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SUBJECT: Proposes that offsite portion of emergency preparedness exercise be held as scheduled on 931130, w/onsite portion rescheduled for first quarter of 1994, in accordance w/ provisions of 10CFR50.12.

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Carolina Power & Light Company
Robinson Nuclear Plant
PO Box 790
Hartsville SC 29550

Serial: RNP/93-2932

November 21, 1993

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

H. B. ROBINSON STEAM ELECTRIC PLANT , UNIT NO. 2
DOCKET NO. 50-261/LICENSE NO. DPR-23
EMERGENCY PREPAREDNESS EXERCISE
REQUEST FOR EXEMPTION

Gentlemen:

Carolina Power & Light Co. (CP&L) hereby requests an exemption from the requirement in 10 CFR 50, Appendix E, Section F.2 in accordance with the provisions of 10 CFR 50.12.

Robinson Unit 2 is scheduled for a full participation FEMA evaluated exercise and Ingestion Pathway Zone Table Top with the State of South Carolina and surrounding counties on November 30, 1993. Due to the discovery of a problem with new fuel during low power physics testing, Robinson Unit 2 has commenced an unscheduled outage anticipated to last about four weeks. During this period, the Robinson staff will investigate the causes and establish an effective configuration of the core.

Carolina Power & Light Co. proposes that the offsite portion of the exercise be held as scheduled on November 30, 1993, with the onsite portion rescheduled for the first quarter of 1994. Controllers would support the Joint Information Center and offsite agency Emergency Operating Centers with data and information. This would permit the FEMA evaluated aspects of the exercise to be conducted without impact from the absence of a full activation of plant emergency facilities.

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November 21, 1993

Similarly, when the NRC evaluated exercise is conducted for the plant in the first quarter of 1994, offsite agency Emergency Operating Centers will be staffed sufficiently to give the necessary offsite interaction for the Technical Support Center and Emergency Operations Facility.

CP&L has discussed the proposed delay in onsite participation with the State of South Carolina and affected counties; all of whom support this proposal, and agree that this proposal will not pose undue hardship on their efforts towards a successful exercise as scheduled. The State of South Carolina has discussed this proposal with FEMA and has received concurrence.

By delaying the annual exercise from November 30, 1993, until the first quarter of next year, the provisions of 10 CFR 50, Appendix E, Section F.2 to annually exercise the Robinson Unit 2 Emergency Plan cannot be met. The enclosed information is in support of a request for a schedular exemption for the annual exercise at Robinson Unit 2 in accordance with the provisions of 10 CFR 50.12.

Carolina Power & Light will conduct the previously scheduled 1994 non-participation exercise on November 15, 1994, as planned.

Questions regarding this matter may be referred to Ms. P. C. H. Jenny at (803) 383-1247.

Very truly yours,



Charles R. Dietz
Vice President
Robinson Nuclear Plant

ALG/dwm
Enclosure

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November 21, 1993

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File: RC/A-2
File: R-2- (J. S. Kozyra)

-0724

EXEMPTION REQUEST

Carolina Power & Light Co. hereby submits a request for a schedular exemption to 10 CFR 50, Appendix E, Section F.2, in accordance with the provisions of 10 CFR 50.12. The date of the annual exercise is November 30, 1993. The exercise, evaluated by the Federal Emergency Management Agency (FEMA), includes full participation by the State of South Carolina, full participation by the surrounding counties in the Plume Exposure Pathway Zone, and a Table Top for the Ingestion Pathway Zone. The exercise will be fully supported by onsite exercise controllers such that no detection of simulation will be apparent to the offsite participants. The onsite portion of the exercise to be evaluated by the Nuclear Regulatory Commission is proposed to be delayed until the first quarter of 1994. This proposed delay will prevent Robinson Unit 2 from meeting the annual requirement to exercise the Emergency Plan as specified in Appendix E, therefore, a schedular exemption is requested.

NO UNDUE RISK

In accordance with 10 CFR 50.12(a)(1), Carolina Power & Light demonstrates herein that the requested schedular delay exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The four month delay in the implementation of the annual exercise for the onsite portions of the Emergency Plan does not represent a degradation in the ability of CP&L to provide protective actions for the public in the event of an emergency at Robinson Unit 2.

SPECIAL JUSTIFYING CIRCUMSTANCES

The special circumstances which justifies the Commission's approval of this schedular exemption request is consistent with exemption criteria (iv) and (v) of 10 CFR 50.12(a)(2).

10 CFR 50.12.(a)(2)(iv)

The exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the grant of the exemption.

CP&L believes that there is no decrease in safety resulting from granting of the requested exemption. The granting of a delay in the implementation of the 1993 exercise for the onsite portion of the Robinson Emergency Plan would allow management focus on the safety issues identified during startup after Refueling Outage 15. Robinson Unit 2 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 bundles manufactured by Siemens Power Corporation of which six assemblies were configured improperly against design specifications. CP&L probed the fuel manufacturer and discovered on Thursday,

November 18, 1993 that the differences between expected and actual power distribution and the resulting flux tilts were due to the mis-positioning of gadolinia burnable poison pins in six of the new fuel assemblies. On Friday, November 20, 1993, the preliminary calculations performed by the manufacturer and CP&L determined that based on the now known configuration of the core, the Hot channel Factor ($F_{\Delta H}$) exceeded Technical Specifications per the core operating limits report. The NRC has sent an Augmented Inspection Team to Robinson Unit 2 and CP&L has formed three additional investigative teams. All of these efforts are diverting focus and resources to develop corrective actions for core reconfiguration and to investigate and resolve any industry implications of fuel configuration problems. To this end, Robinson Unit 2 has cooled down and commenced an outage to reshuffle the core.

As a result, site management must focus on ensuring the public health and safety in the design of the core for full power operation during the current unscheduled outage.

10 CFR 50.12(a)(2)(v) The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation.

The granting of a delay in the implementation of the onsite portion of the 1993 exercise provides only temporary relief from the requirements of 10 CFR 50, Appendix E. The intent of the regulation would still be met. CP&L successfully completed the 1992 exercise in November 1992, and had scheduled, planned, and coordinated the 1993 exercise with participating federal, state, and local agencies for November 30, 1993. The offsite portion of the exercise will be conducted on November 30, as planned. The Joint Information Center will participate as planned on November 30, 1993. CP&L will utilize a controller organization of approximately thirty persons to man communications links to offsite agencies and the Joint Information Center. Experienced Emergency Preparedness Staff personnel will man key positions in the Emergency Operations Facility and Technical Support Center to provide strong interaction with offsite decision makers. Likewise, the mutual cooperation and excellent relationship with offsite agencies has allowed agreement that the offsite Emergency Operations Centers will support the Robinson Plant when the onsite portion of the exercise is conducted.

CP&L has scheduled, planned, and coordinated the 1993 exercise with participating Federal, state, and local agencies. The scope and objectives and scenario for the 1993 exercise were submitted within the time frames established, and have been reviewed both by the NRC and FEMA. This demonstrates good faith effort in attempting to comply with the regulation.

Because CP&L proposes to continue with the currently scheduled 1994 exercise as planned, the request for exemption represents only temporary relief since two NRC evaluated onsite exercises will be conducted in 1994.

EVALUATION

The proposed schedular exemption originated from a need to focus on the safety aspects of a fuel design problem identified during startup testing after a refueling outage. Robinson Unit 2 is currently responding to a Confirmatory Action Letter associated with core configuration issues. These issues involve the health and safety of the public, and it was deemed appropriate that management focus on the safety aspects of the fuel design during the next four weeks. To accommodate the need for management focus on public health and safety, and to accommodate the large number of offsite participants planning to exercise on November 30, 1993, it is proposed to delay the onsite portion of the exercise until the first quarter of next year. A new onsite exercise date will be established shortly based upon the schedule constraints of the State of South Carolina. A window appears to be the last two weeks of March 1994. The proposed delay of the onsite portion of the exercise to 1994 does not meet the literal requirement of 10 CFR 50, Appendix E, Section F.2, which states, "Each licensee at each site shall annually exercise its emergency plan." Since, in this case, annually has been defined as within the calendar year, the rescheduled 1993 exercise in the first quarter of 1994 does not comply with the regulation. Therefore, a schedular exemption is requested.

The requested delay of four months in the conduct of the onsite portion of the exercise would not result in a degradation in the response to, or implementation of, any onsite emergency actions or offsite protective measures for the public. Carolina Power & Light Co. successfully conducted an annual exercise in November 1992, and conducted drills in 1993 in January, March, May, July, and November, which activated all onsite emergency response facilities and which included participation from the state and counties. Real events were declared in May and August that resulted in activation of the Technical Support Center and Operational Support Center. These activities provide assurance that the resources and training necessary for proper emergency response are in place, and that the personnel are knowledgeable and the equipment in good operating condition to respond to a nuclear emergency at Robinson Unit 2.

CONCLUSION

The granting of this schedular exemption is necessary to ensure the health and safety of the public in the design of newly refueled core at Robinson Unit 2. The requested delay in the onsite portion of the exercise will not result in the degradation of emergency preparedness capabilities for Carolina Power & Light Co. or state or local government agencies. Concurrence has been obtained from FEMA, NRC Region II, the State of South Carolina and surrounding counties for continuing with the offsite portion of the exercise as scheduled and delaying the onsite portion until the first quarter of next year. Carolina Power & Light Co. has demonstrated good faith efforts in complying with the regulation by supporting the offsite portion of the exercise on November 30, 1993, and by obtaining the agreement of offsite agencies to support the onsite portion of the exercise, when conducted. Therefore, the proposed schedular exemption is warranted under the provisions of 10 CFR 50.12 and does not present an undue risk to the public health and safety.