



**Progress Energy**

10 CFR 54.15

Serial: RNP-RA/03-0022

**MAR 04 2003**

United States Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2  
DOCKET NO. 50-261/LICENSE NO. DPR-23

REQUEST FOR EXEMPTION FROM 10 CFR 54.21(b)

Ladies and Gentlemen:

By letter dated June 14, 2002, Carolina Power & Light (CP&L) Company submitted an application for the renewal of the Operating License for the H. B. Robinson Steam Electric Plant (HBRSEP), Unit No. 2, which is also referred to as the Robinson Nuclear Plant (RNP).

In accordance with 10 CFR 54.15, which references 10 CFR 50.12, CP&L (now doing business as Progress Energy Carolinas, Inc.) requests an exemption from 10 CFR 54.21(b) for RNP. The requested exemption would permit the submittal of a single License Renewal Application (LRA) amendment for RNP, at least three months before the scheduled completion of NRC review of the RNP LRA. The basis for the exemption is provided in the attachment to this letter. This exemption request is similar to an exemption for the St. Lucie Plant that was approved on November 19, 2002 (reference TAC Nos. MB3406 and MB3412).

If you have any questions concerning this matter, please contact me.

Sincerely,

C. T. Baucom  
Supervisor - Licensing/Regulatory Programs

Attachment

JSK/jsk

Progress Energy Carolinas, Inc  
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A091

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- c: Mr. H. J. Porter, Director, Division of Radioactive Waste Management (SC)
- Mr. L. A. Reyes, NRC, Region II
- Mr. C. Patel, NRC, NRR
- NRC Resident Inspectors, HBRSEP
- Attorney General (SC)
- Mr. S. K. Mitra, NRC, NRR
- Mr. R. L. Emch, NRC, NRR
- Mr. R. M. Gandy, Division of Radioactive Waste Management (SC)

## **H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2**

### **REQUEST FOR EXEMPTION FROM 10 CFR 54.21(b)**

Pursuant to 10 CFR 54.15, the NRC may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR 54, in accordance with the provisions of 10 CFR 50.12, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present.

#### **Exemption Request**

Section 54.21(b) of 10 CFR states: "Each year following submittal of the license renewal application and at least 3 months before scheduled completion of the NRC review, an amendment to the renewal application must be submitted that identifies any change to the CLB of the facility that materially affects the contents of the license renewal application, including the FSAR supplement."

Progress Energy Carolinas, Inc. (PEC), also known as Carolina Power & Light Company, requests an exemption from 10 CFR 54.21(b) that would allow the submittal of only one amendment to the License Renewal Application (LRA) for the H. B. Robinson Steam Electric Plant (HBRSEP), Unit No. 2, which is also referred to as the Robinson Nuclear Plant (RNP). This amendment would be submitted to the NRC prior to October 21, 2003, which is three months before the scheduled completion of the NRC review of the LRA.

#### **Basis**

The NRC's basis for requiring applicants to submit amendments to LRAs is contained in 10 CFR 54.21(b) and is discussed in the 1991 Statements of Consideration for 10 CFR 54 (i. e., 56 FR 64954). The NRC established the requirement to ensure that the effects of changes to the renewal applicant's Current Licensing Basis (CLB) are evaluated during the review of its renewal application. The requested exemption is consistent with the NRC's intent, during its review of the application, to evaluate changes to the CLB of the facility that materially affect the contents of the LRA, including the Updated Final Safety Analysis Report (UFSAR) supplement.

The exemption request seeks relief regarding the timing and number of amendment submittals, and not substantive relief from the requirements of 10 CFR 50, 10 CFR 51, or 10 CFR 54. PEC must still submit an LRA amendment for RNP, as required by 10 CFR 54. Therefore, granting this exemption will not represent an undue risk to public health and safety, and is consistent with the common defense and security.

An exemption will not be granted unless special circumstances are present as defined in 10 CFR 50.12(a)(2). Specifically, 10 CFR 50.12(a)(2)(ii) states that a special circumstance exists when "Application of the regulation in the particular circumstances . . . is not necessary to achieve the underlying purpose of the rule. . ." In initially promulgating 10 CFR 54.21(b) in 1991, the NRC stated the purpose of submitting LRA amendments as follows: "To ensure that the effect of changes to a license renewal applicant's existing licensing basis is evaluated during the review of a renewal application, renewal applicants will be required to update the renewal application (including the integrated plant assessment) annually;" (56 FR 64954). The NRC indicated that the changes to the CLB that could affect the results of the license renewal processes, such as scoping, screening, and aging management reviews should be evaluated during the NRC review of the LRA. As discussed below, submittal of a single LRA amendment would allow the NRC to review and document the licensing basis changes in its Safety Evaluation Report (SER). Accordingly, under the exemption, the NRC will have the opportunity to review the recent changes to the CLB that could materially affect the results of license renewal processes.

CP&L (now doing business as PEC) submitted the LRA for RNP by letter dated June 14, 2002. The NRC is scheduled to complete its review and issue an SER by January 21, 2004. In accordance with the requirements of 10 CFR 54.21(b), PEC must submit a yearly LRA amendment by June 14, 2003, and a second amendment before October 21, 2003, which is three months before the NRC staff is scheduled to complete its review and issue an SER. Consequently, PEC is required to submit two amendments within approximately four months.

The SER with open items, which is scheduled to be issued by August 25, 2003, will identify proposed licensee commitments that change the CLB and are acceptable to the NRC. PEC will be able to include these changes in an amendment that is submitted after the SER with open items is issued. The NRC will then be able to review these changes and revise the SER accordingly. Hence, submittal of a single amendment after the SER with open items is issued would be beneficial to the NRC and to PEC.

Therefore, submittal of two LRA amendments to satisfy the intent of Section 54.21(b) and the application of the regulation, in this case, is not necessary to achieve the underlying purpose of the rule. Therefore, this exemption request meets the requirement in 10 CFR 50.12(a)(2)(ii) that special circumstances exist to grant the exemption.