



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

7590-01

UNITED STATES NUCLEAR REGULATORY COMMISSION

CAROLINA POWER & LIGHT COMPANY

DOCKET NO. 50-261

NOTICE 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 an amendment to Facility Operating License No. DPR-23 issued to Carolina Power & Light Company (the licensee) for operation of H. B. Robinson Steam Electric Plant, Unit No. 2, located in Darlington County, South Carolina.

The proposed amendment is required as a result of Plant Modification M1005 related to the plant vent system. The licensee states that the modification will: (1) upgrade the plant vent radiation monitor for particulate iodine and noble gas detection; (2) upgrade the stack flow monitor and incorporate isokinetic sampling of the plant vent effluents; (3) provide new control room indication and recording equipment for the upgraded instrumentation; and (4) permanently divert the condenser air ejector discharge from the atmospheric vent to the plant vent and remove the automatic divert interlock from the condenser air ejector radiation monitor. The proposed amendment also corrects minor typographical errors.

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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.

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.

The licensee has reviewed the proposed change in accordance with the criteria specified in 10 CFR 50.92 and has determined that the proposed change does not involve a significant hazards consideration for the following reasons:

1. Operation of the facility, in accordance with the proposed amendment, would not involve a significant increase in the probability or consequences of an accident previously analyzed.

Regarding the probability of previously analyzed accidents, the instrumentation changes which required the proposed amendment merely provide effluent accountability. Neither the existing monitors nor the new monitors participate in any accident sequence, therefore, the new monitors cannot increase the probability of any accident previously evaluated. This proposed amendment does not increase the probability of a previously evaluated accident because it upgrades instrumentation designed to follow the course of an accident and thereby reduces the probability of equipment malfunction. This equipment does not perform any control function associated with any analyzed accident.

Regarding the consequences of an accident previously analyzed, the equipment which requires the proposed amendment is not required to function to mitigate the consequences of an accident. Further, eliminating the need to divert condenser discharge from the atmospheric vent to the plant vent on high activity levels eliminates the consequences of equipment malfunction since the

condenser air radiation monitor no longer performs a control function. Replacing the two plant vent gas monitors with a single monitor does not increase the consequences of an equipment malfunction since the two monitors do not perform redundant waste gas system isolation functions.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. The equipment changes which require the proposed amendment upgrade plant vent monitoring equipment and permanently divert condenser air ejector discharge to the plant vent. The new equipment performs the same function as the existing equipment. No different operating conditions or functions associated with this project are created, therefore, the proposed amendment does not create the possibility of a new or different accident from any accident previously evaluated.
3. Operation of the facility, in accordance with the proposed amendment, would not involve a significant reduction in a margin of safety.

Although the plant vent radiation monitor does not perform any safety related functions to prevent or to mitigate the consequences of any analyzed and unanalyzed accidents, its operation is a Technical Specification item and is required to monitor and assure that plant operation is within limits. The five detectors associated with the replacement plant vent radiation monitoring system have equal or greater equipment performance specifications compared to the existing detectors. The detection of particulate radiation also improves because the new isokinetic sample nozzles have a greater particle collection efficiency. The replacement plant vent radiation monitors are installed in the same location as the existing off line detectors, so there is no significant change in the sample transport tubing. Therefore, there is no significant decrease in a margin of safety.

This effort requires changes to the plant Technical Specifications to correctly identify instrumentation which monitor[s] plant gaseous effluents. The Technical Specifications are also being revised to eliminate the requirements of the condenser evacuation system radiation monitoring equipment. This equipment is no longer a Technical Specification requirement since effluents from this system are discharged to the plant vent and are monitored by the plant vent radiation detection equipment. At present, there are two low range noble gas detectors monitoring the plant vent. One detector provides isolation of the waste gas system on high activity level plus indication and alarm functions. The second detector provides backup indication and alarm functions only. These two low range noble gas

detectors are replaced with a single low range gas detector. This single detector provides the control, indication, and alarm functions of the existing two detectors. The new detector incorporates present day technology with highly reliable components for improved performance and operability. Manual sampling of the specific release paths and of the plant vent are required by the operating procedures should the plant vent monitor fail. Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has made a preliminary review of the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the requested amendment does not involve a no significant hazards consideration. A notice of proposed finding of no significant hazards determination regarding an earlier application related to this modification was previously published in the FEDERAL REGISTER on October 3, 1990 (55 FR 40461). The present application, which supersedes the earlier request is more restrictive on the operation of the facility. The restriction would require that the effluent releases from the plant vent be suspended if the plant vent radiation monitors are inoperable.

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.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555,

and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 7, 1990 , 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. 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, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29534. 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 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. 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 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 request for amendment 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 a 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, for example,

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, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L 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 at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: (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, D.C. 20555, and to R. E. Jones, General Counsel, Carolina Power & Light company P.O. 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 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 August 21, 1990, and September 21, 1990, as superceded October 19, 1990, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Dated at Rockville, Maryland, this 31st day of October 1990.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by:

Ronnie H. Lo, Senior Project Manager
Project Directorate II-1
Division of Reactor Projects - II-1
Office of Nuclear Reactor Regulation

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