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 50-261 H. B. Robinson Plant, Unit 2, Carolina Power and Light 05000261
 50-324 Brunswick Steam Electric Plant, Unit 2, Carolina Power 05000324
 50-325 Brunswick Steam Electric Plant, Unit 1, Carolina Power 05000325
 AUTH. NAME UTLEY, E.E. AUTHOR AFFILIATION Carolina Power & Light Co.
 RECIP. NAME DIRCKS, W.J. RECIPIENT AFFILIATION Office of the Executive Director for Operations

SUBJECT: Provides status re hydrogen control final rule. Petition filed w/US Court of Appeals for Four Circuit for review of final rule. Hydrogen recombiner & technical bases undergoing review. Schedule exemption may be requested.

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Carolina Power & Light Company

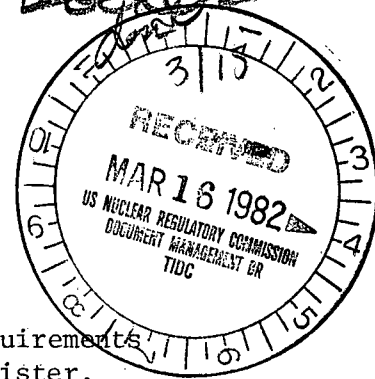
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Mr. William Dircks
Executive Director for Operations
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2
DOCKET NOS. 50-325 AND 50-324
LICENSE NOS. DPR-71 AND DPR-62
AND
H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2
DOCKET NO. 50-261
LICENSE NO. DPR-23
FINAL RULE ON INTERIM REQUIREMENTS
RELATED TO HYDROGEN CONTROL



Dear Mr. Dircks:

On December 2, 1981, the final rule on "Interim Requirements Related to Hydrogen Control" was published in the Federal Register, 46FR58484. This rule requires our Brunswick and Robinson Plants to have a hydrogen recombiner capability. In the case of our Brunswick Plant, this requirement in the final rule was a significant change from that of the proposed rule. In such circumstances, the Administrative Procedure Act and judicial precedent require the renote and republication of significant changes for public comment prior to adoption. The NRC did not adhere to this process in this matter.

In January, 1982, CP&L held discussions with other utilities and the NRC staff to obtain clarification of the meaning and implications of this rule. These discussions revealed that compliance with this final rule would be expensive and questions have now been raised regarding the cost and benefits associated with this final rule.

Because the time constraints of the applicable federal statutes did not allow us to complete a valid cost-benefit analysis of this final rule as it applies to our Brunswick and Robinson Plants, or to submit any resulting petition for exemption from the rule, if justified, CP&L felt obligated to file a petition for review of the final rule with the United States Court of Appeals for the Fourth Circuit on February 7, 1982 in order to avoid losing our right of judicial review. In parallel with filing the petition for judicial review, we agreed with NRC staff to petition the court for an extension of time within which the NRC is required to file the administrative record of the proceeding. The purpose of such an extension is to provide time for CP&L and the Staff to attempt to resolve the issues involved.

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We are presently reviewing the H₂ recombiner requirements and technical bases therefor, if any; the technical bases for H₂ control; and the schedules required for any necessary modifications at our plants. If we determine that a H₂ recombiner capability is appropriate, we will need to file, at a minimum, exemption requests with regard to the rule's implementation schedule in order to provide sufficient time within which to safely engineer, specify, procure and install any necessary modifications.

CP&L will submit its request for such technical and scheduling exemptions, as appropriate, as soon as it is reasonably possible to do so after completing its analyses.

Yours very truly,



E. E. Utley
Executive Vice President
Power Supply and
Engineering & Construction

DCS/lr (7797)

cc: Messrs. J. P. O'Reilly (NRC-RII)
G. Requa (NRC)
J. Van Vliet (NRC)