

February 6, 2001

Mr. J. S. Keenan, Vice President
Brunswick Steam Electric Plant
Carolina Power & Light Company
Post Office Box 10429
Southport, North Carolina 28461

SUBJECT: EXEMPTION FOR CHANGE TO SUBMITTAL DATE FOR THE RADIOACTIVE
EFFLUENT RELEASE REPORT FOR CALENDAR YEAR 2000 -- BRUNSWICK
STEAM ELECTRIC PLANT, UNITS 1 AND 2 (TAC NOS. MB0682 and MB0683)

Dear Mr. Keenan:

By letter dated December 1, 2000, you requested a one-time exemption from the requirements of Title 10 of the *Code of Federal Regulations*, Part 50, Section 36a(a)(2) to submit a Radioactive Effluent Release Report no later than 12 months from the date of the last report. Specifically, you requested to change the required submittal date for the Radioactive Effluent Release Report to "prior to May 1, 2001."

The staff notes that you have also requested an amendment to the Technical Specifications (TS) for the Brunswick Steam Electric Plant, Units 1 and 2. The requested change to TS 5.6.3 would establish a submittal date for the report as "prior to May 1." The granting of the amendment request would make the report submittal late without this exemption.

The staff has completed its review of your request for exemption and determined that the exemption is appropriate in view of the changes to TS 5.6.3. Accordingly, the exemption is granted in accordance with 10 CFR 50.12(a)(2)(v).

A copy of the exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Donnie J. Ashley, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-325 and 50-324

Enclosure: Safety Evaluation

cc w/encl: See next page

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Carolina Power and Light Company

Brunswick Steam Electric Plant
Units 1 and 2

cc:

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the matter of)	Docket Nos. 50-325 and 50-324
)	
Carolina Power & Light Company)	
)	
(Brunswick Steam Electric Plant,)	
Units 1 and 2))	

EXEMPTION

I.

The Carolina Power & Light Company (CP&L) is the holder of Facility Operating License Nos. DPR-71 and DPR-62, which authorize operation of the Brunswick Steam Electric Plant, Units 1 and 2. The licenses provide, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of two boiling water reactors located in Brunswick County in North Carolina.

II.

Title 10 of the *Code of Federal Regulations*, Part 50, Section 36a(a)(2) (10 CFR 50.36a(a)(2)) requires each licensee to submit a report to the Commission annually that specifies the quantity of each of the principal radionuclides released to unrestricted areas in liquid and in gaseous effluents during the previous 12 months, including any other information as may be required by the Commission to estimate maximum potential annual radiation doses to the public resulting from effluent releases. The report must be submitted as specified in

§50.4, and the time between submission of the reports must be no longer than 12 months. CP&L has proposed an amendment to Technical Specification 5.6.3 to change the submittal date for the report to "prior to May 1." The approval of the amendment necessitates the required submittal date for the year 2000 report be changed to "prior to May 1, 2001."

In summary, the exemption does not affect the information required to be submitted or the time period the report covers, only the date the report is submitted.

III.

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, when: (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. These circumstances include the special circumstances that would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation.

Therefore, the staff concludes that granting an exemption under the special circumstances of 10 CFR 50.12(a)(2)(v) is appropriate.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Also, special circumstances are present. Therefore, the Commission hereby grants CP&L an exemption from the requirements of 10 CFR 50.36a(a)(2), for Brunswick Steam Electric Plant, Units 1 and 2.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 8813).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 6th day of February 2001