

October 16, 1986

DMB 016

Docket No. 50-389

Mr. C. O. Woody
Group Vice President
Nuclear Energy
Florida Power & Light Company
P. O. Box 14000
Juno Beach, Florida 33408

Dear Mr. Woody:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination And Opportunity for Hearing" for your information. This notice relates to your July 2, 1986 application which would permit you to transfer Unit No. 1 spent fuel from the Unit No. 1 spent fuel pool to the Unit No. 2 spent fuel pool.

The notice, which affords an opportunity for hearing, has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:

Ashok Thadani

Ashok C. Thadani, Director
PWR Project Directorate #8
Division of PWR Licensing-B

Enclosure:
Notice

cc w/enclosure:

See next page

Distribution Docket File

Local PDR ACRS (10)
FMiraglia OGC-Bethesda
JPartlow Gray File 3.2a

PKreutzer NRC PDR ETourigny
PBD-8 Reading NThompson
EJordan BGrimes

*See previous white for concurrence

PWR#8
PKreutzer
10/9/86

PWR#8
ETourigny;eh
9/9/86

PWR#8
ATHadani
9/19/86

OGC-Bethesda*
JMcGurren
9/16/86

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Sincerely,

Ashok C. Thadani, Director
PWR Project Directorate #8
Division of PWR Licensing-B

Enclosure:
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See next page

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PWR#8
PKreutzer
9/18/86

PWR#8 *CHT*
ETourigny;eh
9/19/86

AT
PWR#8
ATHadani
9/10/86

OGC-Bethesda
9/16/86
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DISTRIBUTION:
Docket File
PBD#8 Rdg
PKreutzer

October 10, 1986

DOCKET NO. 50-389
MEMORANDUM FOR: Rules and Procedures Branch
Division of Rules and Records
Office of Administration
FROM: Office of Nuclear Reactor Regulation
Division of PWR Licensing-B
SUBJECT: ST. LUCIE PLANT, UNIT NO. 2

One signed original of the *Federal Register* Notice identified below is enclosed for your transmittal to the Office of the Federal Register for publication. Additional conformed copies (6) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s); Time for Submission of Views on Antitrust Matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License.
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Other: Pls contact Pat Kreutzer on X28075 with date to be inserted on page 8 paragraph 2, line 1. Thank you.

Office of Nuclear Reactor Regulation
PWR Project Directorate #8
Division of PWR Licensing-B

Enclosure:
As stated

Contact: P. Kreutzer
Phone: X28075

OFFICE	PBD#8						
SURNAME	PKreutzer;cf						
DATE	10/2/86						

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

St. Lucie Plant

cc:

Mr. Jack Shreve
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Room 4, Holland Building
Tallahassee, Florida 32304

Mr. Allan Schubert, Manager
Public Health Physicist
Department of Health and
Rehabilitative Services
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Tallahassee, Florida 32301

Resident Inspector
c/o U.S. NRC
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Jensen Beach, Florida 33457

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
Executive Director for Operations
101 Marietta Street N.W., Suite 2900
Atlanta, Georgia 30323

State Planning & Development
Clearinghouse
Office of Planning & Budget
Executive Office of the Governor
The Capitol Building
Tallahassee, Florida 32301

Harold F. Reis, Esq.
Newman & Holtzinger
1615 L Street, N.W.
Washington, DC 20036

Norman A. Coll, Esq.
McCarthy, Steel, Hector and Davis
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Miami, Florida 33131

Administrator
Department of Environmental Regulation
Power Plant Siting Section
State of Florida
2600 Blair Stone Road
Tallahassee, Florida 32301

Mr. Weldon B. Lewis, County
Administrator
St. Lucie County
2300 Virginia Avenue, Room 104
Fort Pierce, Florida 33450

Mr. Charles B. Brinkman, Manager
Washington - Nuclear Operations
Combustion Engineering, Inc.
7910 Woodmont Avenue
Bethesda, Maryland 20814

UNITED STATES NUCLEAR REGULATORY COMMISSIONFLORIDA POWER AND LIGHT COMPANY, ET AL.DOCKET NO. 50-389NOTICE OF CONSIDERATION OF ISSUANCE OF 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. NPF-16, issued to Florida Power and Light Company, Orlando Utilities Commission of the City of Orlando, Florida, and Florida Municipal Power Agency, (the licensees), for operation of the St. Lucie Plant, Unit No 2, located in St. Lucie County, Florida.

The amendment would permit the licensee to transfer Unit No. 1 spent fuel from the Unit No. 1 spent fuel pool to the Unit No. 2 spent fuel pool. This would physically be accomplished by (1) removing Unit No. 1 spent fuel from the Unit No. 1 spent fuel pool storage racks; (2) placing the spent fuel in a fuel shipping cask that meets the packaging and transportation requirements of 10 CFR 71; (3) removing the fuel shipping cask from the Unit No. 1 fuel handling building; (4) moving the fuel shipping cask on a transporter vehicle from fuel handling building No. 1 to fuel handling building No. 2 (a distance of approximately 300 feet); (5) moving the fuel shipment cask into the Unit No. 2 fuel handling building; (6) removing the spent fuel from the fuel shipping cask; and (7) placing the spent fuel in the Unit No. 2 spent fuel pool storage racks.

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In order to effect the above, section 2.B.5 of Facility Operating License NPF-16 is proposed to be revised such that the word "facility" will be deleted and the words "St. Lucie Units 1 and 2" be inserted.

The licensee states that this proposal is being submitted to establish the option of transferring spent fuel from Unit No. 1 to Unit No. 2. The Unit No. 1 spent fuel pool will lose full core reserve capacity as a result of the 1987 refueling outage, and the planned rerack of the spent fuel pool cannot be accomplished prior to 1988. If, in the interim, full core off-load of Unit No. 1 should be necessary, available storage in the Unit No. 2 spent fuel pool will be required. The license also states that a separate license amendment is planned for 1987 to support the Unit No. 1 reracking effort.

This amendment was requested in the licensee's application dated July 2, 1986.

The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if 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 licensee addressed the above three standards in the amendment application.

In regard to the first standard, the licensee provided the following analysis:

This amendment will not significantly increase the probability or consequences of an accident previously evaluated since the configuration and operation of the plant will remain essentially the same. The only thing that will change is that a certain number of Unit 1 spent fuel assemblies may be transferred from the Unit 1 spent fuel pool to the Unit 2 spent fuel pool. The designs of the two pools, and the associated operating and accident analysis assumptions, are not changed. The Unit 1 assemblies that may be transferred have essentially the same mechanical design (size), enrichments, and burnup histories as evaluated in the Unit 2 FSAR for Unit 2 fuel assemblies. As stated in Reference 4, the Unit 2 spent fuel racks are designed to accommodate storage of the Unit 1 fuel.

In connection with the second standard, the licensee states that:

This amendment will not create the possibility of a new or different kind of accident from any previously evaluated, since this change does not modify the configuration or operation of the plant. A spent fuel shipping cask that meets the packaging and transportation requirements of 10 CFR 71 will be used to transfer spent fuel assemblies between the Unit 1 and Unit 2 fuel handling buildings. Potential fuel handling and cask drop accidents are evaluated in both FSARs, including the potential drop of a cask outside the fuel handling building. The load handling and transport of the spent fuel are enveloped by previous analyses.

Regarding the third standard, the licensee stated that:

This amendment will not involve a significant reduction in the margin of safety. In all cases, the FSAR accident analyses results bound the evolutions contemplated by this amendment.

The staff has reviewed the licensee's no significant hazards consideration determination analysis. In addition, the staff has reviewed the safety evaluation and environmental impact appraisal associated with the Unit No. 1 rerack (Amendment No. 22 dated March 29, 1978), the safety evaluation and environmental assessment associated with the Unit No. 2 rerack (Amendment No. 7 dated October 16, 1984), the applicable technical specifications for both units, the original Safety Evaluation Report for Unit No. 1 dated November 1974, the original Safety Evaluation Report for Unit No. 2 dated October 1981 (NUREG-0843), and the licensee's Updated Safety Analysis Report for each unit.

In regard to Unit No. 1 and loading a spent fuel assembly in the cask and then removing the package of 25 tons or less out of the Unit No. 1 fuel handling building, loads in excess of 2,000 pounds are prohibited from travel over irradiated fuel assemblies in the storage pool per Technical Specification 3.9.7. A Unit No. 1 spent fuel assembly weighs less than 1,300 pounds. The maximum load which may be handled by the spent fuel cask crane will not exceed 25 tons per Technical Specification 3.9.13. The irradiated fuel assemblies in the fuel storage pool will have decayed for at least 1180 hours, unless more than one-third core is placed in the pool, in which case the irradiated fuel assemblies will have decayed for 1490 hours per Technical Specification 3.9.14. This last specification is applicable prior to movement of the spent fuel cask into the fuel cask compartment. Various accident analysis involving the spent fuel were also conducted for potential accidents in the Unit No. 1 fuel handling building and the Unit No. 1 spent fuel pool. The staff and the licensee evaluated the fuel handling accident. The staff's evaluation is contained in Section 15 of the original Safety Evaluation for Unit No. 1 issued on November 8, 1974. The staff again considered the fuel handling accident in the rerack amendment action of March 29, 1978. In both cases, the staff concluded that the doses were well within the 10 CFR Part 100 guideline values. Therefore, the loading of a single fuel element into a spent fuel cask and the movement of the entire package (25 tons or less) out of the Unit No. 1 fuel handling building has already been analyzed and found to be acceptable and technical specifications are in effect.

Based upon the above discussion, it does not appear that this part of the proposed amendment would involve a significant increase in the probability or consequences of an accident previously evaluated, would create the possibility

of a new or different kind of accident from any accident previously evaluated, or involve a significant reduction in a margin of safety because this part of the proposed action by the licensee has already been reviewed and approved in previous staff evaluations and technical specifications are in effect.

In regard to Unit No. 2 and transferrring the entire package (25 tons or less) into the Unit No. 2 fuel handling building and removing a Unit No. 1 spent fuel assembly (less than 1300 pounds) from the cask and placing it in the Unit No. 2 spent fuel pool, loads in excess of 1600 pounds are prohibited from travel over fuel assemblies in the spent fuel storage pool per Technical Specification 3.9.7. The maximum load which may be handled by the spent fuel cask crane will not exceed 100 tons per Technical Specification 3.9.12. The spent fuel storage pool is designed and maintained with a storage capacity limited to no more than 1076 fuel assemblies per Technical Specification 5.6.3. The recent spent fuel storage pool rerack was reviewed and approved assuming Unit No. 1 fuel in storage (14 X 14 design fuel) and Unit No. 2 fuel in storage (16 X 16 design fuel) per the staff's safety evaluation dated October 16, 1984. Potential fuel handling accidents were included in the staff's evaluation and the doses were within the guidelines of 10 CFR Part 100. Therefore, the movement of the entire package (25 tons or less) into the Unit No. 2 fuel handling building, and placement of Unit No. 1 fuel into the Unit No. 2 spent fuel pool has already been analyzed and found to be acceptable and technical specifications are in effect.

Based upon the above discussion, it does not appear that this part of the proposed amendment would involve a significant increase in the probability or consequences of an accident previously evaluated, would create the possibility of a new or different kind of accident from any accident previously evaluated,

or involve a significant reduction in a margin of safety because this part of the proposed action by the licensee has either been explicitly reviewed and approved in previous staff evaluations (e.g., placement of Unit No. 1 spent fuel into the Unit No. 2 spent fuel pool) or bounded by previous staff evaluations (the staff evaluation of a 100 ton cask with 10 irradiated assemblies versus the licensee proposed 25 ton cask with one irradiated assembly). In addition, technical specifications are in effect.

In regard to transfer of the spent fuel shipping cask that meets the packaging and transportation requirements of 10 CFR 71 on a transporter vehicle between the Unit No. 1 fuel handling building and the Unit No. 2 fuel handling building (a distance of approximately 30 feet), the licensee states that the load path was evaluated and found to provide a safe path for transport of the spent fuel. Two transporter vehicles were considered in the load path evaluation. The maximum wheel loads for each of these transporters were found by the licensee to be acceptable considering the effects on all surfaces including the roadway, missile protection slabs, and underground facilities (i.e., pipes, electric conduit, manholes, and catch basins). In connection with a postulated cask drop accident, the staff previously evaluated such an accident outside of the Unit No. 2 fuel handling building. This evaluation is contained in the Unit No. 2 Safety Evaluation Report (Section 15.11.6) dated October 1981 (NUREG-0843). The evaluation considered a spent fuel cask containing 10 irradiated fuel assemblies with a total weight of the package being 100 tons. Instantaneous release of the associated radioactivity to the atmosphere from ground level was postulated.

The staff found in the October 1981 safety evaluation report that the doses were well within the 10 CFR Part 100 guideline values, and concluded that the fuel handling and storage design features are acceptable. This conclusion was again reiterated in the staff's safety evaluation associated with the Unit No. 2 spent fuel pool rerack dated October 16, 1984. This staff evaluation for Unit No. 2 bounds the licensee's proposal because the licensee is utilizing a 25-ton cask with one irradiated fuel assembly in it. The licensee also evaluated a single assembly cask failure outside the Unit No. 1 fuel handling building in Section 9.1.4.3 of the Unit No. 1 Final Safety Analysis Report. The doses were well within the 10 CFR Part 100 guideline values.

Based upon the above discussion, it does not appear that this part of the proposed amendment would involve a significant increase in the probability or consequences of an accident previously evaluated, would create the possibility of a new or different kind of accident from any accident previously evaluated, or involve a significant reduction in a margin of safety because the previous evaluations performed by the staff and the licensee either directly address the proposed action or the proposed action is within the bounds of previous evaluations.

Based upon the above considerations, the staff proposes to determine that the proposed change 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.

Comments should be addressed to the Rules and Records Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

By November 19, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license 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 petition for leave to intervene. Request 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 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 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 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 amendments 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.

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWP), 42 U.S.C. § 10154. Under section 134 of the NWP, the Commission, at the request of any party to the proceeding, is authorized to use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining

questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR Part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662 (October 15, 1985) 10 CFR §2.1101 et seq. Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR Part 2, subpart G, and §2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, subpart G apply.

Subject to the above requirements and any limitations in the order granting leave to intervene, those permitted to intervene become parties to the proceeding and have the opportunity to participate fully in the conduct of any hearing which is held, including the opportunity to present evidence and cross-examine witnesses at such hearing.

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 amendment request 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 the 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.

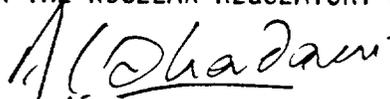
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, 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 (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 Ashok C. Thadani: 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-Bethesda, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harold F. Reis, Esq., Newman & Holtzinger, 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 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 July 2, 1986, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Dated at Bethesda, Maryland, this 10th day of October, 1986.

FOR THE NUCLEAR REGULATORY COMMISSION



Ashok C. Thadani, Director
PWR Project Directorate #8
Division of PWR Licensing-B