

November 29, 1989

Docket Nos. 50-250  
and 50-251

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Mr. J. H. Goldberg  
Executive Vice President  
Florida Power and Light Company  
P.O. Box 14000  
Juno Beach, Florida 33408-0420

Dear Mr. Goldberg:

SUBJECT: TURKEY POINT UNITS 3 AND 4 - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS (TAC NOS. 63038 AND 63039)

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing." This notice relates to your application for amendment dated June 5, 1989, as supplemented November 3, 1989, which would replace your current Technical Specifications with a set of Technical Specifications based on the Westinghouse Standard Technical Specifications.

Sincerely,

Original signed by

Herbert N. Berkow FOR

Gordon E. Edison, Sr. Project Manager  
Project Directorate II-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation

Enclosure:  
Notice

cc w/enclosure:  
See next page

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Mr. J. H. Goldberg  
Florida Power and Light Company

Turkey Point Plant

cc:

Harold F. Reis, Esquire  
Newman and Holtzinger, P.C.  
1615 L Street, N.W.  
Washington, DC 20036

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State of Florida  
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Intergovernmental Coordination  
and Review  
Office of Planning & Budget  
Executive Office of the Governor  
The Capitol Building  
Tallahassee, Florida 32301

UNITED STATES NUCLEAR REGULATORY COMMISSION  
FLORIDA POWER AND LIGHT COMPANY  
DOCKET NOS. 50-250 AND 50-251  
NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO  
FACILITY OPERATING LICENSES AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses No. DPR-31 and DPR-41, issued to Florida Power and Light Company (FPL, the licensee), for operation of the Turkey Point Nuclear Power Plant, Units 3 and 4, located in Dade County, Florida.

The amendments, requested by the licensee by letter of June 5, 1989, as supplemented November 3, 1989, would replace the current custom Technical Specifications (TS) licensed in the early 1970's with a set of TS based on the Westinghouse Standard Technical Specifications (STS). This is compatible with the NRC and industry initiative to standardize and improve TS.

The changes in the TS can be grouped into 4 categories: non-technical changes, more stringent requirements, relocation of selected requirements to other controlled documents, and relaxations of existing requirements.

Non-technical changes are intended to make the TS easier to use for plant operations personnel.

More stringent requirements are either more conservative than corresponding requirements in the current TS, or are additional restrictions which are not in the current TS. The more stringent requirements provide a safety enhancement.

Relocation of selected requirements involves items that are currently in the TS that meet the criteria set forth in staff guidance provided as a part of the Commission's Technical Specification Improvement Program. These items may be removed from the TS and placed in some other controlled document. Once these items have been relocated, the licensee generally would be able to revise them under the provisions of 10 CFR 50.59 without a license amendment.

The relaxation of existing requirements is based on operating experience. When restrictions are shown to provide little or no safety benefit, and place a burden on the licensee, their removal from the TS may be justified. In most cases, the relaxations have been incorporated in the STS or have previously been granted to individual plants on a plant-specific basis.

For further details regarding the proposed changes in the TS, see the application for amendment dated June 5 and November 3, 1989, which is available in the Local Public Document Room and the Commission's Public Document Room.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 4, 1989, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, the Gelman Building,

2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located in the Environmental and Urban Affairs Library, Florida International University, Miami, Florida, 33199. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which the petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to

be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union

at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Herbert N. Berkow, Director, Project Directorate II-2: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street, N. W., Washington D.C. 20036, attorney for the licensee.

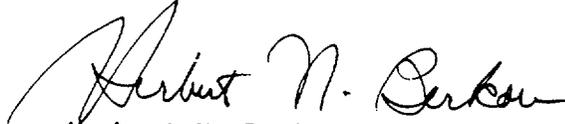
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards considerations in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated June 5, 1989, as supplemented November 3, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C. 20555, and at the Local Public Document Room, Environmental and Urban Affairs Library, Florida International University, Miami, Florida, 33199.

Dated at Rockville, Maryland, this 29th day of November 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, reading "Herbert N. Berkow".

Herbert N. Berkow, Director  
Project Directorate II-2  
Division of Reactor Projects - I/II  
Office of Nuclear Reactor Regulation