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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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James K. Asselstine
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Lando W. Zech, Jr.

SERVED NOV 15 1985

CAROLINA POWER AND LIGHT CO.
(Brunswick Steam Electric Plant,
Unit 2)

Docket No. 50-325⁴ OL

MEMORANDUM AND ORDER

By letters dated July 9, 1985, and September 10, 1985, Carolina Power and Light Company ("CP&L") requests that the Commission grant an extension from the November 30, 1985, deadline for environmental qualification of electric equipment at the Brunswick Steam Electric Plant, Unit 2. On October 9, CP&L representatives appeared before the Commission to discuss this request further and on October 10 CP&L provided additional information in a letter to the Commission. The Commission has reviewed in detail the licensee's submittals, including the October 10 letter, the staff's analysis and recommendation as set forth in SECY-85-321, and the arguments put forth by the licensee at the October 9 meeting. Based on this review the Commission finds that the

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licensee has failed to demonstrate exceptional circumstances that would support an extension of the November 30 deadline.

The Commission most recently addressed the environmental qualification issue in Generic Letter 85-15, issued August 6, 1985. In that letter the Commission stated that extensions from the November 30 deadline established in 10 CFR 50.49(g) would be granted "only in rare circumstances." The Commission further stated that extension requests "must clearly identify the exceptional nature of the case, e.g., why, through events entirely beyond its control, the licensee will not be in compliance on November 30; the date when compliance will be achieved; and a justification for continued operation until compliance will be achieved." The Commission also set forth an enforcement policy regarding failure to meet the deadline.

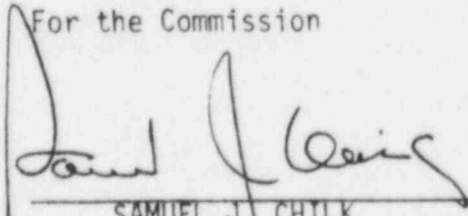
As is apparent from the Commission's previous pronouncements, equipment qualification is a matter of safety significance and the NRC has sought to compel diligent licensee efforts to achieve industry-wide compliance with its requirements in this area. On the basis of the handful of extension requests the Commission has received, it appears that most licensees have completed their programs within the 10 CFR 50.49 schedule. This shows that reasonably diligent efforts commencing when the Commission first ordered industry-wide actions in 1980 have generally enabled licensees to achieve compliance by this time. Yet, for Brunswick Unit 2 approximately fifty items of electric equipment important to safety are not qualified. Moreover, the licensee did not, in the Commission's view, demonstrate that this shortfall was due to circumstances beyond the licensee's control. Although the licensee

asserts that unique elements of its plant design were a primary cause of the delay in completion of its program, recognition of those elements and planning for timely completion of its qualification program in light of those elements were matters within the licensee's control. In fact, the delay in program completion was caused in large part by the licensee's decision to defer equipment qualification work and by the licensee's desire to operate at least one of the Brunswick units at all times. Whatever hardship the licensee may now incur as a result of its failure to achieve compliance must be attributed to its earlier decisions.

The Commission therefore denies the request of CP&L for an extension on Brunswick Unit 2. The staff has reviewed the justifications for continued operation and finds they support safe operation to March 30, 1986. On this basis CP&L may operate the facility from November 30 until March 30, 1986, subject to civil penalty, or may, at its option, cease plant operation on or before November 30 to complete its equipment qualification program.

Commissioner Roberts disapproved this order.

It is so ORDERED.

For the Commission

SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, D.C.

this 15TH day of November, 1985.