

May 19, 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: RESPONSE TO LICENSEE REQUEST DATED MAY 10, 1999, FOR  
INTERPRETATION TO 10 CFR 50.68 - CRITICALITY ACCIDENT REQUIREMENTS -  
H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2 (TAC NO. M98709)

Dear Mr. Young:

This is in reference to your request dated May 10, 1999, regarding requirements of 10 CFR 50.68 "Criticality Accident Requirements." By your letter dated April 23, 1997, as supplemented August 27, 1997, you requested an exemption from the 10 CFR 70.24 requirements related to maintaining criticality monitoring and alarm systems and the initiation of appropriate safety actions in areas where specified amounts of special nuclear materials are handled, used, or stored. Subsequently, these 10 CFR 70.24 requirements were incorporated into the new rule 10 CFR 50.68 that was issued to obviate the need for exemption requests from 10 CFR 70.24 for holders of a construction permit or operating license for a nuclear power reactor issued under 10 CFR Part 50, or combined licenses issued under Part 52. This action was taken as a result of the experience gained in processing and evaluating a number of exemption requests and NRC safety assessments in response to these requests that concluded the likelihood of criticality was negligible. The final rule was published in the *Federal Register* on November 12, 1998 (63 FR 63127). The staff has made a determination with respect to your exemption request and has concluded that your requested exemption to 10 CFR 70.24 is not needed for H. B. Robinson 2. Accordingly, based on our earlier telephone conversations and your May 10, 1999 letter, we we have closed the work request under TAC M98709 related to the 10 CFR 70.24 exemption.

Concerning your request for clarification on the 10 CFR 50.68 rule in your letter dated May 10, 1999, the staff would like to direct you to the Statement of Consideration at the time of review prior to issuance of the proposed and direct final rule which included adopting Carolina Power & Light (CP&L) Company's comments dated December 27, 1997 (comments 5 & 6 at 63 FR 63128). The staff concludes that H.B. Robinson 2 meets 10 CFR 50.68 and there is no need for any additional interpretation concerning the 10 CFR 50.68 rule.

Please feel free to contact me on (301) 415-1478 if you need further discussion regarding this matter.

Sincerely,

Original signed by:

Ram Subbaratnam, Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management

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PDR ADOCK 05000261  
P PDR

Docket No. 50-261

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 19, 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

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INTERPRETATION TO 10 CFR 50.68 - CRITICALITY ACCIDENT  
REQUIREMENTS - H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2  
(TAC No. M98709)

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Please feel free to contact me on (301) 415-1478 if you need further discussion regarding this matter.

Sincerely,

A handwritten signature in black ink, reading "Ram Subbaratnam", is written over the word "Sincerely,".

Ram Subbaratnam, Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-261

cc: See next page

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cc:

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H. B. Robinson Steam Electric  
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Dated: May 19, 1999

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