

February 8, 2006

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

SUBJECT: BRUNSWICK STEAM ELECTRIC PLANT, UNITS 1 AND 2 - ISSUANCE OF
AMENDMENT ON PRIMARY CONTAINMENT LEAKAGE RATE
(TAC NOS. MC8110 AND MC8111)

Dear Mr. Scarola:

The Commission has issued the enclosed Amendment No. 238 to Facility Operating License No. DPR-71 and Amendment No. 266 to Facility Operating License No. DPR-62 for Brunswick Steam Electric Plant, Units 1 and 2. The amendments are in response to your application dated August 11, 2005.

The amendments revise Technical Specifications (TS) 5.5.12, "Primary Containment Leakage Rate Testing Program," by removing an exception that allows for compensation of flow meter instrument inaccuracies in accordance with American National Standards Institute/American Nuclear Society guidance document ANSI/ANS-56.8-1987, rather than meeting the instrument accuracy requirements in ANSI/ANS-56.8-1994.

A copy of the related Safety Evaluation is also enclosed. A Notice of Issuance will be included in the Commission's biweekly *Federal Register* Notice.

Sincerely,

/RA/

Brenda L. Mozafari, Senior Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-325 and 50-324

Enclosures:

1. Amendment No. 238 to
License No. DPR-71
2. Amendment No. 266 to
License No. DPR-62
3. Safety Evaluation

cc w/enclosures: See next page

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CAROLINA POWER & LIGHT COMPANY

DOCKET NO. 50-325

BRUNSWICK STEAM ELECTRIC PLANT, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 238
License No. DPR-71

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment filed by Carolina Power & Light Company (the licensee), dated August 11, 2005, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications, as indicated in the attachment to this license amendment; and paragraph 2.C.(2) of Facility Operating License No. DPR-71 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 238, are hereby incorporated in the license. Carolina Power & Light Company shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Michael L. Marshall, Jr., Chief
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance:

ATTACHMENT TO LICENSE AMENDMENT NO. 238

FACILITY OPERATING LICENSE NO. DPR-71

DOCKET NO. 50-325

Replace the following page of the Appendix A Technical Specifications with the attached revised page. The revised page is identified by amendment number and contains a marginal line indicating the areas of change.

Remove Page

5.0 - 16

Insert Page

5.0 -16

CAROLINA POWER & LIGHT COMPANY

DOCKET NO. 50-324

BRUNSWICK STEAM ELECTRIC PLANT, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 266
License No. DPR-62

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment filed by Carolina Power & Light Company (the licensee), dated August 11, 2005, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment; and paragraph 2.C.(2) of Facility Operating License No. DPR-62 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 266, are hereby incorporated in the license. Carolina Power & Light Company shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Michael L. Marshall, Jr., Chief
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance:

ATTACHMENT TO LICENSE AMENDMENT NO. 266

FACILITY OPERATING LICENSE NO. DPR-62

DOCKET NO. 50-324

Replace the following page of the Appendix A Technical Specifications with the attached revised page. The revised page are identified by amendment number and contains a marginal line indicating the areas of change.

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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 238 TO FACILITY OPERATING LICENSE NO. DPR-71
AND AMENDMENT NO. 266 TO FACILITY OPERATING LICENSE NO. DPR-62
CAROLINA POWER & LIGHT COMPANY
BRUNSWICK STEAM ELECTRIC PLANT, UNITS 1 AND 2
DOCKET NOS. 50-325 AND 50-324

1.0 INTRODUCTION

By letter dated August 11, 2005, the Carolina Power & Light Company (the licensee) submitted a request for changes to the Brunswick Steam Electric Plant (BSEP), Units 1 and 2, Technical Specifications (TS). The amendment proposes, in part, changes to TS 5.5.12, "Primary Containment Leakage Rate Testing Program."

The proposed change revises TS 5.5.12, "Primary Containment Leakage Rate Testing Program," by removing an exception that allows for compensation of flow meter instrument inaccuracies in accordance with the American National Standards Institute/American Nuclear Society guidance document ANSI/ANS-56.8-1987, "Containment System Leakage Testing Requirements" rather than meeting the instrument accuracy requirements in ANSI/ANS-56.8-1994, "American National Standard for Containment System Leakage Testing Requirements".

2.0 REGULATORY EVALUATION

On February 1, 1996, the U. S. Nuclear Regulatory Commission (NRC) issued Amendments 181 and 213 to the Facility Operating Licenses for BSEP, Units 1 and 2, respectively. These amendments revised the TS to permit the use of performance-based containment leakage rate testing in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Appendix J, Option B. As part of this approval, the NRC authorized an exception to the leakage rate flow meter instrument accuracy requirements. TS 5.5.12, Item "a" allows for the compensation of instrument accuracies applied to the primary containment leakage total in accordance with ANSI/ANS-56.8-1987 instead of ANSI/ANS-56.8-1994.

Currently, TS 5.5.12 states that the primary containment leakage rate testing program shall be in accordance with the guidelines contained in Regulatory Guide 1.163, "Performed-Based Containment Leak-Test Program," September 1995, as modified by the listed exceptions. Regulatory Guide 1.163, Section C, "Regulatory Position," states that Nuclear Energy Institute document NEI 94-01, Revision 0, dated July 26, 1995, "Industry Guidelines for Implementing Performance-Based Option of 10 CFR Part 50 Appendix J," provides methods that are acceptable to the NRC for complying with the provisions of 10 CFR Part 50, Appendix J, Option B. NEI 94-01 references ANSI/ANS-56.8-1994 as the industry standard on testing methodologies.

3.0 TECHNICAL EVALUATION

3.1 Proposed Changes to TS 5.5.12

Amendments 181 and 213 authorized an exception to the leakage rate flow meter instrument accuracy requirements with the use of performed-based containment leakage rate testing in accordance with 10 CFR Part 50, Appendix J, Option B. The exception allows for the compensation of inaccuracies in instrumentation used to measure the primary containment leakage total in accordance with ANSI/ANS-56.8-1987 rather than ANSI/ANS-56.8-1994.

At the time the license amendments were issued, BSEP was using flow meters with a 5 percent of full scale accuracy rather than flow meters that satisfied the 2 percent accuracy specified in ANSI/ANS-56.8-1994. The exception is no longer necessary due to the availability of test instruments that comply with instrument accuracy provisions of ANSI/ANS-56.8-1994. Use of instruments that satisfy the accuracy requirements in ANSI/ANS-56.8-1994 is consistent with NEI 94-01, and thus complies with Regulatory Guide 1.163.

The NRC staff finds that the proposed changes to TS 5.5.12 are acceptable since it deletes an exception from the provisions of ANSI/ANS-56.8-1994 and thus complies with the requirements.

3.2 Conclusion

The NRC staff finds that the licensee's proposed changes to TS Table 5.5.12 reflect the provisions of ANSI/ANS-56.8-1994 and Regulatory Guide 1.163 and are, therefore, acceptable

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the State of North Carolina official was notified of the proposed issuance of the amendments. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendments change a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendments involve no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding (70 FR 54087). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: Brian E. Lee

Date: February 8, 2006

Mr. James Scarola
Carolina Power & Light Company

Brunswick Steam Electric Plant
Units 1 and 2

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