

UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter of

CAROLINA POWER & LIGHT COMPANY

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

Docket No. 50-261

PARTIAL EXEMPTION

I.

Carolina Power & 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. The license provides, among other things, that the facility is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in affect.

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

II.

Paragraph III.A.1(a) of Appendix J to 10 CFR Part 50 requires, in part, that if during a Type A test (Containment Integrated Leakage Rate Test or CILRT) potentially excessive leakage paths are identified which will interfere with satisfactory completion of the test, the Type A test shall be terminated and local leakage testing performed on the paths of concern.

By letter dated June 30, 1983, and clarified by letter dated September 14, 1987, the licensee requested a waiver of the above mentioned Appendix J requirement to terminate the Type A testing. Instead, the licensee proposed an

alternative which would allow the satisfactory completion of the CILRT. The licensee also requested that the acceptance criterion for "as found" Type A tests be set at the same value as the maximum allowable leakage rate, L_a or the corresponding L_t , as defined in Paragraphs II.L and II.M of Appendix J.

The Commission has reviewed the licensee's exemption request and the details of the Commission's evaluation are contained in the related Safety Evaluation issued concurrently with this partial exemption. The Commission review concludes that the licensee's approach for continuing Type A containment leakage rate testing when excessive leakage is identified satisfies the intent of the regulation and is, therefore, technically acceptable. Also, the proposed "as found" Type A test acceptance criterion of L_a or L_t , is acceptable, with the "as left" allowable leakage criterion to remain at $0.75 L_t$ as stated in the Technical Specifications.

III.

The Commission has determined that, pursuant to 10 CFR 50.12, this partial 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 Commission has further determined that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the partial exemption. Namely, application of the regulation in the particular circumstances is not necessary to achieve its underlying purpose, which is to ensure that accurate and conservative methods are used to assess the results of containment leak rate tests.

Accordingly, the Commission hereby grants a partial exemption from Paragraph III.A.1(a) of Appendix J to 10 CFR Part 50 to allow the licensee to

implement an alternative approach, so that the CILRT can continue if excessive leakage is determined. Specifically, when excessive leakage is experienced during a Type A test, significant leaks will be identified and isolated from the test. Penetrations so isolated will be capable of local leakage rate testing. Once these leaks have been isolated, the Type A test will be continued. In addition, this Exemption permits the licensee to use L_a , the maximum allowable leakage rate, as the acceptance criterion for the "as found" Type A test results.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this partial exemption will have no significant impact on the quality of the human environment (54 FR 28132).

The partial exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By:

Steven A. Varga, Director
Division of Reactor Projects-I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 14th day of August 1989.

*SEE PREVIOUS CONCURRENCES

LA:PDII-1
PAnderson
8/2/89

*PM:PDII-1
RLo:sw
7/17/89

D:PDII-1
EAdensam
8/2/89

*OGC
SLewis
7/25/89

AD:DRP:R2
Glaivas
8/3/89

D:DRP
SVarga
8/2/89

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