59 design change report will not exceed 24 months. The Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with common defense or security, and is otherwise in the public interest. The Commission has also determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the BSEP FSAR within six months of each outage. The licensee will be required to submit updates to the BSEP FSAR once per fuel cycle (based upon the Unit 1 refueling outage schedule). With

the current length of fuel cycles, FSAR updates would be submitted every 18 months, but not to exceed 24 months from the last submittal.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (60 FR 64456). This exemption is effective upon issuance.

Dated at Rockville, Maryland this 21st day of December 1995.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Steven A. Varga". The signature is fluid and cursive, with the first name "Steven" and last name "Varga" clearly distinguishable.

Steven A. Varga, Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 21st day of December 1995



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

ENCLOSURE

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

EXEMPTION FROM FINAL SAFETY ANALYSIS REPORT UPDATE

REQUIREMENTS OF 10 CFR 50.71(e)(4)

CAROLINA POWER & LIGHT COMPANY

BRUNSWICK STEAM ELECTRIC PLANT UNITS 1 AND 2

DOCKET NOS. 50-325 AND 50-324

1.0 INTRODUCTION

By letter dated June 9, 1995, Carolina Power & Light Company (the licensee) submitted a request for an exemption from the requirements of 10 CFR 50.71(e)(4), "Maintenance of records, making reports." 10 CFR 50.71(e)(4) requires, in part, that "Subsequent revisions [to the Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The two Brunswick Steam Electric Plant (BSEP) units share a common FSAR; therefore, this rule requires the licensee to update the same document within 6 months after a refueling outage for either unit.

2.0 EVALUATION

10 CFR 50.71(e)(4) ensures that all licensees update their FSARs at least every refueling outage and no less frequently than every two years. When two units share a common FSAR the rule has the effect of making the licensee update the FSAR roughly every 12 to 18 months; this is contrary to the intent of the rule. A recent revision to 10 CFR 50.71(e) was intended to provide some reduction in regulatory burden by limiting the frequency of required updates. The burden reductions provided in the revised regulation, however, can only be realized by single unit facilities or multiple unit facilities that maintain separate FSARs for each unit. For multiple unit facilities with a common updated FSAR, the "each refueling outage" requirement increases rather than decreases the regulatory burden. The authors of the revised rule recognized this concern for multiple unit plants by stating in response to a comment that "[w]ith respect to [the] concern about multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis. This final rule does not address multiple facilities." 57 FR 39353 (August 31, 1992). The requested exemption would require periodic updates once per fuel cycle, based on the BSEP Unit 1 refueling outage schedule, but not to exceed 24 months from the last

submittal. The requirement that an update be submitted within six months of an outage of each unit is not retained. Allowing the exemption would maintain the BSEP FSAR current within 24 months of the last revision and would not exceed a 24-month interval for submission of the 10 CFR 50.59 design change report for either unit.

3.0 CONCLUSION

The staff finds that the proposed alternative provides an equivalent level of protection as the existing regulations; therefore, the proposed exemption from 10 CFR 50.71(e)(4) for BSEP Units 1 and 2 is acceptable.

Principal Contributors: E. Fuentes
G. Wunder

Dated: