

March 5, 1987

Docket No. 50-251

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Mr. C. O. Woody, Group Vice President
Nuclear Energy Department
Florida Power and Light Company
Post Office Box 14000
Juno Beach, Florida 33408

Dear Mr. Woody:

The Commission has forwarded the enclosed "Notice of Consideration of Issuance of an Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" to the Office of the Federal Register for publication.

This notice relates to your application dated February 20, 1987, which requested that Facility Operating License DPR-41 be amended to add license conditions to implement International Atomic Energy Agency Safeguards at Turkey Point Unit 4.

Sincerely,

/s/

Daniel G. McDonald, Senior Project Manager
PWR Project Directorate #2
Division of PWR Licensing-A

Enclosure:
As stated

cc w/enclosure:
See next page

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2/16/87

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2/26/87

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As revised
2/27/87

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Mr. C. O. Woody
Florida Power and Light Company

Turkey Point Plant

cc:

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

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

The proposed amendment would implement International Atomic Energy Agency (IAEA) Safeguards at Turkey Point Unit 4 (the facility) by the addition of license conditions subjecting the facility to IAEA safeguards inspections. The purpose of IAEA safeguards inspection is to permit the IAEA to verify that source or special fissionable material at the facility is not withdrawn (except as provided in the US/IAEA Safeguards Agreement) from the facility while such material is being safeguarded under the Agreement. The Agreement was ratified as a treaty on July 2, 1980. Under the US's Treaty with the IAEA on the Non-Proliferation of Nuclear Weapons, the US is committed to permit the IAEA to apply safeguards in the US in the same manner as the IAEA does in non-nuclear weapons states.

By letter dated September 5, 1985, FPL was informed that Turkey Point Unit 4 had been identified by the IAEA under Article 39(b) of the Agreement for the application of IAEA Safeguards. Under the Agreement, the IAEA is allowed to identify the facilities (from among the list provided by the US in accordance with Article 1(b) of the Agreement) in which it wishes to apply

safeguards. In the same letter, FPL was advised that the US and the IAEA would develop a Facility Attachment, which would define the IAEA safeguards inspection program, for Turkey Point Unit 4 in consultation with the licensee. By letter dated November 4, 1985, FPL provided the NRC staff with a description of the Turkey Point Unit 4 facility design, the nuclear material control procedures and the accounting procedures. Using the information provided in the above letter, a draft Facility Attachment was developed in accordance with the requirements in 10 CFR Part 75 and transmitted to FPL by letter dated June 5, 1986, for its review and comment.

Part 75 provides that a Facility Attachment will be referenced in a license condition and it authorizes the Commission to issue license amendments, as necessary, for the implementation of the principal text of the US/IAEA Safeguards Agreement and the Facility Attachment (as amended from time to time). FPL provided comments on the Facility Attachment in a letter dated July 18, 1986. The proposed amendment would specify through reference to the Facility Attachment:

- (1) The features of the facility and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;
- (2) The material balance areas to be used for IAEA accounting purposes and those strategic points which are key measurement points and which will be used to determine flow and inventory of nuclear material;
- (3) The nominal timing and procedures for taking of physical inventory of nuclear material for IAEA accounting purposes;
- (4) The records and reports requirements and records evaluation procedures;
- (5) Requirements and procedures for verification of the quantity and location of nuclear material;

- (6) Appropriate combinations of containment and surveillance methods and techniques at the strategic points at which they are to be applied;
- (7) Loss limits and changes in containment pertaining to special report requirements;
- (8) Actions required to be taken at the request of an IAEA inspector;
- (9) Types of modifications with respect to which information is required in advance;
- (10) Procedures to be used for documentation of requests pertaining to expenses; and
- (11) Requirements related to the installed IAEA instruments and devices, namely seals in the containment and surveillance cameras in the containment and in the spent fuel pool area.

The proposed amendment would be in response to the licensee's application dated February 20, 1987, which requested that Facility Operating License No. DPR-41 be amended to add the following license conditions:

1. Incorporation of Facility Attachment:

- ° Pursuant to 10 CFR 75.8, NRC License No. DPR-41 is hereby amended to incorporate by reference Codes 1. through 7. of Facility Attachment No. 12 dated October 1, 1986, to the US/IAEA Safeguards Agreement.

2. Facility Attachment Code 7.9

The specific facility health and safety rules and regulations to be observed by the Agency's (IAEA) inspectors (as specified in Paragraph 5 of the design information as of October 11, 1985, provided by the USA) mean:

- ° Agency inspectors who have previously visited the facility will be informed as necessary at the time of entry into the facility of health and safety rules and ad hoc rules as might be required in view of a special situation that has occurred at the facility since

the inspectors' last visit to the facility. The briefing will be of a short duration, not to exceed 30 minutes, covering topics deemed relevant by the licensee.

- ° Agency inspectors who have not previously visited the facility will be informed as necessary at the time of entry into the facility of health and safety rules and ad hoc rules as might be required in view of a special situation that has occurred at the facility. The briefing will be of an appropriate duration, not to exceed three hours, and consist of topics deemed relevant by the licensee.
- ° In either case, the licensee should take into account the Agency inspector's prior training, expertise and experience. In neither case shall the Agency inspector be subject to any form of evaluation or testing by facility representatives or representatives of the U.S. Government.
- ° For health and safety reasons, Agency inspectors will be escorted by qualified facility personnel at times deemed appropriate by the licensee.

3. Termination:

- ° Pursuant to the provisions of 10 CFR 75.41, the Commission will inform the licensee, in writing, when its installation is no longer subject to Article 39(b) of the principal text of the US/IAEA Safeguards Agreement. The IAEA Safeguards License Conditions incorporating Code 7. of the Facility Attachment as part of NRC License No. DPR-41 will be terminated as of the date of such notice from the Commission without further licensee or NRC action, except that: if the IAEA elects to maintain the licensee's installation under Article 2(a) of the Protocol, then provisions equivalent to Codes 1. through 6. of

the Facility Attachment (with possible appropriate modifications) could still apply, and accordingly all other IAEA Safeguards License Conditions to NRC License No. DPR-41 would remain in effect until the Commission notifies the licensee otherwise.

Before issuance of the proposed license amendment, 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 request for the amendment 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 amendment 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.

The proposed amendment implements an IAEA Safeguards inspection program and does not in any way effect the design bases or operation of the facility. As discussed above, the purpose of the IAEA safeguards inspection is to permit the IAEA to verify that source or special fissionable material at the facility is not withdrawn (except as provided in the US/IAEA Safeguards Agreement) from the facility while such material is being safeguarded under the agreement.

Since the proposed amendment will not affect the existing design bases nor result in any changes to the operational limitation of this facility, the staff proposes to determine that the amendment does not involve a

significant increase in the probability or consequences of an accident from any accident previously evaluated; does not create the possibility of a new or different kind of accident previously evaluated; and does not involve a significant reduction in a margin of safety. The staff, therefore, proposes to determine that the amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, 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 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland, from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 9, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license or a person whose interest may be affected by this proceeding may file a request for a hearing; any person whose interest may be affected by this proceeding and who wishes to participate as a party in the hearing must file 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. 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 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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters

within the scope of the amendment under consideration. 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 a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

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

Normally, the Commission will not issue the amendment until the expiration of the 30-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 amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take

this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

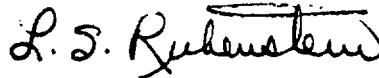
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC, 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 (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Lester S. Rubenstein: (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 General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street, N.W., 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 Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be 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 February 20, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC, and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Dated at Bethesda, Maryland this 4th day of March, 1987.

FOR THE NUCLEAR REGULATORY COMMISSION



Lester S. Rubenstein, Director
PWR Project Directorate #2
Division of PWR Licensing-A
Office of Nuclear Reactor Regulation