

DCS-MS-016

JUL 29 1982

Docket Nos. 50-282  
and 50-306

Mr. D. M. Musolf  
Nuclear Support Services Department  
Northern States Power Company  
414 Nicollet Mall - 8th Floor  
Minneapolis, Minnesota 55401

Dear Mr. Musolf:

SUBJECT: EXEMPTION REQUEST OF MAY 20, 1982 - FIRE PROTECTION SCHEDULAR  
REQUIREMENTS OF 10 CFR 50.48(c) - PRAIRIE ISLAND NUCLEAR  
GENERATING PLANT, UNITS 1 AND 2

In your letter dated May 20, 1982, you requested further schedular relief from 10 CFR 50.48(c) in regard to the installation of emergency lighting at Prairie Island as required by Section III.J. of Appendix R. Specifically, you requested that the deadline for implementation of this requirement for both Units be extended to the end of the December 1982 refueling outage for Unit 1. For the reasons discussed below, your request for an exemption cannot be granted at this time.

The history of this issue for the Prairie Island units has been reviewed by the staff and is set forth below to clarify the present situation. The Fire Protection Rule, which consists of 10 CFR 50.48 and Appendix R to 10 CFR Part 50, was published in the Federal Register on November 19, 1980. Its effective date was February 17, 1981. Section III.J. of Appendix R, one of the three sections retroactively applied to all operating plants, requires that 8-hour emergency lighting be installed on a schedule specified in 10 CFR 50.48(c). If plant shutdown is required, the schedule in 50.48(c)(3) applies, and if not, the schedule in 50.48(c)(2) applies. The former of these two provisions established an installation deadline of the end of the first refueling (or other lengthy) outage commencing 180 days after February 17, 1981. The latter provision establishes a deadline of nine months after February 17, 1981.

On November 16, 1981 you submitted a request for, among other things, an extension of the schedule specified in 10 CFR 50.48(c)(3) for meeting the requirements of Section III.J. of Appendix R for both Units 1 and 2. In a subsequent letter of May 20, 1982 you stated that the extension request of November 16, 1981 was premised on your belief at that time that plant shutdown for both units would be necessary to make the required modifications. On May 4, 1982, the Commission granted you an extension from the schedular requirements of 10 CFR 50.48(c)(3) for Unit 1 until the end of the autumn 1982 outage, based on the facts you had presented. An exemption was not granted for Unit 2 since the

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Mr. D. M. Musolf

- 2 -

date by which installation would be completed, as specified in your November 16 letter, did not require an exemption from the schedule specified in 50.48(c)(3).

In your May 20 letter, you also stated that plant shutdown is no longer considered to be necessary at either unit in order to implement the III.J. requirements. Because of these changed circumstances, the exemption from the schedular requirements of 10 CFR 50.48(c)(3) granted to you on May 4 for Unit 1 is no longer valid. Under the conditions you have currently described for both Units 1 and 2, the schedule established in 10 CFR 50.48(c)(2) would apply. This subsection requires that the installation of emergency lighting be completed by November 17, 1981, nine months after the effective date of this rule.

It is our understanding that your discovery that plant shutdown would not be required to comply with Section III.J. of Appendix R resulted from a radiation survey of areas where emergency lighting would have to be installed. This survey apparently took place in April of this year, although you stated in your letter of November 16, 1981, that "Required locations [for emergency lighting] for these units are now being finalized." In your letter of May 20 you have offered no explanation of this apparent delay in establishing emergency lighting locations.

In summary, an exemption for either Unit 1 or Unit 2 cannot be granted based upon your letter of May 20 in light of the history of this issue discussed above, since you have not provided an adequate explanation for why it was not determined much earlier in the process that plant shutdown would not be required to complete this requirement for emergency lighting. In order for the Commission to consider your request further, you should submit a complete and detailed chronology of your efforts to implement Section III.J., commencing with the publication of the Fire Protection Rule on November 17, 1980 to the present, and justify in detail the schedule you now propose to implement this requirement.

The matter of your apparent non-compliance with the schedular requirements of 10 CFR 50.48(c)(2) is being handled as a separate matter.

Sincerely,

Original signed by  
Robert A. Clark

Robert A. Clark, Chief  
Operating Reactors Branch #3  
Division of Licensing

cc: See next page \*See previous page for concurrence and distribution.

OFFICE	ORB#3:DL*	ORB#3:DL*	ORB#3:DL	ORB#5:DL*	OELD*		
SURNAME	PMGreutzer	DDianni/pn	RAClark	TWambach	WShields		
DATE	7/14/82/27	7/15/82	7/29/82	7/15/82	7/19/82		

In your May 20 letter you now state that plant shutdown is not required at either unit for implementation of III.J requirements. This means, as you also state, that the schedule in 10 CFR 50.48(c)(2) applies. You should therefore have completed installation of emergency lighting at both units by November 17, 1981, nine months after the effective date of the rule. The exemption granted to you on May 4 for Unit 1 is not valid because it referenced (c)(3) and was based upon an incorrect factual premise.

It is our understanding that your discovery that plant shutdown would not be required resulted from a radiation survey of areas where emergency lighting would have to be installed. This survey apparently took place in April of this year, although you stated in your letter of November 16, 1981 that "Required locations for these units are now being finalized." In your letter of May 20 you have offered no explanation for this delay.

In summary, both Units 1 and 2 of the Prairie Island Plant have been in non-compliance with Section III.J of Appendix R since November 17, 1981. An exemption cannot be granted based upon your letter of May 20 because it does not supply an adequate explanation for why it was not determined much earlier in the process that plant shutdown would not be required to complete this requirement. In order for the Commission to consider your request, you will need to submit within thirty days from the date of this letter a complete, detailed chronology of your efforts to implement Section III.J., commencing with the publication of the Fire Protection Rule on November 17, 1980 to the present, and justify in detail the schedule you now propose to complete this requirement.

The matter of your non-compliance with the schedule in 10 CFR 50.48(c)(2) will be considered after receipt of your response if an exemption is not justified, at which time the matter will be referred to NRC Region III for appropriate action.

Sincerely,

Robert A. Clark, Chief  
Operating Reactors Branch #3  
Division of Licensing

- cc: See next page
- Docket File NSIC
- NRC PDR RDiggs
- Local PDR JHeltemes
- ORB #3 Rdg
- DEisenhut
- ORAB
- PMKreutzer
- OELD
- OI&E (1)
- TBarnhart (4)
- ACRS (10)

*WMA - minor comments wanted*

*WMA*

OFFICE	DL:ORB#3	DL:ORB#3 <i>ACT</i>	DL:ORB#3	DL:ORB#5	OELD		
SURNAME	PMKreutzer	DDianni:dd	RAClark	TWambeck	WShields		
DATE	7/14/82	7/15/82	7/1/82	7/15/82	7/19/82		

Northern States Power Company

cc:

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