

November 4, 1991

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

Dear Mr. Goldberg:

SUBJECT: TURKEY POINT UNITS 3 AND 4 - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS (TAC NOS. 81961 AND 81962)

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing." This notice relates to your application for amendments dated October 31, 1991, which would allow operation with the axial flux difference outside the required  $\pm 5\%$  target band without accruing penalty deviation time, but within the acceptable operation limits of Figure 3.2-1.

A temporary waiver of compliance was verbally granted to you on October 30, 1991, with a follow-up letter sent to you on October 31, 1991, confirming the waiver. The waiver allowed operation of Turkey Point units 3 and 4 with the above change until the amendments could be processed.

Sincerely,

/s/ Herbert N. Berkow for  
Rajender Auluck, 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:

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UNITED STATES NUCLEAR REGULATORY COMMISSIONFLORIDA POWER AND LIGHT COMPANYDOCKET NO. 50-250 AND 50-251NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO  
FACILITY OPERATING LICENSES, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License No. DPR-31 and Facility Operating License No. DPR-41, issued to FLORIDA POWER AND LIGHT COMPANY (the licensee), for operation of the TURKEY POINT PLANT, Units 3 and 4, respectively located in Dade County, Florida.

The proposed amendment would modify Technical Specifications (TS) 3.2.1 to allow operation with the axial flux difference (AFD) outside the  $\pm 5\%$  target band without accruing penalty deviation time, solely for the purpose of calibrating the excore detectors, provided the AFD is within the acceptable operation limits of TS Figure 3.2-1.

These amendments are being processed on an exigent basis, in accordance with 10 CFR 50.91 (a) (6). The basis for this request is that the surveillance of the excore detectors is performed quarterly, and the next surveillance of the excore detectors on Unit 3 is scheduled in January, 1992, thus providing inadequate time for the usual amendment process. The temporary waiver of compliance, which was granted by the NRC on October 30, 1991, in response to the FPL letter dated October 29, 1991, as revised October 30, 1991, permits Turkey Point to perform the necessary surveillance during restart from the outage and thus permits escalation of Unit 4 to 100% power.

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

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

- (1) [Operation of the facility in accordance with its proposed amendments would not] involve a significant increase in the probability or consequences of an accident previously evaluated.

[These] proposed license amendment[s] [do] not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change does not affect any equipment whose malfunction is postulated to initiate an accident or prevent an accident from occurring. Changes in axial flux difference due to power changes and control rod motion, like that in the excore detector calibration, are part of normal and anticipated behavior. Therefore, this change does not cause a significant increase in the probability of occurrence of any previously evaluated accident.

Axial flux difference is used to assure that peaking factors and axial power distributions are within the limits used as input to various Condition II, III, and IV events. Analyses outside the AFD target band, but within the Accepted Operation Limits of Figure 3.2-1, for up to 1 hour, are included in the reload design and safety analyses. The proposed change permits operation outside of the AFD target band within the Accepted Operation Limits of Figure 3.2-1, for up to 16 hours while calibrating the excore detectors, rather than the 1 hour allowed during normal operation. Just as with Special Test Exceptions, Technical Specification 3/4.2.1 is less restrictive during excore calibration due

to the low probability of accidents occurring during this calibration (which will be performed at less than equal to 90% power). Performance of this test at reduced power level and maintaining the Technical Specification requirements on rod insertion limits will not significantly increase the consequences of an accident previously evaluated.

- (2) create the possibility of a new or different kind of accident from any accident from any accident previously evaluated.

The proposed license amendment[s] [do] not create the possibility of a new or different kind of accident from any accident previously evaluated. The amendment[s] [do] not change any plant equipment or operations. Therefore, no possibility of creating a new or different type of accident would result from [these] proposed license amendment[s].

- (3) involve a significant reduction in a margin of safety.

The proposed amendment[s] [do] not involve a significant reduction in the margin of safety. The consequences of core accidents are based on the limiting assumptions for the core peaking factors. No changes to the peaking factors are required to support this proposed license amendment[s]. The proposed change permits operation outside of the AFD target band, within the Accepted Operation Limits of Figure 3.2-1, for up to 16 hours while calibrating the excore detectors, rather than the 1 hour allowed during normal operation. Just as with Special Test Exceptions, Technical Specification 3/4.2.1 is less restrictive during excore calibration due to the low probability of accidents occurring during this calibration (which will be performed at less than or equal to 90% power). In addition, excore calibration is a controlled plant evolution with enhanced operator and Reactor Engineering oversight. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) days after the date of publication of this notice will be considered in making any final determination.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 12, 1991, 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 a petition 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, NW., Washington, DC 20555 and at the local public document room located at 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 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 prehearing 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 amendment 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.

If the amendments are issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no

significant hazards consideration, the Commission may issue the amendments and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 15-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the FEDERAL REGISTER a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

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, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, DC 20555, 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: 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, DC 20555, and to Harold F. Reis, Esquire, Newman and Holtzer, P.C. 1615 L Street, NW, Washington DC 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).

For further details with respect to this action, see the application for amendment dated October 31, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, located at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Dated at Rockville, Maryland, this 4th day of November, 1991.

FOR THE NUCLEAR REGULATORY COMMISSION



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