UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSIONERS

'92 OCT -6 A9:34

In the Matter of

CAROLINA POWER & LIGHT COMPANY

H.B. ROBINSON PLANT, UNIT NO. 2;	)	Docket Nos. 50-261,
BRUNSWICK STEAM ELECTRIC PLANT,	)	50-324 and 325, and
UNIT NOS. 1 AND 2; and SHEARON HARRIS	)	50-400
NUCLEAR POWER PLANT	)	(10 C.F.R. §2.206)

CAROLINA POWER & LIGHT COMPANY'S RESPONSE TO THE APPEAL TO THE NRC COMMISSIONERS OF NRC STAFF DENIAL OF NIRS' PETITIONS FOR IMMEDIATE ENFORCEMENT ACTION OF JULY 21, 1992 AND AUGUST 12, 1992

I. INTRODUCTION

Carolina Power & Light Company ("CP&L" or "Licensee") is the holder of operating licenses for the Shearon Harris Nuclear Power Plant, the Brunswick Steam Electric Plant, Unit Nos. 1 and 2, and the H. B. Robinson Plant, Unit No. 2. On July 21, 1992, the Nuclear Information and Resource Service ("NIRS") filed with the Nuclear Regulatory Commission a Petition requesting emergency enforcement action. This Petition, filed pursuant to 10 C.F.R. §2.206, requested a suspension of Gulf States Utilities' operating license for the River Bend Plant based on its use of a fire retardant material called Thermo-Lag. On August 12, 1992, NIRS filed an "Emergency Addenda to NIRS' Petition for Emergency Enforcement Action of July 21, 1992 and Addenda to the Original Petition Based on New Information."[1]

[1]In the Emergency Addenda, NIRS is joined by a number of additional petitioners. For the sake of convenience, only NIRS will be identified herein when referencing the original Petition, Emergency Addenda and Appeal. In addition, references to "the Petition" should

Based upon the alleged use of Thermo-Lag in a fire wall configuration, the Emergency Addenda requested that the operating licenses of a number of other nuclear power plants "be suspended until an effective and tested fire barrier is in place." Among the units for which a suspension of the license was requested were CP&L's Shearon Harris Nuclear Power Plant and the H. B. Robinson Plant, Unit No. 2. Emergency Addenda at 6.

On August 19, 1992, the NRC Staff issued a letter finding that the immediate suspension of the operating licenses for the nuclear plants named by NIRS was "not warranted" by the facts. The Staff denied NIRS' request for emergency relief (i.e., immediate shutdown of the plants) and stated that "the NRC will take appropriate action on the specific issues in the Petition within a reasonable time." Letter from Thomas E. Murley, Director, Office of Nuclear Reactor Regulation, NRC, to Michael Mariotte, Executive Director, NIRS, dated August 19, 1992. NIRS then filed a document with the Commission appealing the denial of its Petition. See "Appeal to the NRC Commissioners of NRC Staff Denial of NIRS' Petitions for Immediate Enforcement Action of July 21, 1992 and August 12, 1992," dated September 3, 1992.[2] In this Appeal, NIRS belatedly recognized that the Emergency Addenda had erroneously identified the Robinson Plant as one which uses Thermo-Lag material. The Appeal attempts to correct this error by purporting to substitute the Brunswick Plant for Robinson and requesting immediate enforcement action to suspend the operating license of both Brunswick units. Appeal at 2.

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be deemed to include both the original Petition and the Emergency Addenda.

[2]Although the Appeal is dated September 3, 1992, CP&L did not receive a copy of it until September 23, 1992.

In opposition to NIRS' Petition and its Appeal, CP&L herein provides this Response, which is supported by CP&L's Response to NRC Bulletin No. 92-01 (Attachment A hereto) and CP&L's Response to NRC Bulletin No. 92-01, Supplement 1 (Attachment B hereto). As discussed below, NIRS has totally failed to establish any basis for suspending the operating licenses of the Harris, Brunswick and Robinson plants. In the case of the Robinson Plant, Thermo-Lag is not even used as a fire protective material. With regard to the Harris and Brunswick Plants, CP&L has in place sufficient measures to ensure the continued safe operation of the plants until the generic Thermo-Lag issue is resolved.

II. STANDARDS FOR DECIDING WHETHER A SHOW CAUSE PROCEEDING SHOULD BE INITIATED.

Section 2.206 of the Commission's regulations provides a mechanism whereby members of the public may request initiation of an enforcement action to modify, suspend or revoke a license, or for such other action as may be proper. It also vests authority in the director of the appropriate NRC office to decide whether to institute an enforcement action by the issuance of a show cause order. The only criterion set forth in the rule itself for judging the sufficiency of a petition is the requirement that "[t]he requests shall specify the action requested and set forth the facts that constitute the basis for the request." 10 C.F.R. §2.206(a).

The apparent reason for the absence of a more specific standard in the regulation is that the decision to institute an enforcement action is not an adjudicative one, but rather is a matter of "prosecutorial" discretion. See, Consolidated Edison Co. of New York, Inc. (Indian Point Units 1, 2 and 3), CLI-75-8, 2 N.R.C. 173, 175 (1975). Nevertheless, the

Commission has in previous decisions provided guidance delimiting the exercise of this discretion.

In Indian Point, supra, the Commission affirmed a Director's decision denying a Section 2.206 petition. In doing so, the Commission stated that "[t]he Director correctly understood that a show cause order would have been required had he reached the conclusion that substantial health or safety issues had been raised. ...[A] mere dispute over factual issues does not suffice" as a basis for issuance of such an order. Indian Point, supra, 2 N.R.C. at 176 and n.2.[3] This standard has been acknowledged in dicta by the D.C. and Seventh Circuits. Lorion v. NRC, 712 F.2d 1472, 1475 (D.C. Cir. 1983), rev'd on other grounds sub nom., Florida Power & Light Co. v. Lorion, 470 U.S. 729 (1985), on remand sub nom., Lorion v. NRC, 785 F.2d 1038, 1041 (D.C. Cir. 1986); Rockford League of Women Voters v. NRC, 679 F.2d 1218, 1222 (7th Cir. 1982).

The Commission has reiterated the "substantial health or safety issues" standard in Northern Indiana Public Service Co. (Bailly Generating Station, Nuclear-1), CLI-78-7, 7 N.R.C. 429, 433 (1978), aff'd, sub nom., Porter County Chapter v. NRC, 606 F.2d 1363 (D.C. Cir. 1979). In that case, the Commission also rejected a claim that the Director erred in failing to permit the petitioner to comment on, respond to, or cross-examine the views of the NRC Staff:

> [The Director] is not required to accord presumptive validity to every assertion of fact, irrespective of its degree of

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[3]The directors have adhered to the "substantial health or safety issues" test. See, e.g., Philadelphia Electric Co., (Limerick Generating Station, Units 1 and 2), DD-85-11, 22 N.R.C. 149, 152 (1985); Washington Public Power Supply System (WPPSS Nuclear Project No. 2), DD-84-7, 19 N.R.C. 899, 923 (1984).

> substantiation, or to convene an adjudicatory proceeding in order to determine whether an adjudicatory proceeding is warranted. Rather, his role at this preliminary stage is to obtain and assess the information he believes necessary to make that determination. Provided he does not abuse his discretion, he is free to rely on a variety of sources of information, including staff analyses of generic issues, documents issued by other agencies, and the comments of the licensee on the factual allegations.

Id. at 432-33.

In order to meet the "substantial health or safety issues" standard, a petition must do more than merely state its disapproval of NRC policy or its belief that the accused utility may be found to have been in violation of the Commission's regulations. In order to satisfy the substantial health and safety issues standard, a petition must set forth evidence of violations of sufficient significance that the public health and safety may be affected thereby. Thus, for example, in Limerick, supra, 22 N.R.C. at 166, the Director determined that the petitioners' showing that the plant suffered from a trend of operator errors did not amount to a significant safety problem warranting a show cause order.

III. THE ALLEGATIONS IN THE PETITION DO NOT RAISE SIGNIFICANT HEALTH AND SAFETY ISSUES.

A. The Emergency Addenda was based on factual misinformation regarding the use of Thermo-Lag at the Robinson Plant.

In the Emergency Addenda, NIRS asserted its "understanding" that Thermo-Lag is now used in a fire wall configuration at five reactors, including the Harris and Robinson plants. Emergency Addenda at 5. In fact, Thermo-Lag is not utilized and has never been utilized as a fire protective material at the Robinson Plant. CP&L Response to NRC Bulletin No. 92-01, at 2; CP&L Response to NRC Bulletin 92-01, Supplement 1, at 2. Thus,

NIRS submitted its Petition to the NRC without doing sufficient background investigation even to get its facts straight on such a basic issue as whether the named plants actually use Thermo-Lag. On this basis alone, the Petition was properly dismissed by the Director-NRR as it relates to the allegations concerning the Robinson Plant.

B. There are sufficient measures in place at the Brunswick Steam Electric Plant and Harris Nuclear Plant to assure that the public health and safety are maintained until the generic Thermo-Lag issue is resolved.

Contrary to the claims of NIRS, CP&L has in place sufficient measures at both the Brunswick Steam Electric Plant and Harris Nuclear Plant to assure the continued protection of the public health and safety while the Thermo-Lag issue is resolved on a generic, industry-wide basis. The Thermo-Lag issue is currently the subject of considerable attention by the NRC. Bulletin 92-01 identified NRC's concerns about the use of Thermo-Lag 330 as a fire barrier arising from the findings of NRC's Thermo-Lag Special Review Team and other test results. It requested that all holders of operating licenses identify areas of their plants which have Thermo-Lag 330 installed and determine the plant areas which use the material to protect either small diameter conduit or wide trays that provide safe shutdown capability. For those plant areas in which Thermo-Lag fire barriers are used to protect wide cable trays, small conduits, or both, licensees were required to implement "in accordance with plant procedures, the appropriate compensatory measures, such as fire watches, consistent with those which would be implemented by either the plant technical specifications or the operating license for an inoperable fire barrier." Bulletin 92-01, at 4. Finally, Bulletin 92-01 required licensees to notify NRC in writing stating whether Thermo-

Lag 330 is used in its facilities and to describe the measures being taken to ensure or restore fire barrier operability.

On July 27, 1992, CP&L provided the requested information to the NRC. See CP&L Response to NRC Bulletin 92-01 (Attachment A). This Response indicated the areas of the Harris and Brunswick plants which utilize Thermo-Lag material for safe shutdown capability and identified the areas and type of Thermo-Lag configurations. The Response also indicated that compensatory measures were promptly implemented at the Brunswick and Harris plants, in accordance with plant procedures for configurations providing safe shutdown capability. According to the Response, the following measures were taken at the Harris Plant:

> The operability of the fire detectors were verified in the areas containing Thermo-Lag providing safe shutdown capability. Roving hourly fire watches were established to monitor the condition of these fire areas in accordance with the compensatory measures delineated within Plant Procedure FPP-013, Fire Protection - Minimum Requirements and Mitigating Actions.

Similarly, for the Brunswick Plant:

> The operability of the fire detectors were verified in the areas containing Thermo-Lag providing safe shutdown capability. Roving hourly fire watches were established to monitor the condition of these fire areas in accordance with the compensatory measures delineated within Plant Program Procedure PLP-01.2, Fire Protection System Operability and Action Requirements.

The NRC issued Supplement 1 to Bulletin 92-01 on August 28, 1992. The Supplement expanded the scope of the information requested in the original Bulletin to include a request that licensees identify plant areas that use Thermo-Lag 330 in all sizes of

conduits and trays, as well as walls, ceilings and equipment enclosures. Supplement 1 again required that licensees take "appropriate compensatory measures, such as fire watches, consistent with those that would be implemented by either the plant technical specifications or the operating license for an inoperable fire barrier." NRC Bulletin 92-01, Supplement 1, at 7-8.

CP&L responded to the additional requests in Supplement 1 by letter dated September 29, 1992. See CP&L Response to NRC Bulletin 92-01, Supplement 1 (Attachment B). This Response reiterated that roving hourly fire watches have been established at both the Harris and Brunswick plants to monitor the condition of areas containing Thermo-Lag 330 material, in accordance with the compensatory measures delineated in the appropriate plant procedures and technical specifications. CP&L further reiterated that these compensatory measures will be maintained until the Thermo-Lag configurations can be determined to be reliable in accordance with plant procedures and technical specifications. The Response also updated CP&L's response to the original Bulletin with respect to the plant areas and type of Thermo-Lag configurations.

CP&L and the nuclear power industry have been proactive in addressing the Thermo-Lag issue. CP&L is actively participating in a coordinated industry program to address concerns about Thermo-Lag. The program is being facilitated by an industry organization, the Nuclear Management and Resources Council ("NUMARC"). This program provides the best overall approach to ensure that concerns are identified and resolved in a manner consistent with the public interest. As stated in its Response to Supplement 1, CP&L will review the future guidance provided through this industry program to determine what

additional actions, if any, are appropriate for the Harris and Brunswick Plants. CP&L Response to NRC Bulletin 92-01, Supplement 1, at 2.

Thus, CP&L has been fully responsive to the request for information from the NRC and has taken appropriate compensatory measures in accordance with guidance from the NRC. NIRS has made absolutely no showing that these measures are inadequate to protect the public health and safety while the generic Thermo-Lag issue is addressed. Indeed, NIRS makes no effort in its pleadings to even address on a plant-specific basis the actions that CP&L has taken at the plants to ensure that adequate protection from fires is maintained. In its Appeal, NIRS merely makes the generic claim that fire watches, such as those initiated by CP&L, are "an inappropriate, inadequate substitute for fire barriers, and do not meet NRC regulations." Appeal at 7. This claim is unsupported by the facts and flies in the face of the determination made by the NRC Staff, based upon its expertise in nuclear operations, that:

> The licensees established fire watches as a compensatory measure. Personnel assigned to fire watches are trained by the licensees to inspect for the control of ignition sources and combustible materials, to look for signs of incipient fires, to provide prompt notifications of fire hazards and fires, and to take appropriate actions to begin fire suppression activities. Therefore, fire watches compensate for the degraded fire barriers by providing enhanced detection capability to find fire hazards and, in the case of a fire, initiating suppression activities before the barrier's ability to endure a fire is challenged.
>
> NRC regulations, facility operating license conditions, technical specification action statements and the generic communications described above address the establishment of either continuous or periodic fire watches to compensate for deficiencies in the licensee's fire protection program. The NRC staff has carefully evaluated the issues associated with using Thermo-Lag material,

> including the use of fire watches to compensate for any degradation in the effectiveness of required fire barriers. Such actions constitute compliance with the overall NRC fire protection requirements, provide an adequate level of protections and do not pose an undue risk to the health and safety of the public.

Murley Letter at 3.

NIRS has made no showing that the fire watches in place at the Brunswick and Harris plants will not perform their assigned duties in a manner that will fully protect the public health and safety. The NRC Staff has endorsed the use of fire watches as a compensatory measure in a number of situations, specifically including their use now until the Thermo-Lag issue is resolved on a generic basis. NIRS' Petition and Appeal provide no basis for calling into question the expert judgment of the NRC Staff as to what compensatory measures are necessary. The compensatory measures CP&L has taken fully satisfy the requirements of the plant operating licenses and technical specifications for the Harris and Brunswick plants. These measures are consistent with the requirements established by NRC fire protection regulations. Accordingly, NIRS has not met the legal standard for initiation of enforcement action under 10 C.F.R. §2.206, i.e., that substantial public health or safety issues be raised. The NRC Staff properly exercised its discretion in dismissing the Petition of NIRS.

IV. CONCLUSION

For all of the foregoing reasons, the NIRS Petition asking that the operating licenses for the Harris and Robinson plants be suspended was properly denied by the Director-NRR. That decision should be affirmed by the Commissioners. The Commission should also deny

the NIRS Appeal to the extent that it seeks a suspension of the operating license for the Brunswick Plant.

Respectfully submitted this 2nd day of October, 1992.

CAROLINA POWER & LIGHT COMPANY

By: Dale E. Hollar

Dale E. Hollar
Associate General Counsel
Post Office Box 1551
Raleigh, North Carolina 27602
(919) 546-4161

Dated: October 2, 1992

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Carolina Power & Light Company's Response to the Appeal to the NRC Commissioners of NRC Staff Denial of NIRS' Petitions for Immediate Enforcement Action of July 21, 1992 and August 12, 1992" with Attachments was served on all parties by depositing said copies in the United States mail, postage prepaid, addressed as follows:

Mr. Thomas E. Murley
Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Lawrence J. Chandler, Esquire
Office of General Counsel
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Washington, D.C. 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Nuclear Information and Resource Service
1424 16th Street, N.W.
Suite 601
Washington, D.C. 20036

This the 2nd day of October, 1992.

Dale E. Hollar

Dale E. Hollar

ATTACHMENT A

CP&L

Carolina Power & Light Company

P.O. Box 1551 • Raleigh, N.C. 27602

JUL 27 1992

R. B. STARKEY, JR.
Vice President
Nuclear Services Department

SERIAL: NLS-92-204

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

SHEARON HARRIS NUCLEAR POWER PLANT
DOCKET NO. 50-400/LICENSE NO. NPF-63

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2
DOCKET NOS. 50-325 AND 50-324/LICENSE NOS. DPR-71 AND DPR-62

RESPONSE TO NRC BULLETIN NO. 92-01
FAILURE OF THERMO-LAG 330 FIRE BARRIER SYSTEM TO MAINTAIN CABLING IN WIDE CABLE TRAYS AND SMALL CONDUITS FREE FROM FIRE DAMAGE

Gentlemen:

The purpose of this letter is to provide Carolina Power & Light Company's (CP&L) response to NRC Bulletin No. 92-01 for the H. B. Robinson Steam Electric Plant, Unit No. 2 (HBR2), the Shearon Harris Nuclear Power Plant (SHNPP), and the Brunswick Steam Electric Plant, Unit Nos. 1 and 2 (BSEP).

On June 24, 1992, the NRC issued Bulletin No. 92-01, "Failure of Thermo-Lag 330 Fire Barrier System to Maintain Cabling in Wide Cable Trays and Small Conduits Free From Fire Damage." The Bulletin requested that all holders of operating licenses for nuclear power reactors take the following actions:

1. For those plants that use either one- or three-hour pre-formed Thermo-Lag 330 panels and conduit shapes, identify the areas of the plant which have Thermo-Lag 330 fire barrier material installed and determine the plant areas which use this material for protecting either small-diameter conduit or wide trays (widths greater than 14 inches) that provide safe shutdown capability.

2. In those plant areas in which Thermo-Lag fire barriers are used to protect wide cable trays, small conduits, or both, the licensee should implement, in accordance with plant procedures, the appropriate compensatory measures, such as fire watches, consistent with those which would be implemented by either the plant Technical Specifications or the operating license for an inoperable fire barrier.

3. Each licensee, within 30 days of receiving this Bulletin, is required to provide a written notification stating whether it has or does not have Thermo-Lag 330 fire barrier systems installed in its facilities. Each licensee who has installed Thermo-Lag 330 fire barriers is required to inform the NRC, in writing, whether it has taken the above actions and is required to describe the measures being taken to ensure or restore fire barrier operability.

CP&L has utilized this material at BSEP and SHNPP. The material has not been utilized as a fire protective material at HBR2. A detailed review of plant drawings was performed, and subsequent field walkdowns were performed to confirm the areas of the plant utilizing Thermo-Lag material. A summary of the plant areas and type of Thermo-Lag configurations is shown in Enclosures 1 and 2 for BSEP and SHNPP, respectively.

Compensatory measures associated with inoperable fire barriers were implemented on June 25, 1992 at BSEP and June 26, 1992 at SHNPP in accordance with plant procedures for configurations providing safe shutdown capability.

CP&L will continue to review BSEP and SHNPP plant configurations against approved test data in order to restore fire barrier operability. We will also review future direction provided through an industry program being coordinated by NUMARC to determine the appropriate actions necessary to restore fire barrier operability. CP&L will maintain the compensatory measures required by plant procedures until these barriers are returned to operable status.

Should you have questions regarding this matter, please contact Mr. David C. McCarthy at (919) 546-6901.

Yours very truly,

R. B. Starkey, Jr.

DBB/jbw

Enclosures

cc: Mr. S. D. Ebneter
Mr. L. W. Garner
Mr. N. B. Le
Mr. R. H. Lo
Ms. B. L. Mozafari
Mr. R. L. Prevatte
Mr. J. E. Tedrow

R. B. Starkey, Jr., having been first duly sworn, did depose and say that the information contained herein is true and correct to the best of his information, knowledge and belief; and the sources of his information are officers, employees, contractors, and agents of Carolina Power & Light Company.

Eleanor C Chappell
Notary (Seal)

My commission expires: 2/6/96

ELEANOR C. CHAPPELL NOTARY PUBLIC WAKE COUNTY, N.C.

ENCLOSURE 1
SUMMARY OF THERMO-LAG CONFIGURATIONS
at Brunswick Steam Electric Plant

A review of the plant design drawings was performed to identify areas containing Thermo-Lag 330 fire barrier material. The table below provides a summary of this review.

The operability of the fire detectors were verified in the areas containing Thermo-Lag providing safe shutdown capability. Roving hourly fire watches were established to monitor the condition of these fire areas in accordance with the compensatory measures delineated within Plant Program Procedure PLP-01.2, Fire Protection System Operability and Action Requirements.

CONFIGURATION	LOCATION											
	REACTOR BLDG UNIT ONE BY ELEVATION				REACTOR BLDG UNIT TWO BY ELEVATION				DIESEL GENERATOR BLDG BY ELEV.		TURBINE BUILDING BY ELEV.	SERVICE WATER BLDG BY ELEV.
	-17'	20'	36'	50'	-17'	20'	36'	50'	23'	50'	20'	BELOW 20'
Conduit ≤ 1 inch diameter One Hour Rated	■				■	■						■
Conduit ≤ 1 inch diameter Three Hour Rated		■				■				■		
Conduit > 1 inch diameter One Hour Rated	■	■	■		■	■	■					
Conduit/Pipe > 1 inch diameter Three Hour Rated		■				■				■	■	
Cable Trays One Hour Rated				■				■				
Flex A Blanket		■		■				■				
Fire Proof Panels Three Hour Rated		■				■			■	■		

* Shaded areas indicate Thermo-Lag applications.

ENCLOSURE 2
SUMMARY OF THERMO-LAG CONFIGURATIONS
at Shearon Harris Nuclear Power Plant

A review of the plant design drawings, periodic test procedure for fire wrap and a field walkdown was performed to identify areas containing Thermo-Lag 330 fire barrier material. The table below provides a summary of this review.

The operability of the fire detectors were verified in the areas containing Thermo-Lag providing safe shutdown capability. Roving hourly fire watches were established to monitor the condition of these fire areas in accordance with the compensatory measures delineated within Plant Procedure FPP-013, Fire Protection - Minimum Requirements and Mitigating Actions.

CONFIGURATION	LOCATION			
	REACTOR AUXILIARY BUILDING			
	236'	261'	286'	305'
Conduit ≤ 1 inch diameter One Hour Rated				
Conduit ≤ 1 inch diameter Three Hour Rated				
Conduit > 1 inch diameter One Hour Rated				
Conduit > 1 inch diameter Three Hour Rated				
Cable Trays One Hour Rated				
Flex A Blanket				
Fire Proof Panels Three Hour Rated				

* Shaded areas indicate Thermo-Lag applications.

CP&L

Carolina Power & Light Company

P.O. Box 1551 • Raleigh, N.C. 27602

SEP 29 1992

SERIAL: NLS-92-256

R. B. STARKEY, JR.
Vice President
Nuclear Services Department

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

SHEARON HARRIS NUCLEAR POWER PLANT
DOCKET NO. 50-400/LICENSE NO. NPF-63

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2
DOCKET NOS. 50-325 AND 50-324/LICENSE NOS. DPR-71 AND DPR-62

RESPONSE TO NRC BULLETIN NO. 92-01, Supplement 1
FAILURE OF THERMO-LAG 330 FIRE BARRIER SYSTEM TO PERFORM ITS SPECIFIED FIRE ENDURANCE FUNCTION

Gentlemen:

The purpose of this letter is to provide Carolina Power & Light Company's (CP&L) response to NRC Bulletin No. 92-01, Supplement 1 for the H. B. Robinson Steam Electric Plant, Unit No. 2 (HBR2), the Shearon Harris Nuclear Power Plant (SHNPP), and the Brunswick Steam Electric Plant, Unit Nos. 1 and 2 (BSEP).

On August 28, 1992, the NRC issued Bulletin No. 92-01, Supplement 1, "Failure of Thermo-Lag 330 Fire Barrier System to Perform Its Specified Fire Endurance Function." The Bulletin requested that all holders of operating licenses for nuclear power reactors take the following actions:

1. For those plants that use either one- or three-hour pre-formed Thermo-Lag 330 panels and conduit shapes, identify the areas of the plant which have Thermo-Lag 330 fire barrier material installed and determine the plant areas which use this material for the protection and separation of the safe-shutdown capability.

2. In those plant areas in which Thermo-Lag fire barriers are used in raceways, walls, ceilings, equipment enclosures, or other areas to protect cable trays, conduits, or separate redundant safe-shutdown functions, the licensee should implement, in accordance with plant procedures, the appropriate compensatory measures, such as fire watches, consistent with those that would be implemented by either the plant Technical Specifications or the operating license for an inoperable fire barrier. These compensatory measures should remain in place until the licensee can declare the fire barriers operable on the basis of applicable tests which demonstrate successful one- or three-hour barrier performance.

Each licensee who has installed Thermo-Lag 330 fire barriers must inform the NRC in writing within 30 days of receiving this Bulletin Supplement, whether or not it has taken the above actions. Where fire barriers are declared inoperable, the licensee is required to describe the measures being taken to ensure or restore fire barrier operability. These measures should be consistent with actions taken in response to Bulletin No. 92-01.

CP&L Response

Carolina Power & Light Company has utilized this material at BSEP and SHNPP. The material has not been utilized as a fire protective material at HBR2. A summary of the plant areas and type of Thermo-Lag configurations provided in our initial response has been updated and is shown in Enclosures 1 and 2 for BSEP and SHNPP, respectively.

Carolina Power & Light Company had conservatively judged any Thermo-Lag installation to be suspect based upon the original NRC notification. Compensatory measures were implemented in accordance with plant procedures and Technical Specifications for affected areas containing Thermo-Lag 330 configurations which provide safe-shutdown capability.

Carolina Power & Light Company will continue to review plant configurations against approved test data. Future guidance provided through the industry program being coordinated by NUMARC will be reviewed to determine the appropriate actions required to resolve this issue. Carolina Power & Light Company will maintain the above compensatory measures until these configurations can be determined to be reliable in accordance with plant procedures and Technical Specifications. These measures are consistent with those outlined in CP&L's response to Bulletin No. 92-01 dated July 27, 1992.

Should you have questions regarding this matter, please contact Mr. David C. McCarthy at (919) 546-6901.

Yours very truly,

R. B. Starkey, Jr.

DBB/jbw

Enclosures

cc: Mr. S. D. Ebneter
Mr. L. W. Garner
Mr. N. B. Le
Mr. R. H. Lo
Ms. B. L. Mozafari
Mr. R. L. Prevatte
Mr. J. E. Tedrow

R. B. Starkey, Jr., having been first duly sworn, did depose and say that the information contained herein is true and correct to the best of his information, knowledge and belief; and the sources of his information are officers, employees, contractors, and agents of Carolina Power & Light Company.

Eleanor C. Chappell
Notary (Seal)

My commission expires: 2/6/96

ELEANOR C. CHAPPELL NOTARY PUBLIC WAKE COUNTY, N.C.

(1764GLU)

SUMMARY OF THERMO-LAG CONFIGURATIONS
at Brunswick Steam Electric Plant

The table below provides a summary of the various Thermo-Lag configurations which exist at the Brunswick Steam Electric Plant.

The operability of the fire detectors was verified in the areas containing Thermo-Lag 330 material providing safe-shutdown capability. Roving hourly fire watches have been established to monitor the condition of these fire areas in accordance with the compensatory measures delineated within Plant Procedure PLP-01.2, Fire Protection System Operability and Action Requirements, and Technical Specification 3.7.8, Fire Barrier Penetrations.

CONFIGURATION	LOCATION												
	REACTOR BLDG. UNIT ONE BY ELEVATION				REACTOR BLDG. UNIT TWO BY ELEVATION				DIESEL GEN. BLDG. BY ELEV.		TURBINE BLDG. BY ELEV.	CONTROL BLDG. BY ELEV.	SW BLDG. BY ELEV.
	-17'	20'	36'	50'	-17'	20'	36'	50'	23'	50'	20'	23'	BELOW 20'
Conduit ≤ 1-Inch Diameter One-Hour Rated	■				■	■							■
Conduit ≤ 1-Inch Diameter Three-Hour Rated		■				■				■			
Conduit > 1-Inch Diameter One-Hour Rated	■	■	■		■	■	■						
Conduit/Pipe > 1-Inch Diameter Three-Hour Rated		■				■				■	■		
Cable Trays One-Hour Rated				■				■					
Flex A Blanket		■		■				■					
Fire Barrier Seals		■				■			■	■		■	
Fire-Proof Panels Three-Hour Rated		■				■			■	■			

* Shaded areas indicate Thermo-Lag applications.

(1764GLU)

SUMMARY OF THERMO-LAG CONFIGURATIONS
at Shearon Harris Nuclear Power Plant

The table below provides a summary of the Thermo-Lag 330 configurations which exist at the Shearon Harris Nuclear Power Plant.

The operability of the fire detectors was verified in the areas containing Thermo-Lag material providing safe-shutdown capability. Roving hourly fire watches have been established to monitor the condition of these fire areas in accordance with the compensatory measures delineated within Plant Procedure FPP-013, Fire Protection - Minimum Requirements and Mitigating Actions.

CONFIGURATION	LOCATION			
	REACTOR AUXILIARY BUILDING			
	236'	261'	286'	305'
Conduit ≤ 1-Inch Diameter One-Hour Rated				
Conduit ≤ 1-Inch Diameter Three-Hour Rated				
Conduit > 1-Inch Diameter One-Hour Rated				
Conduit > 1-Inch Diameter Three-Hour Rated				
Cable Trays One-Hour Rated				
Flex A Blanket				
Fire-Proof Panels Three-Hour Rated				

* Shaded areas indicate Thermo-Lag applications.