APR 8 1983

Docket Nos. 50-325/324

Mr. E. E. Utley
Executive Vice President
Carolina Power & Light Company
P. O. Box 1551
Raleigh, North Carolina 27602

Dear Mr. Utley:

SUBJECT: CLARIFICATION OF ENVIRONMENTAL QUALIFICATION SAFETY EVALUATION

Re: Brunswick Steam Electric Plant, Units 1 and 2

On December 20, 1982 the NRC staff issued a Safety Evaluation (SE) for Brunswick Steam Electric Plant, Units 1 and 2 on the environmental qualification of safety-related electrical equipment. The SE was based on a Technical Evaluation Report (TER) prepared by our contractor, Franklin Research Center (Franklin).

Appendix D of the above TER provides a technical review of the licensee's statements regarding the justification for continued operation (JCO) that was submitted in the 90-day response to an earlier staff safety evaluation (published in mid-1981). Appendix D is not necessarily applicable to the deficiencies identified in the enclosed TER. You should review all JCOs submitted to date to ensure that a JCO exists for all equipment which may not be qualified.

The thirty (30) day response required by the current SE should address equipment items in NRC Categories I.b, II.a and IV (note that Category IV was not mentioned in the previous SE) for which justification for continued operation was not previously submitted to the NRC or Franklin. Guidelines for justification for continued operation are provided in paragraph (i) of 10 CFR 50.49. These guidelines should be utilized in developing your justification for continued operation.

If your thirty (30) day response has already been submitted to NRC, you are requested to review your response in accordance with this clarification and notify the NRC of any changes. The due date of these responses as stated in the above referenced SE are revised and are now due within thirty (30) days of receipt of this letter.

The staff has developed a special procedure to address equipment presented in the TER which is classified as Category II.b (Equipment Not Qualified). These items must be resolved as soon as possible. For the Category II.b items, justification for continued operation must be provided or the technical issue, which has placed the equipment in Category II.b must be resolved within ten (10) days of receipt of this letter. Should your plant have equipment in Category II.b, telephone contacts regarding this special procedure should be expected from the NRC Project Manager. Should issues or conflicts exist, which prohibit a response in a timely manner, a 10 CFR 50.54(f) letter will be issued.

DATE ▶					

Upon completion of the plant specific review for all plants, a cross-reference of non-qualified equipment existing in any plant will be conducted by the NRC staff to determine if the same equipment exists on other plants and has been declared qualified. Should the cross-reference indicate that they do exist in your plant, the staff will contact you to reconfirm the qualification of these items for your plant.

The ninety (90) day response required by the above referenced SE transmittal letter regarding the schedule for accomplishing proposed corrective actions has been superseded by the requirements of 10 CFR 50.49. Paragraph (g) of the rule requires that by May 20, 1983, licensees identify electrical equipment important to safety, within the scope of the rule, that is already qualified, and submit a schedule for the qualification or replacement of the remaining electrical equipment within the scope of the rule in accordance with the qualification deadline specified in paragraph (g). The submittal required by the rule should specifically indicate whether your previous submittals comply with paragraphs (a) and (b) of 10 CFR 50.49. In addition, you are requested to describe in your submittal the methods used to identify the equipment covered by paragraph 10 CFR 50.49(b)(2) and to establish any qualification programs not previously described for such equipment.

The Technical Evaluation Report contains certain identified information which you have previously claimed to be proprietary. We request that you inform us as indicated in the proprietary review section of the Safety Evaluation whether any portions of the identified pages still require proprietary protection. It should be noted that the NRC's policy on proprietary information, as specified in SECY 81-119 is that summary data on equipment qualification testing will not be treated as proprietary by the NRC. This information shall be submitted within thirty (30) days of receipt of this letter. A general guideline is enclosed.

The reporting and/or recordkeeping requirements contained in this letter affect fewer than ten respondents; therefore, OMB clearance is not required under P.L. 96-511.

Sincerely,

ORIGINAL SIGNED BY

Domenic B. Vassallo, Chief
Operating Reactors Branch #2
Division of Licensing

Enclosure:
Proprietary Review Information

cc wo/Enclosure
See next page

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NRC FORM 318 (10-80) NRCM 0240 OFFICIAL RECORD COPY USGPO: 1981—335-960

Mr. E. E. Utley
Carolina Power & Light Company

cc:

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PROPRIETARY REVIEW GUIDELINES

It is the policy of the Nuclear Regulatory Commission that the records of the agency are available for inspection and copying in the NRC Public Document Room, except for matters that are exempt from public disclosure pursuant to the nine exemptions of the Freedom of Information Act. (See 10 C.F.R. 2.790)

Recently, the NRC has had its contractor, Franklin Research Center (FRC), prepare Technical Evaluation Reports for all 10 CFR Part 50 licensees. These reports evaluate and comment upon the references cited by the licensee as evidence of qualification in accordance with the documentation reference instructions established by IE Bulletin 79-01B.

In a typical evaluation, FRC generates a report of approximately 750 pages. Any page which mentions or comments upon a licensee's referenced material that was marked or claimed to be proprietary is marked at the top of the page with the legend "Proprietary Information". FRC has used this marking in a liberal manner and has not fully investigated the licensee's claim to determine whether portions of proprietary reports that they reproduced or mentioned were in fact "proprietary". A report typically contains 15 to 25 pages that are marked "Proprietary Information". Usually, no more than 4 licensee proprietary references are so discussed. In order to make any of the reports available to the public, FRC has produced two versions of each: those containing proprietary information and those having the proprietary information removed. The NRC now seeks the assistance of licensees in reviewing the proprietary versions of the FRC reports to determine whether still more information can be made available to the public.

For this reason, each licensee has been sent the Staff Equipment Qualification SER and a copy of the proprietary version of the FRC TEchnical Evaluation Report. It is believed that the licensee can review the few pages containing proprietary information in a relatively short period of time. The licensee is to send the third party owner of the reference report, which has been claimed to be proprietary, a copy of those pages from the FRC report that relates to its test report. The third party owner can quickly review these pages and determine whether the information claimed to be proprietary must still be so categorized. All reviewers should be aware of the NRC's policy, as specified in SECY-81-119, that summary data on Equipment Qualification testing will not be treated as proprietary by the NRC. If the review identifies no data that requires protection, the NRC should be notified and that portion of the report will be placed in the Public Document Room. If, however, the licensee identifies to the NRC portions that are still claimed to require proprietary protection, then compliance must be made with the requirements for withholding under 10 C.F.R. 2.790. This can be accomplished in two ways: (1) If the reference proprietary report has previously been submitted to the NRC pursuant to 10 C.F.R. 2.790 and the NRC has made a determination that portions are proprietary, then

those same portions can be protected again simply by notifying the NRC that this material is covered in the NRC's acceptance letter of a given date. If the reference proprietary report has not previously been submitted to the NRC pursuant to 10 C.F.R. 2.790, then the licensee and the proprietary owner must at this time make such an application and request for withholding from public disclosure.

The NRC recognizes that this proprietary review places an administrative burden upon its licensees and any third party owners. However, it is the policy of the NRC to make all non-proprietary information public, and the only way to protect the owner of proprietary information is to insure that the Franklin reports have been appropriately scrutinized.

The NRC will grant extensions of time for these reviews if necessary, on a case-by-case basis. If you have any further questions regarding this review, please contact either Edward Shomaker, OELD, at 492-8653 or Neal Abrams, Patent Counsel, at 492-8662.