

June 10, 1999

Mr. T. F. Plunkett
President - Nuclear Division
Florida Power and Light Company
P.O. Box 14000
Juno Beach, Florida 33408-0420

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING - ST. LUCIE, UNIT 2 (TAC NO. MA5619)

Dear Mr. Plunkett:

Enclosed is a copy of the subject notice for your information. This notice relates to your amendment application dated May 24, 1999, which would revise the St. Lucie, Unit 2, Technical Specifications (TS) to clarify the nonconservative wording of TS 3/4.5.1, "Safety Injection Tanks," Surveillance Requirement 4.5.1.1.d.1 and would revise TS 3/4.5.2, "ECCS Subsystems - Tavg Greater Than or Equal to 325°F," Surveillance Requirement 4.5.2.e.1. The proposed changes would align the surveillance specification with the intent and design bases requirements intended to be verified.

This notice has been sent to the Office of the Federal Register for publication.

Sincerely,

Original signed by:

William C. Gleaves, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-389

Enclosure: Notice

cc w/encl: See next page

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NAME	WGleaves		BClayton			SPeterson	HBerkow
DATE	06/9/99		06/8/99		06/ /99	06/10/99	06/ /99

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 10, 1999

Mr. T. F. Plunkett
President - Nuclear Division
Florida Power and Light Company
P.O. Box 14000
Juno Beach, Florida 33408-0420

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY
OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING -
ST. LUCIE, UNIT 2 (TAC NO. MA5619)

Dear Mr. Plunkett:

Enclosed is a copy of the subject notice for your information. This notice relates to your amendment application dated May 24, 1999, which would revise the St. Lucie, Unit 2, Technical Specifications (TS) to clarify the nonconservative wording of TS 3/4.5.1, "Safety Injection Tanks," Surveillance Requirement 4.5.1.1.d.1 and would revise TS 3/4.5.2, "ECCS Subsystems - Tavg Greater Than or Equal to 325°F," Surveillance Requirement 4.5.2.e.1. The proposed changes would align the surveillance specification with the intent and design bases requirements intended to be verified.

This notice has been sent to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm C Gleaves".

William C. Gleaves, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-389

Enclosure: Notice

cc w/encl: See next page

UNITED STATES NUCLEAR REGULATORY COMMISSION

FLORIDA POWER & LIGHT COMPANY

ORLANDO UTILITIES COMMISSION OF

THE CITY OF ORLANDO, FLORIDA

AND

FLORIDA MUNICIPAL POWER AGENCY

DOCKET NO. 50-398

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-16, issued to the Florida Power & Light Company, et al. (the licensee), for operation of the St. Lucie Plant, Unit 2, located in St. Lucie County, Florida.

The proposed amendment would revise the Unit 2 Technical Specifications (TS) to clarify the nonconservative wording of TS 3/4.5.1, "Safety Injection Tanks," Surveillance Requirement 4.5.1.1.d.1 and would revise TS 3/4.5.2, "ECCS Subsystems - Tav_g Greater Than or Equal to 325°F," Surveillance Requirement 4.5.2.e.1. The proposed changes would align the surveillance specification with the intent and design bases requirements intended to be verified.

On May 24, 1999, FPL staff submitted a license amendment request, described above, to amend their TS. On June 3, 1999, St. Lucie, Unit 2, began to experience problems unrelated to systems in the previously mentioned TS sections. These problems ultimately resulted in the

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plant entering TS Mode 3, "Hot Standby," on June 4, 1999, in order to repair and troubleshoot these unrelated equipment problems. Due to the nature of these repairs, the possibility that other emerging work activities may require a lower mode, and the desire of the NRC to avoid granting a notice of enforcement discretion, the staff has decided to pursue this exigent TS amendment. Without this amendment, St. Lucie Plant, Unit 2, could not resume power operation if they were to enter Mode 4, or "Hot Shutdown."

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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 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. 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 the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment does not involve an increase in the probability or consequences of any accident previously evaluated. There are no physical changes to plant equipment

or changes in plant operation that could initiate an accident or adversely affect accident mitigation or consequences. This PLA [proposed license amendment] provides a wording clarification of the Technical Specification Surveillance 4.5.1.1.d.1 requirements for verifying that each SIT [safety injection tank] isolation valve (V-3614, V-3624, V-3634, and V-3644) opens automatically prior to exceeding an actual or simulated RCS [reactor coolant system] pressure of 515 psia, such that design bases functions and safety are assured. This PLA also provides a wording clarification (Surveillance 4.5.2.e.1) for the automatic isolation and interlock action of the SDC [shutdown cooling] system (V-3480, V-3481, V-3651, and V-3652) from the RCS prior to exceeding an RCS pressure (actual or simulated) of 515 psia, such that design bases functions and safety are assured. These clarifications explicitly align the surveillance requirements with the intent and design basis functions for the valves being verified. As such, this change is considered administrative.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. There are no physical changes to plant equipment or changes in plant operation that could create a new or different kind of accident. This PLA does not result in any plant configuration changes or new failure modes. This PLA provides a wording clarification of the Technical Specification Surveillance 4.5.1.1.d.1 requirements for verifying that each SIT isolation valve (V3614, V-3624, V-3634, and V-3644) opens automatically prior to exceeding an actual or simulated RCS pressure of 515 psia. This PLA

also provides a wording clarification (Surveillance 4.5.2.e.1) for the automatic isolation and interlock action of the SDC system (V-3480, V-3481, V-3651, and V-3652) from the RCS prior to exceeding an RCS pressure (actual or simulated) of 515 psia. These clarifications explicitly align the surveillance requirements with the intent and design basis functions for the valves being verified. As such, this change is considered administrative,

(3) Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The proposed amendment does not involve a reduction in the margin of safety. This administrative PLA clarifies the surveillance requirements of the subject Technical Specifications by aligning the surveillances with the intent and design bases functions for the valves being verified. This PLA does not result in any plant configuration changes. As such, the assumptions and conclusions of the accident analyses in the UFSAR remain valid and the associated safety limits will continue to be met.

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 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-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 14-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 in the FEDERAL REGISTER a notice of issuance. The Commission expects that the need to take this action will occur very infrequently. Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By **June 24, 1999**, 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 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, and at the local public document room located at the Indian River Community College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34981-5596. 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. 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 amendment is issued before the expiration of the 30-day hearing period, 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 amendment and make it immediately 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 request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory

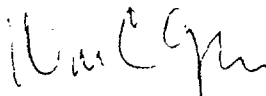
Commission, Washington, DC 20555-0001, and to M. S. Ross, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408-0420, attorney for the licensee.

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 May 24, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Indian River Community College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34981-5596.

Dated at Rockville, Maryland, this 7th day of June 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



William C. Gleaves, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Mr. T. F. Plunkett
Florida Power and Light Company

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