

December 30, 1993

Docket No. 50-261

Mr. C. R. Dietz, Vice President
Carolina Power & Light Company
H. B. Robinson Steam Electric Plant,
Unit No. 2
Post Office Box 790
Hartsville, South Carolina 29550-0790

SUBJECT: EXEMPTION FROM REQUIREMENTS OF 10 CFR PART 50, APPENDIX E,
SECTION F.2 - H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2
(TAC NO. M88238)

Enclosed is a copy of an Exemption for your information. This exemption relates to your letter dated November 21, 1993, as supplemented November 22, 1993, requesting an exemption from the requirement in 10 CFR Part 50, Appendix E, Section IV F.2, which states that each licensee at each site shall annually exercise its emergency plan. Specifically, you requested an Exemption from the requirement for H. B. Robinson Steam Electric Plant, Unit No. 2, based upon the lack of personnel to conduct a meaningful exercise due to resource constraints caused by an unscheduled outage to investigate fuel problems. The exemption would allow the licensee to delay the onsite portion of the biennial exercise from November 30, 1993, until week of March 21, 1994.

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

Sincerely,

ORIGINAL SIGNED BY:

Brenda Mozafari, Project Manager
Project Directorate II-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page

Enclosure: Exemption

*See Previous Concurrence

OFC	LA:PD21:DRPE	PM:PD21:DRPE	D:PD21:DRPE	AD:R-II
NAME	PAnderson	B Mozafari	S Bajwa	G Latnas
DATE	12/27/93	12/27/93	12/29/93	12/28/93
OFC	D:DRPE	OGC*		
NAME	S Varga	R Bachmann		
DATE	12/28/93	12/16/93		

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

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Sincerely,

A handwritten signature in cursive script that reads "Brenda Mozafari".

Brenda Mozafari, Project Manager
Project Directorate II-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

cc: See next page

Enclosure: Exemption

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Carolina Power & Light Company

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cc: Plant Service list

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of)	
)	
CAROLINA POWER & LIGHT COMPANY)	Docket No. 50-261
)	
(H. B. Robinson Steam Electric Plant,)	
Unit No. 2)	

EXEMPTION

I.

Carolina Power and Light Company (CP&L or the licensee) is the holder of Facility Operating License No. DPR-23, which authorizes operation of the H. B. Robinson Steam Electric Plant, Unit No. 2 (HBR), at steady-state reactor power level not in excess of 2300 megawatts thermal. The facility consists of one pressurized water reactor located at the licensee's site in Darlington County, South Carolina. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

II.

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans that meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.2 of Appendix E requires that each licensee annually exercise its emergency plan. Section IV.F.3 of Appendix E requires that each licensee shall exercise with offsite authorities such that the State and local emergency plans are exercised biennially.

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a), are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Special circumstances exist when the exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the granting of the exemption [10 CFR 50.12(a)(2)(iv)]. In addition, special circumstances exist when the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation [10 CFR 50.12(a)(2)(v)].

III.

By letters dated November 21 and 22, 1993, the licensee requested an exemption from the requirements of 10 CFR 50.47 and 10 CFR Part 50, Appendix E, Section F.2, to conduct an annual exercise of the Emergency Plan in 1993. The licensee had planned to conduct a full-participation exercise involving the licensee's onsite response organization, the State of South Carolina and local response organizations on November 30, 1993. The licensee requested that an exemption be granted for the conduct of the onsite portion of the exercise because the licensee would not have sufficient staff to exercise in a meaningful way the HBR Emergency Plan due to resource constraints caused by an unscheduled outage to investigate and address core design issues. This proposed delay will prevent HBR from meeting the requirement to conduct an annual exercise of the HBR Emergency Plan. However, the licensee proposes that the offsite portion of the exercise involving the State of South Carolina and local governmental authorities be conducted as scheduled on November 30, 1993.

The licensee states that the granting of a delay in the implementation of the 1993 exercise for the onsite portion of the HBR Emergency Plan would allow management to focus on the safety issues identified during startup after refueling outage 15. The HBR plant was proceeding to full power operation after a refueling outage when low power physics testing revealed an improper configuration emanating from the design of the new fuel. The new fuel consisted of 44 fuel assemblies, 6 of which were found to be configured improperly against design specifications. As a result, the NRC dispatched an Augmented Inspection Team to the HBR site and the licensee formed three investigative teams. All of these efforts currently divert focus and resources to develop corrective actions for core reconfiguration and to investigate and resolve any industry implications of fuel configuration problems.

The previous emergency preparedness exercise at HBR was successfully conducted on November 17, 1992, and included the partial participation of State and local agencies for notifications and communications only. The licensee had scheduled, planned, and coordinated the 1993 exercise with participating Federal, State, and local agencies for November 30, 1993. The scope and objectives, and the final scenario documentation for the November 1993 exercise were submitted to the NRC on September 13, 1993, and October 14, 1993, respectively, which is within the time frame established for their submittal in support of a November 1993 exercise. In addition, the licensee states that a training exercise with the State of South Carolina and local governmental agencies was conducted on November 16, 1993, which activated all emergency facilities and included participation from all major responder groups.

The schedule for future exercises will not be affected by this exemption. CP&L has stated it will conduct the previously scheduled 1994 exercise the week of November 15, 1994, as planned. Thus, the requested exemption would provide only temporary relief from the requirement to conduct an annual exercise and the licensee has made a good faith effort to comply with the regulation.

The November 30, 1993, exercise was conducted and evaluated by the Federal Emergency Management Agency (FEMA) as planned and included full participation by the State of South Carolina and the surrounding counties in the Plume Exposure Emergency Planning Zone. The exercise was fully supported by onsite exercise controllers such that no detection of simulation was apparent to the offsite participants. FEMA had concurred in this concept. The licensee stated that the State of South Carolina would support the delayed onsite exercise.

The most recent NRC Systematic Assessment of Licensee Performance (SALP) report for HBR, issued on September 8, 1992, for the period March 31, 1991, through June 27, 1992, indicated that adequate management support for the emergency preparedness program was evident during the period, as the licensee continued to maintain in a state of basic readiness the emergency preparedness elements needed to implement the emergency in response to emergency events. The licensee has been rated as Category 2 (Improving) in the functional area of emergency preparedness. Additionally, the May 14, 1993, inspection report (50-261/93-09) of the H. B. Robinson Emergency Preparedness Program, conducted April 12-16, 1993, indicates the emergency preparedness strengths were management's commitment to improving the site's emergency preparedness program and the licensee's annual emergency preparedness audit. It was determined

that the licensee's emergency preparedness program and response capability were being maintained in an adequate state of operational readiness.

IV.

Based upon a review of the licensee's request for an exemption from the requirement to conduct an exercise of the HBR Emergency Plan in 1993, the NRC staff finds that there will be a benefit to the public health and safety which compensates for any decrease in safety that may result from the rescheduling of the November 30, 1993, exercise to the week of March 21, 1994. By not conducting the exercise at this time, HBR will be able to concentrate its effort in the investigation and analysis of the core design issue. The adequate response capability demonstrated by the licensee during the 1992 emergency preparedness exercise, the activities in preparation for the 1993 exercise, including the comprehensive training exercise conducted with offsite authorities on November 16, 1993, and the readiness of the licensee's emergency preparedness program as reflected in its SALP rating and the most recent inspection report, provide assurance that the resources and personnel necessary for proper emergency response are in place to respond to a nuclear emergency at the HBR site. Thus, not conducting an exercise in 1993 would be offset by allowing the licensee to focus its attention on the investigation and core design issues and the requested exemption from the requirement in 10 CFR Part 50, Appendix E, Section IV.F, to defer the performance of an exercise of the HBR Emergency Plan until the week of March 21, 1994, will not adversely affect the overall state of emergency preparedness at the HBR site.

The Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letters dated November 21 and 22, 1993,

as discussed above, is authorized by law and will not endanger life or property and are otherwise in the public interest. Furthermore, the Commission has determined, pursuant to 10 CFR 50.12(a), that special circumstances as set forth in 10 CFR 50.12(a)(2)(iv) and (v) are present and applicable in that the benefit to the public health and safety compensates for any decrease in safety that may result from this exemption, and this exemption will provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulations.

The Commission hereby grants an exemption from the schedular requirements of 10 CFR Part 50, Appendix E, Section IV.F.2., for an extension of the onsite portion of the required biennial exercise of the HBR2 Emergency Plan from November 30, 1993, until week of March 21, 1994.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption will have no significant impact on the environment.

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Gus C. Lainas, Acting Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 30th day of December 1993