

August 4, 1999

Mr. D. E. Young, Vice President  
Carolina Power & Light Company  
H. B. Robinson Steam Electric Plant,  
Unit No. 2  
3581 West Entrance Road  
Hartsville, South Carolina 29550

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY  
OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING -  
H. B. ROBINSON STEAM ELECTRIC PLANT UNIT 2 (TAC NO. MA6147)

Dear Mr. Young:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing," related to your request for a license amendment dated July 30, 1999. The proposed amendment would revise Required Action A.1 of Technical Specification Limiting Condition for Operation 3.7.8 to allow a Completion Time of 72 hours to restore service water temperature to less than or equal to 95°F prior to entering the required actions for plant shutdown. The amendment request was proposed as a temporary change to be in effect until September 30, 1999.

The issue addressed by this proposed amendment was the subject of a U. S. Nuclear Regulatory Commission (NRC) Notice of Enforcement Discretion issued on July 31, 1999, and documented in a letter dated August 3, 1999.

This notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:  
Richard J. Laufer, Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-261

Enclosure: Notice

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DATE	8/4/99	8/4/99	8/4/99	8/4/99
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

August 4, 1999

Mr. D. E. Young, Vice President  
Carolina Power & Light Company  
H. B. Robinson Steam Electric Plant,  
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Sincerely,

A handwritten signature in cursive script, appearing to read "Richard J. Laufer".

Richard J. Laufer, Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-261

Enclosure: Notice

cc w/encl: See next page

Mr. D. E. Young  
Carolina Power & Light Company

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

cc:

Mr. William D. Johnson  
Vice President and Corporate Secretary  
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Mr. J. W. Moyer  
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Mr. Terry C. Morton  
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Mr. H. K. Chernoff  
Supervisor, Licensing/Regulatory Programs  
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Mr. R. L. Warden  
Manager - Regulatory Affairs  
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Hartsville, South Carolina 29550-0790

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 A 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 (CP&L, the licensee), for operation of the H. B. Robinson Steam Electric Plant, Unit 2 (HBR) located in Darlington County, South Carolina.

The proposed amendment would revise Required Action A.1 of Technical Specification Limiting Condition for Operation 3.7.8 to allow a Completion Time of 72 hours to restore service water (SW) temperature to less than or equal to 95°F prior to entering the required actions for plant shutdown. The amendment request was proposed as a temporary change to be in effect until September 30, 1999.

The licensee requested that this proposed amendment be processed as an exigent request, pursuant to 10 CFR 50.91(a)(6), to permit implementation during this summer. The severe and sustained period of hot weather in the area of HBR, combined with the thermal and hydrological characteristics of the ultimate heat sink (UHS), have resulted in a situation where, on occasion, the existing 8-hour Completion Time is not of sufficient duration to allow UHS temperature to return below 95°F. Additionally, an extended period of this severely hot weather

may result in several long temperature excursions above 95°F and could result in unwarranted plant power reductions and shutdowns during a time of record energy demand.

Based on the circumstances described above, the NRC verbally issued a Notice of Enforcement Discretion (NOED) on July 31, 1999. The NOED was documented by letter dated August 3, 1999. The NOED expressed the NRC's intention to exercise discretion not to enforce compliance with the 8-hour Completion Time of TS 3.7.8 until the exigent TS amendment request to revise TS 3.7.8, which the licensee submitted on July 30, 1999, is processed.

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change does not involve any physical alteration of plant systems, structures or components. The proposed change provides a revised allowed time for the plant condition where UHS temperature exceeds the design limit of 95°F. SW system temperature is not assumed to be an initiating condition of any accident analysis evaluated in the safety analysis report (SAR). Therefore, the revised limitation for SW

temperature to be in excess of the design limit does not involve an increase in the probability of an accident previously evaluated in the safety analysis report. The SW system supports operability of safety-related systems used to mitigate the consequences of an accident. Plant equipment has been analyzed and determined able to perform its safety-related function through the allowed maximum SW temperature of 99°F. Performance of the containment has not been the subject of a specific re-analysis at the proposed temperatures with current licensing basis methodologies. However, based on engineering judgement, the [effect] on containment performance from the elevated SW temperature for the proposed period of time would not be significant. The magnitude of any increase in SW temperature in excess of the design limit is expected to be small based on historical data and experience for the UHS. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated in the SAR.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not involve any physical alteration of plant systems, structures or components. The temperature of the SW when near or slightly above the design temperature does not introduce new failure mechanisms for systems, structures or components not already considered in the SAR. Therefore, the possibility of a new or different kind of accident from any accident previously evaluated is not created.

3. Does this change involve a significant reduction in a margin of safety?

The proposed change will allow a small increase in SW temperature above the design basis limit for a limited period of time. This will delay the requirement to shutdown the plant for an additional 64 hours beyond the currently 8 hours Completion Time. Design margins are affected which are associated with systems, structures and components which are cooled by the SW system, and system temperature is an input assumption for mitigating the effects of a DBA [design-basis accident]. However, allowing this additional time for SW temperature to exceed the design limit is expected to have a negligible [effect] on containment performance, and no adverse impact on other analyzed plant equipment. Therefore, there is no significant reduction in margin of safety associated with this proposed change.

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 14 days after the date of publication of this notice will be considered

in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-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 14-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.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 8, 1999, 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, and at the local public document room located at the Hartsville Memorial Library, 147 West College Avenue, Hartsville, South Carolina 29550. 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 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 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 the 30-day hearing period, 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.

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 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of 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, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office 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 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 July 30, 1999, which is available for public inspection at the Commission's Public Document

Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Hartsville Memorial Library, 147 West College Avenue, Hartsville, South Carolina 29550.

Dated at Rockville, Maryland, this 4 th day of August 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



Richard J. Laufer, Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation