

UNITED STATES NUCLEAR REGULATORY COMMISSION

CAROLINA POWER AND LIGHT COMPANY

DOCKET NOS. 50-325 AND 50-324

NOTICE 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 amendments to Facility Operating Licenses Nos. DPR-71 and DPR-62, issued to Carolina Power and Light Company (CP&L, the licensee), for operation of the Brunswick Steam Electric Plant (BSEP), Units 1 and 2, located in Brunswick County, North Carolina.

The proposed amendments would allow an increase in the licensed power from 2558 megawatts thermal (MWt) to 2923 MWt. This change represents an increase of approximately 15 percent above the current licensed power. The proposed amendment would also change the operating licenses and the technical specifications appended to the operating licenses to provide for implementing updated power operation.

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

By March 14, 2002, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses, 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 (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site

<http://www.nrc.gov/reading-rm/doc-collections/cfr>. If there are problems in accessing the document, contact the PDR Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdrc@nrc.gov. 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 must 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 that may be entered in the proceeding on the petitioner's interest. The petition must 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 that must include a

list of the contentions that the petitioner seeks to have litigated in the hearing. 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 each contention and a concise statement of the alleged facts or expert opinion that 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. The 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 amendments under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that 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 and petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the request for a hearing and 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, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the

Commission, the presiding officer, or the 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 amendments 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 August 9, 2001, as supplemented by letters dated October 17, November 7, November 12, November 28, November 30, December 10, and December 20, 2001, which are available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-room/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 6th day of February 2002.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John M. Goshen, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

February 6, 2002

Mr. J. S. Keenan
Vice President
Brunswick Steam Electric Plant
Carolina Power & Light Company
Post Office Box 10429
Southport, North Carolina 28461

SUBJECT: BRUNSWICK STEAM ELECTRIC PLANT, UNITS 1 AND 2 - NOTICE OF
CONSIDERATION OF ISSUANCE OF AMENDMENTS TO FACILITY OPERATING
LICENSES FOR EXTENDED POWER UPRATE AND OPPORTUNITY FOR
HEARING (TAC NOS. MB2700 AND MB2701)

Dear Mr. Keenan:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity For a Hearing" related to the application from Carolina Power and Light Company dated August 9, 2001, as supplemented by letters dated October 17, November 7, November 12, November 28, November 30, December 10, and December 20, 2001, for amendments to the Brunswick Steam Electric Plant (BSEP), Units 1 and 2.

The proposed amendments would allow an increase in the licensed power from 2558 megawatts thermal (MWt) to 2923 MWt. This represents an increase of approximately 20 percent above the original rated thermal power (RTP), and approximately 15 percent above the current RTP. The proposed amendments would also change the operating licenses and the technical specifications appended to the operating licenses to provide for implementing uprated power operation.

This notice is being forwarded to the Office of Federal Register for publication.

Sincerely,

/RA by J. Goshen for/
Allen G. Hansen, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-325
and 50-324

Enclosure: Notice

cc w/encl: See next page

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Vice President
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Carolina Power & Light Company
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/RA by J.Goshen for/

Allen G. Hansen, Project Manager, Section 2
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Office of Nuclear Reactor Regulation

Docket Nos. 50-325
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cc w/encl: See next page

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Mr. J. S. Keenan

Brunswick Steam Electric Plant

Carolina Power & Light Company

Units 1 and 2

cc:

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Southport, North Carolina 28461

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