

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

January 15, 1997

SUBJECT: BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2, NOTICE OF
 CONSIDERATION OF ISSUANCE OF AMENDMENTS (SERIAL: BSEP 96-0414)
 (TAC NOS. M97243 AND M97244)

Dear Mr. Campbell:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for a Hearing" for your information. This notice relates to your application for amendments dated November 1, 1996. In your application, you propose to convert the current Technical Specifications (CTS) for Brunswick Units 1 and 2 to Improved Standard Technical Specifications (ISTS) consistent with the provisions of NUREG-1433, Revision 1, "Standard Technical Specifications, General Electric Plants, BWR/4," dated April 1995.

The notice has been 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: Notice of Consideration

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Mr. W. R. Campbell
Carolina Power & Light Company

Brunswick Steam Electric Plant
Units 1 and 2

cc:

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UNITED STATES NUCLEAR REGULATORY COMMISSIONCAROLINA POWER AND LIGHT COMPANYDOCKET NOS. 50-325 AND 50-324NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO
FACILITY OPERATING LICENSES 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 the Carolina Power and Light Company (CP&L or the licensee) for operation of the Brunswick Steam Electric Plant (Brunswick, BSEP, BNP), Units 1 and 2, located in Brunswick County, North Carolina.

The proposed amendments, requested by the licensee in a letter dated November 1, 1996, would represent a full conversion from the current Technical Specifications (TSs) to a set of TS based on NUREG-1433, Revision 1, "Standard Technical Specifications for General Electric Plants, BWR/4," dated April 1995. NUREG-1433 has been developed through working groups composed of both NRC staff members and the BWR/4 owners and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve TS. As part of this submittal, the licensee has applied the criteria contained in the Commission's "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (final policy statement)," published in the Federal Register on July 22, 1993 (58 FR 39132), to the current Brunswick TSs, and, using NUREG-1433 as a basis, developed a proposed set of improved TSs for BSEP. The criteria in the final policy statement were subsequently added to 10 CFR 50.36, "Technical Specifications," in a rule change which was published

in the Federal Register on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

The licensee has categorized the proposed changes to the existing TSs into four general groupings. These groupings are characterized as administrative changes, relocated changes, technical changes - more restrictive, and technical changes - less restrictive.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation and complex rearranging of requirements and other changes not affecting technical content or substantially revising an existing requirement. The reformatting, renumbering and rewording process reflects the attributes of NUREG-1433 and does not involve technical changes to the existing TSs. The proposed changes include: (a) providing the appropriate numbers, etc., for NUREG-1433 bracketed information (information which must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG-1433 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components or variables that do not meet the criteria for inclusion in the TSs. Relocated changes are those current TS requirements which do not satisfy or fall within any of the four criteria specified in the Commission's policy statement and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in

that portion of their November 1, 1996, application titled "Application of Selection Criteria to the BNP Technical Specifications," in Volume 1 of the submittal. The affected structures, systems, components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components or variables will be relocated from the TS to administratively controlled documents such as the Updated Final Safety Analysis Report (UFSAR), the BASES, the Technical Requirements Manual (TRM), plant procedures, the Inservice Testing (IST) Program, the Inservice Inspection (ISI) Program, the Offsite Dose Calculation Manual (ODCM) or the Process Control Program. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms. In addition, the affected structures, systems, components or variables are addressed in existing surveillance procedures which are also subject to 10 CFR 50.59. These proposed changes will not impose or eliminate any requirements and adequate control of the information will be maintained.

More restrictive changes are those involving more stringent requirements for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems and components described in the safety analyses. For each requirement in the current BSEP TSs that is more restrictive than the corresponding requirement in NUREG-1433 which the licensee proposes to retain in the ITS, they have provided an explanation of why they have concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facilities because of

specific design features of the plant.

Less restrictive changes are those where current requirements are relaxed or eliminated, or new flexibility is provided. The more significant "less restrictive" requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TSs may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the improved Standard Technical Specifications. Generic relaxations contained in NUREG-1433 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design will be reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG-1433 and thus provides a basis for these revised TSs or if relaxation of the requirements in the current TSs is warranted based on the justification provided by the licensee.

In addition to the above changes related to conversion of the current TSs to be similar to the ISTSs in NUREG-1433, the licensee has proposed to change the surveillance frequency from 18 to 24 months for all surveillances that are normally performed at refueling outages. The proposed amendments would extend the required frequency of selected surveillance requirements to 24 months to support the adoption of a 24-month fuel cycle.

In the application of November 1, 1996, CP&L is also requesting changes to the Unit 2 Operating License to allow single loop operation. By

letter dated November 1, 1996, the licensee submitted amendment applications for Brunswick Units 1 and 2 to revise the TSs to allow full implementation of the Boiling Water Reactor Owners Group (BWROG) Enhanced Option 1-A (EIA) Reactor Stability Long Term Solution. Approval of these proposed amendments would permit single loop operation for both Brunswick units. CP&L is proposing to implement the long-term resolution of the thermal hydraulic instability concerns concurrent with implementation of the ITS. The TS changes to permit single loop operation have been incorporated in the ITS. However, the Unit 2 License has a condition (2.C.(5)) that does not allow single loop operation for more than 24 hours. The license condition was added to permit the licensee to conduct a natural circulation test as part of the startup test program but to preclude extended operation without both recirculation loops in operation.

By February 24, 1997, 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, 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 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.

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 20555-0001, 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, 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 Mark Reinhart, Acting

Director, Project Directorate II-1: 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 20555-0001, and to William D. Johnson, Vice President and Senior 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).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments dated November 1, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, 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 27602.

Dated at Rockville, Maryland, this 15th day of January 1997.

FOR THE NUCLEAR REGULATORY COMMISSION



Mark Reinhart, Acting Director
Project Directorate II-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation