

March 10, 1992

Docket No. 50-261

Mr. Lynn W. Eury
Executive Vice President
Power Supply
Carolina Power & Light Company
Post Office Box 1551
Raleigh, North Carolina 27602

Dear Mr. Eury:

SUBJECT: NOTICE REGARDING AMENDMENT REQUEST ON THE SUSPENSION OF
FIRE PROTECTION TECHNICAL SPECIFICATION SECTIONS
3.14.3.2.a AND 3.14.4.2.a - H. B. ROBINSON NUCLEAR
POWER PLANT, UNIT NO. 2 (TAC NO. M82900)

Enclosed for your information is a copy of Notice of
Consideration of Issuance of Amendment to Facility Operating
License, Proposed No Significant Hazards Consideration
Determination, and Opportunity for Hearing. This Notice relates
to your amendment request dated March 5, 1992, as supplemented
March 6, 1992. The proposed amendment would suspend the
requirements of Technical Specification sections 3.14.3.2.a and
3.14.4.2.a for the duration of the Containment Integrated Leak
Rate Test and the Structural Integrity Test. Your letter dated
March 6, 1992, requested exigent handling of this proposed
amendment request.

This Notice is being sent to the Office of the Federal Register
for publication.

Sincerely,

Original signed by

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

Enclosure:
Notice of Consideration

cc w/Enclosure:
See next page

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Sincerely,

Original signed by

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

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See next page

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PAnderson
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3/10/92

D:PD21:DRPE
EAdensam
3/10/92

Mr. L. W. Eury
Carolina Power & Light Company

H. B. Robinson Steam Electric
Plant, Unit No. 2

cc:

Mr. H. Ray Starling
Manager - Legal Department
Carolina Power & Light Company
P. O. Box 1551
Raleigh, North Carolina 27602

Mr. Dayne H. Brown, Director
Department of Environmental,
Health and Natural Resources
Division of Radiation Protection
P. O. Box 27687
Raleigh, North Carolina 27611-7687

Mr. H. A. Cole
Special Deputy Attorney General
State of North Carolina
P. O. Box 629
Raleigh, North Carolina 27602

Mr. Robert P. Gruber
Executive Director
Public Staff - NCUC
P. O. Box 29520
Raleigh, North Carolina 27626-0520

U.S. Nuclear Regulatory Commission
Resident Inspector's Office
H. B. Robinson Steam Electric Plant
Route 5, Box 413
Hartsville, South Carolina 29550

Mr. C. R. Dietz
Vice President
Robinson Nuclear Department
H. B. Robinson Steam Electric Plant
P. O. Box 790
Hartsville, South Carolina 29550

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
101 Marietta Street
Suite 2900
Atlanta, Georgia 30323

Mr. Heyward G. Shealy, Chief
Bureau of Radiological Health
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Mr. Ray H. Chambers, Jr.
General Manager
H. B. Robinson Steam Electric Plant
P. O. Box 790
Hartsville, South Carolina 29550

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Docket File

NRC & Local PDRs

PD21 Reading File

S. Varga

G. Lainas

R. Lo

E. Adensam

P. Anderson

OGC

D. Hagan

ACRS (10)

OPA

OC/LFMB

L. Reyes RII

UNITED STATES NUCLEAR REGULATORY COMMISSIONCAROLINA POWER & LIGHT COMPANYDOCKET NO. 50-261NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, 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. 50-261 issued to Carolina Power & Light Company (the licensee) for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2, located in Darlington County, South Carolina.

The proposed amendment would add a footnote to Technical Specifications (TS) 3.14.3.2.a and 3.14.4.2.a that would suspend the requirements of these sections of the fire protection Technical Specifications for the duration of the containment Integrated Leak Rate Test (ILRT) and the Structural Integrity Test (SIT).

By letter dated March 6, 1992, the licensee requested exigent handling of the proposed amendment request. The licensee stated that they have exerted their best effort to make a timely application for the proposed amendment. Initial concerns regarding the ability to satisfy the required action statement of TS 3.14.3.2.a and 3.14.4.2.a were expressed during a review of the ILRT procedure on February 4, 1992. An investigation was initiated which involved a review of the test procedure, the

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applicable TS, testing practices used at other sites, and the approach used during a 1987 performance of this test. Without exigent handling, it is projected that the performance of the ILRT and SIT will be delayed approximately one week, which would likewise delay the start of critical containment work and would probably extend the outage completion date.

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 amendment request 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed amendment would provide a temporary exemption from the compensatory actions required when the specified pre-action system and fire hose stations are inoperable during concurrent performance of the Integrated Leak Rate Test (ILRT) and the Structural Integrity Test (SIT). This exemption will apply only to these very

specific conditions for a finite period of time.

During the performance of the ILRT, the plant will be in cold shutdown. By de-energizing all components within the containment that are not required for either ILRT performance or maintenance of shutdown core cooling, potential fire ignitions sources will be minimized. Also, a thorough containment walkdown by the fire protection staff prior to initiation if the ILRT will ensure that any combustible materials are minimized or eliminated.

The fire hose station and Pre-Action Systems are not required for achieving and maintaining either hot or cold shutdown.

It may be postulated that the consequences of a fire may be slightly increased due to an unspecified delay in confirming and responding to an actual fire in the containment. Upon receipt of alarms for two trains of the fire detection system, there will be some time required for assessment of the situation, and some unspecified delay in responding to the fire while the ILRT is suspended and containment is accessed. However, by de-energizing nonessential equipment within the containment, and minimizing or eliminating combustible materials prior to ILRT pressurization, the probability of a fire occurring will be extremely small. In fact, since the containment will be secured immediately following the fire protections walkdown, there will be no possibility of transient combustibles entering the area. As such, a once per shift inspection should be unnecessary since there should be no change in the "potential hazards for fire." In summary, although the proposed amendment may have a minor impact upon the ability to promptly respond to an actual fire, the compensatory actions taken, together with the conditions imposed by the ILRT, ultimately demonstrate that there will be no significant increase in the probability or consequences of an accident previously evaluated.

The plant will be in cold shutdown throughout the duration of the ILRT when the proposed amendment will be in effect. The possibility of a fire occurring will be significantly reduced, if not eliminated, by the de-energization of nonessential equipment, and the pre-test walkdown of containment by the fire protection staff. The proposed amendment will not affect the ability of the plant to maintain safe shutdown conditions, and no unusual plant evolutions will take place. The accidents analyzed in Chapter 15 of the Updated Final Safety

Analysis Report bound the conditions created by the proposed amendment. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

As discussed in item 1, above, the margin of safety could be considered to be impacted by the proposed amendment. However, by de-energizing all nonessential components within the containment which are not required for ILRT performance or maintenance of shutdown core cooling, potential fire ignition sources will be minimized. Also, a thorough containment walkdown by the fire protection staff prior to ILRT pressurization will ensure that any combustible materials are minimized or eliminated. Since the containment will be secured following this walkdown, there will be no change in the combustible loading within the containment, and a once per shift inspection for fire hazards should not be needed.

Therefore, there is adequate assurance that any postulated impact on the margin of safety will be minimal and the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) 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, DC 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, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 30, 1992 , 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 20555 and at the local public document room located at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

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 Panel, 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 Panel 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. 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 the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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 immediately 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 request 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 15-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 15-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 in the FEDERAL REGISTER a notice of 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, DC 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, DC 20555, 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, DC 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 presiding Atomic Safety and Licensing Board Panel 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 March 6, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, located at Hartsville Memorial Library , Home and Fifth Avenues, Hartsville, South Carolina 29535.

Dated at Rockville, Maryland, this 10th day of March 1992.

FOR THE NUCLEAR REGULATORY COMMISSION



George F. Wunder, Acting Project Manager
Project Directorate II-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation