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DEisenhut
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DNeighbors
OELD
IE-3
GDeegan-4
ACRS-10
OPA
SECY
RDiggs

Docket No. 50-261

Mr. J. A. Jones
Senior Executive Vice President
Carolina Power and Light Company
336 Fayetteville Street
Raleigh, North Carolina 27602



Dear Mr. Jones:

The Commission has issued Enclosure 1, an Exemption to certain requirements of Section 50.48 and Appendix R to 10 CFR 50, in response to your letter dated March 11, 1981. This exemption pertains to the requirement for a fixed fire suppression system in the control room.

We are separately considering your requests for exemptions from (1) Section 10 CFR 50.48(c) concerning the delay in submitting plans and schedules for modifications; (2) Section III.L.3 of Appendix R to the extent that it appears to require that a cold shutdown condition (i) be achieved within 72 hours, and (ii) be achieved without the availability of offsite power; (3) Section III.O which requires the installation of a lube oil collection system, and (4) Section III.M.2 which is related to penetration seal qualification.

Sincerely,

Original Signed by
H. R. Denton

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
Exemption

cc: w/enclosure
See next page

*Previous concurrence see next page

WDR 10/26/81
D/MRR HDenton 11/10/81
D/MRR ECase 11/15/81
CEB* JFerguson 7/ /81

OFFICE	ORB#1:DL*	ORB#2:DL*	ORB#5:DL*	ORB#1:DL*	OELD*	AD/OR:DL*	D/DL
SURNAME	CParrish	DNeighbors	TWambach	SVarga		TNovak	DEisenhut
DATE	7/ /81	7/11/81	7/10/81	7/ /81	7/ /81	7/ /81	7/ /81

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OPA (Clare Miles)

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We have also considered your request for exemption from Section III.M.2 of Appendix R to 10 CFR 50, which requires that the acceptance criteria for a penetration fire stop (seal) fire test include a provision that the temperature levels measured on the unexposed side of the seal be analyzed and that the maximum temperature achieved be sufficiently below the cable insulation ignition temperature. Enclosure 2 is our evaluation of your exemption request. Based on our evaluation, we conclude that you have not justified the use of the seal, which is not fire rated for three hours, nor supported your position that replacement of the seals would be detrimental to overall plant safety. Consequently your request for the exemption is denied.

In the alternative, you have requested an exemption "from all of the provisions of Sections III.G, III.L, and III.M" on the ground that "the fire protection measures described in those Sections would not, if installed at Robinson, enhance safety at the plant in any meaningful way and would actually create a substantial risk of degradation of overall plant safety." You assert three bases for this request: (1) that a fire protection SER has been issued for Robinson, (2) that compliance with these sections would significantly increase man-rem exposures at Robinson, and (3) that the Commission has not complied with 10 CFR 50.109 in promulgating these "backfit" provisions.

The issuance of a "substantially complete" fire protection SER for Robinson prior to issuance of 10 CFR 50.48 and Appendix R does not relieve you of compliance with the rule. The Commission was aware, when it promulgated these requirements, that some issues previously closed might be re-opened. In the Statement of Considerations accompanying the final rule (45 Fed. Reg. 76603), the Commission stated:

Nevertheless, as a result of its continuing review of fire protection matters, the NRC staff has indicated to the Commission that there are requirements in three sections in which the protection afforded by Appendix R over and above that

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Mr. J. A. Jones

-2-

previously accepted may be desirable. The Commission has decided that these requirements should be retroactively applied to all facilities. This decision is not meant to reflect adversely on previous licensee or staff evaluations; rather, its purpose is to take fully into account the increased knowledge and experience developed in fire protection matters over the last several years. (emphasis added)

All fire protection issues covered by Section 50.48 and Appendix R are governed by those provisions, whether or not these issues were dealt with in a previously-issued SER.

You have provided no information to support your assertion regarding occupational exposures resulting from fire protection modifications. Moreover, your premise that such modifications "will not contribute significantly to safety" is unacceptable. The Commission has clearly reached a contrary conclusion.

Your reliance on 10 CFR 50.109 is misplaced. Paragraph B of that section states that it does not "relieve a holder of a construction permit or a license from compliance with the rules, regulations or orders of the Commission." Therefore, this section does not provide an independent basis for seeking an exemption from the Commission's regulations.

Based upon the above considerations, your request for alternative relief is denied.

We are separately considering your requests for exemptions from (1) Section 10 CFR 50.48(c) concerning the delay in submitting plans and schedules for modifications; (2) Section III.G.3 of Appendix R to the extent that it appears to require that a cold shutdown condition (i) be achieved within 72 hours, and (ii) be achieved without the availability of offsite power; and (3) Section III.O which requires the installation of a lube oil collection system.

Sincerely,

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Exemption
2. Evaluation Supporting Exemption Request Denial

CEB*
JFerguson
5/ /81

cc: w/enclosures
See next page

OFFICE ▶	ORB#1:DL*	ORB#1:DL*	ORB#5:DL*	ORB#1:DL*	OELD*	AD/OR/DL	D/DL
SURNAME ▶	CParrish	DNeighbors	TWambach	SVarga		JNovak	DEisenhut
DATE ▶	5/ /81	5/ /81:ds	5/ /81	5/ /81	5/ /81	5/ /81	5/ /81

Docket No. 50-261

Mr. J. A. Jones
Senior Executive Vice President
Carolina Power and Light Company
336 Fayetteville Street
Raleigh, North Carolina 27602

Dear Mr. Jones:

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Mr. J. A. Jones

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All fire protection issues covered by Section 50.48 and Appendix R are governed by those provisions, whether or not these issues were dealt with in a previously-issued SER.

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Based upon the above considerations, your request for alternative relief is denied.

We are separately considering your requests for exemptions from (1) Section 10 CFR 50.48(c) concerning the delay in submitting plans and schedules for modifications; (2) Section III.B.3 of Appendix R to the extent that it appears to require that a cold shutdown condition (i) be achieved within 72 hours, and (ii) be achieved without the availability of offsite power; and (3) Section III.0 which requires the installation of a lube oil collection system.

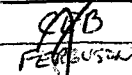
Sincerely,

Darrell G. Eisenhut, Director
Division of Licensing
Office of Nuclear Reactor Regulation

Enclosures:

1. Exemption
2. Evaluation Supporting Exemption Request Denial

cc: w/enclosures
See next page


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 5/19/81

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SURNAME	CParrish	DNejedly	TWambach	SVarga		TNovak	DEisenhut
DATE	5/ /81	5/19/81	5/19/81	5/19/81	5/ /81	5/19/81	5/ /81

Mr. J. A. Jones
Carolina Power and Light Company

cc: G. F. Trowbridge, Esquire
Shaw, Pittman, Potts and Trowbridge
1800 M Street, N.W.
Washington, D. C. 20036

Hartsville Memorial Library
Home and Fifth Avenues
Hartsville, South Carolina 29550

Mr. McCuen Morrell, Chairman
Darlington County Board of Supervisors
County Courthouse
Darlington, South Carolina 29535

State Clearinghouse
Division of Policy Development
116 West Jones Street
Raleigh, North Carolina 27603

Attorney General
Department of Justice
Justice Building
Raleigh, North Carolina 27602

U. S. Nuclear Regulatory Commission
Resident Inspector's Office
H. B. Robinson Steam Electric Plant
Route 5, Box 266-1A
Hartsville, South Carolina 29550

Michael C. Farrar, Chairman
Atomic Safety and Licensing
Appeal Board Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Richard S. Salzman
Atomic Safety and Licensing
Appeal Board Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. W. Reed Johnson
Atomic Safety and Licensing
Appeal Board Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Regional Radiation Representatives
EPA Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30308

NUCLEAR REGULATORY COMMISSION

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

EXEMPTION

I.

The Carolina Power and Light Company (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 (Robinson). This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The Facility is a pressurized water reactor located at the licensee's site located in Darlington County, South Carolina.

II.

Section III.G.3 of Appendix R to 10 CFR Part 50 requires that a fixed fire suppression system be installed in an area, room or zone under consideration for alternative safe shutdown modifications. In the case of Robinson, under this provision a fire suppression system would be required in the control room.

The licensee indicated in its March 11, 1981 letter, that the fire protection features currently installed in the control room are equal in effectiveness to a fixed fire suppression system and, therefore, requested

an exemption from the requirement to install a fixed suppression system in the control room. The licensee's exemption request is based on the following:

- An auxiliary shutdown system is being installed which will be independent of the control room and will be capable of achieving and maintaining hot shutdown. Circuits have been modified to assure that a fire in the control room will not disable the auxiliary shutdown system.
- A fire detection system has been installed in the control room.
- Portable fire extinguishers are provided in the control room.
- The control room is separated from high risk areas by 3-hour fire rated barriers.

standpipe and hose station has been installed.

modifications which the licensee's exemption request is based on required by Appendix R to 10 CFR Part 50. Therefore, the above modifications alone do not justify an exemption from the requirement to install a fixed fire suppression system in areas where redundant divisions are

However, the Control Room is an unique area of the plant that is to be continually occupied by the operators. In the event of a fire, manual fire suppression would be effective and prompt. Because operators provide a continuous fire watch in the Control Room, a fixed fire suppression system is not necessary to achieve adequate fire protection in the control room. This is similar to the concept reflected in the staff's acceptance, on a short-term basis, of a continuous fire watch as an alternative to fixed suppression system when such systems become unavailable.

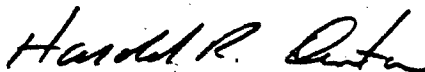
Based on our evaluation, we conclude that the licensee's installed fire protection for the control room meets the objectives of Section III.G "Fire Protection of Safe Shutdown Capability" of Appendix R to 10 CFR Part 50, and, therefore, the licensee's request to be exempted from the requirement to provide a fixed fire suppression system in the control room should be granted.

III.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest, and is hereby granted.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

FOR THE NUCLEAR REGULATORY COMMISSION



Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland
this 13th day of November.

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-261CAROLINA POWER AND LIGHT COMPANYNOTICE OF GRANTING AN EXEMPTION FROM THE
REQUIREMENTS OF 10 CFR 50.48 AND APPENDIX R
FOR FIRE PROTECTION

The U. S. Nuclear Regulatory Commission (the Commission) has granted an exemption from the requirements of 10 CFR 50.48 and Appendix R, "Fire Protection Program for Operating Nuclear Power Plants," to Carolina Power and Light Company (the licensee).

This exemption related to a requirement for a fixed fire suppression system in the control room. The basis for this action set forth in the Commission's exemption dated

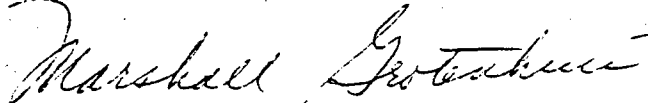
The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the licensee's request dated March 11, 1981 and (2) the Commission's Exemption dated November 13, 1981. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington D.C., and at the Hartsville Memorial Library, Home and Fifth Avenue,

Hartsville, South Carolina 29550. A copy of item (2) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of November, 1981.

FOR THE NUCLEAR REGULATORY COMMISSION



Marshall Grotenhuis, Acting Chief
Operating Reactors Branch #1
Division of Licensing

NUCLEAR REGULATORY COMMISSION

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

EXEMPTION

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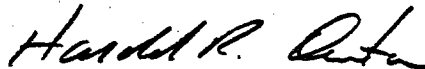
Based on our evaluation, we conclude that the licensee's installed fire protection for the control room meets the objectives of Section III.G "Fire Protection of Safe Shutdown Capability" of Appendix R to 10 CFR Part 50, and, therefore, the licensee's request to be exempted from the requirement to provide a fixed fire suppression system in the control room should be granted.

III.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest, and is hereby granted.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

FOR THE NUCLEAR REGULATORY COMMISSION



Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland
this 13th day of November

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-261CAROLINA POWER AND LIGHT COMPANYNOTICE OF GRANTING AN EXEMPTION FROM THE
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FOR FIRE PROTECTION

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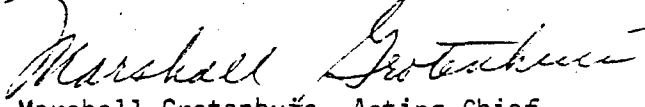
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FOR THE NUCLEAR REGULATORY COMMISSION



Marshall Grotenhuys, Acting Chief
Operating Reactors Branch #1
Division of Licensing