

Docket No. 50-261

April 3, 1984

Mr. E. E. Utley, Executive Vice President  
Power Supply and Engineering & Construction  
Carolina Power and Light Company  
Post Office Box 1551  
Raleigh, North Carolina 27602

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Dear Mr. Utley:

We have received your letter dated October 25, 1983, as supplemented letter dated March 5, 1984, describing your plans to temporarily exempt a portion of the H. B Robinson Steam Electric Plant Unit No. 2 from the requirements of 10 CFR 73.55 during the steam generator repair program. Since your request, if granted, would result in a revision to your operating license, we are considering your letter dated October 25, 1983, as supplemented by letter dated March 5, 1984 as an application for Amendment to Facility Operating License No. DPR-23.

Please note that the information you submitted on October 25, 1983 and March 5, 1984 and all subsequent submittals should be provided under oath or affirmation in accordance with the Commission's rules.

In accordance with the Commission's rules of practice, the Commission has filed the enclosed Notice of Consideration of Issuance of Amendment to Facility of Operating License, with the Office of the Federal Register for publication.

Sincerely,

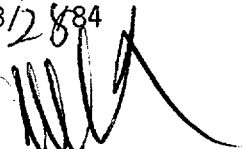
**ORIGINAL SIGNED BY**

Steven A. Varga, Chief  
Operating Reactors Branch #1  
Division of Licensing

Enclosure:  
As stated

cc: w/enclosure  
See next page

ORB#1 DL  
GRequa;ps  
3/21/84

ORB#1:DL  
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OELD  
M. KARMAN  
3/28/84  


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PDR

For further details with respect to this action, see the application for the amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Dated at Bethesda, Maryland, this 3rd day of April 1984

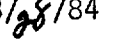
FOR THE NUCLEAR REGULATORY COMMISSION

Steven A. Varga, Chief  
Operating Reactors Branch No. 1  
Division of Licensing

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3/28/84



ORB#1:DL  
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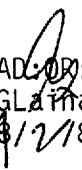


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SVarga  
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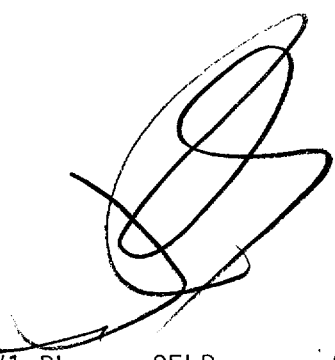
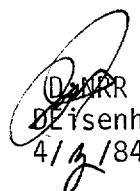


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Mr. E. E. Utley  
Carolina Power and Light Company

H. B. Robinson Steam Electric  
Plant 2

cc: G. F. Trowbridge, Esquire  
Shaw, Pittman, Potts and Trowbridge  
1800 M Street, N.W.  
Washington, DC 20036

Regional Radiation Representative  
EPA Region IV  
345 Courtland Street, N.E.  
Atlanta, GA 30308

Mr. McCuen Morrell, Chairman  
Darlington County Board of Supervisors  
County Courthouse  
Darlington, South Carolina 29535

State Clearinghouse  
Division of Policy Development  
116 West Jones Street  
Raleigh, North Carolina 27603

Attorney General  
Department of Justice  
Justice Building  
Raleigh, North Carolina 27602

U.S. Nuclear Regulatory Commission  
Resident Inspector's Office  
H. B. Robinson Steam Electric Plant  
Route 5, Box 4313  
Hartsville, South Carolina 29550

James P. O'Reilly  
Regional Administrator - Region II  
U.S. Nuclear Regulatory Commission  
101 Marietta Street  
Atlanta, GA 30303

Mr. R. Morgan  
General Manager  
H. B. Robinson Steam Electric Plant  
Post Office Box 790  
Hartsville, South Carolina 29550

U. S. NUCLEAR REGULATORY COMMISSIONCAROLINA POWER AND LIGHT COMPANYDOCKET NO. 50-261NOTICE 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 amendment to Facility Operating License No. DPR-23, issued to Carolina Power and Light Company (the licensee), for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 located in Darlington County, South Carolina.

The amendment would provide a temporary revision to license condition 3.F., Physical Protection, to Operating License DPR-23. The licensee, by application for amendment dated October 25, 1983, as supplemented by letter dated March 5, 1984, proposes to devitalize all areas except the fuel building while the plant is under construction for replacing major sections of the steam generator. During the construction program, the plant will be in cold shutdown, the reactor defueled, and all fuel secured in the fuel building.

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.

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The Commission has made a proposed determination that the request for amendment 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.

This is a safeguards action, therefore, does not specifically fit guidance concerning the application of the standards in 10 CFR 50.92 by the examples provided by 48 FR 14870. The applicant has requested a temporary revision in their Physical Protection pursuant to 10 CFR 73.55. The plant will be in cold shutdown and the reactor fuel secured in the fuel building while the construction program is underway. The licensee will maintain an adequate level of security and implement measures necessary to protection against radiological sabotage or theft of special nuclear reactor material. On the basis the Commission proposes to determine that the request for the 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 April 3, 1984 , 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 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 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, Att: 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 operator 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 Steven A. Varga, Branch Chief, Operating Reactors Branch No. 1, Division of Licensing: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of the 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, Esq., Shaw, Pittman, Potts & 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 the amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Dated at Bethesda, Maryland, this 3rd day of April 1984.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Steven A. Varga". The signature is written in a cursive style with a large, prominent initial "S".

Steven A. Varga, Chief  
Operating Reactors Branch No. 1  
Division of Licensing