

October 5, 2006

Mr. J. A. Stall
Senior Vice President, Nuclear and
Chief Nuclear Officer
Florida Power and Light Company
P.O. Box 14000
Juno Beach, Florida 33408-0420

SUBJECT: TURKEY POINT NUCLEAR PLANT, UNIT 3 - ISSUANCE OF EXIGENT
AMENDMENT REGARDING INOPERABLE ROD POSITION INDICATOR
(TAC NO. MD2961)

Dear Mr. Stall:

The Commission has issued the enclosed Amendment No. **230** to Facility Renewed Operating License No. DPR-31 for the Turkey Point Nuclear Plant, Unit 3. The amendment consists of changes to the Technical Specifications (TSs) in response to your application dated September 8, 2006.

The amendment revises TSs to allow an alternate method of monitoring the position of Control Rod M-6 to comply with the TS action statement for an inoperable Analog Rod Position Indicator (ARPI). The alternate method may be used until repairs to the inoperable ARPI are completed, but no later than the Unit 3 Cycle 23 refueling outage in fall 2007.

This amendment is being issued under exigent circumstances in accordance with Section 50.91(a)(6) of Title 10 of the *Code of Federal Regulations*. The exigent circumstances and the final no significant hazards considerations are addressed in Sections 4.0 and 5.0 of the enclosed Safety Evaluation.

This amendment represents a partial approval of your submittal. The requested administrative changes associated with the Unit 4 TSs do not meet the standards for exigent treatment and will be addressed at a future date.

The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA/

Brendan T. Moroney, Project Manager
Project Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-250

Enclosures: 1. Amendment No. 230 to DPR-31
2. Safety Evaluation

cc w/encls: See next page

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2. Safety Evaluation

cc w/encls: See next page

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FLORIDA POWER & LIGHT COMPANY

DOCKET NO. 50-250

TURKEY POINT NUCLEAR PLANT, UNIT NO. 3

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 230
Renewed License No. DPR-31

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Florida Power & Light Company (the licensee), dated September 8, 2006, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, Renewed Facility Operating License No. DPR-31 is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and by amending paragraph 3.B to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 230, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented immediately.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

L. Raghavan, Chief
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the License and
Technical Specifications

Date of Issuance: October 5, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 230
TO RENEWED FACILITY OPERATING LICENSE NO. DPR-31
DOCKET NO. 50-250

Replace Page 3 of the Renewed Operating License with the attached Page 3.

Replace the following pages of the Appendix A Technical Specifications with the attached pages. The revised pages are identified by amendment number and contain marginal lines indicating the area of change.

Remove Pages

3/4 1-17
3/4 1-18
3/4 1-20
3/4 1-21
3/4 1-26

Insert Pages

3/4 1-17
3/4 1-18
3/4 1-20
3/4 1-21
3/4 1-26

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 230 TO FACILITY OPERATING LICENSE NO. DPR-31
FLORIDA POWER AND LIGHT COMPANY
TURKEY POINT NUCLEAR PLANT, UNIT NO. 3
DOCKET NO. 50-250

1.0 INTRODUCTION

By letter dated September 8, 2006, Florida Power and Light Company (FPL, the licensee) requested to amend Renewed Operating License DPR-31 for Turkey Point Unit 3, by revising Technical Specifications (TSs). The licensee requested the TS changes due to an inoperable Analog Rod Position Indicator (ARPI) associated with Control Rod M-6 in Control Rod Bank C.

TS 3.1.3.2 establishes a Limiting Condition for Operation (LCO) that specifies that the ARPI system and the Demand Position Indication System shall be operable during Modes 1 and 2. With a maximum of one ARPI per bank inoperable, Action 3.1.3.2.a requires the licensee to either: (1) determine the position of the nonindicating rod indirectly by the movable incore detectors at least once per 8 hours and within 1 hour after any rod motion that exceeds 24 steps, or (2) reduce thermal power to less than 75 percent of Rated Thermal Power within 8 hours. The proposed TS changes would replace the requirement of using movable incore detectors with an alternate method to determine the position of Rod M-6. The proposed change would be in effect during Cycle 22 until repair of the inoperable ARPI is completed. The licensee indicated its intention to repair the inoperable ARPI at the earliest opportunity, when Unit 3 enters Mode 5 and the outage is of sufficient duration to effect the repairs, but no later than the Unit 3 Cycle 23 refueling outage in fall 2007.

The alternate method to be used in place of the incore detectors is to monitor the stationary gripper coil of the M-6 control rod drive mechanism (CRDM) to determine if Rod M-6 has moved. The proposed changes are to provide adequate controls to ensure that the rod position is known and any control rod incident is detectable. These changes would reduce the frequency of flux mapping using the movable incore detector to determine the position of control rod M-6 while the ARPI for this control rod is inoperable.

In addition to the change to TS 3.1.3.2, the license amendment request would also modify LCOs 3.1.3.1 and 3.1.3.6, and Surveillance Requirements (SRs) 4.1.3.1.1, 4.1.3.2.1, 4.1.3.2.2, and 4.1.3.6 to reflect use of the alternate method of determining the position of Rod M-6 until repair of the inoperable ARPI is completed.

Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.91(a)(6), the licensee requested that the proposed amendment be issued under exigent circumstances in order to minimize wear on the movable incore detector system. A detailed discussion of the exigent circumstances is contained in Section 4.0 of this evaluation.

The U.S. Nuclear Regulatory Commission (NRC) previously approved similar exigent TS changes for Turkey Point Unit 4 on August 20, 2004. As part of this request, the licensee proposed to remove the footnotes associated with this prior change in LCO 3.1.3.1, LCO 3.1.3.2, SR 4.1.3.1.1, SR 4.1.3.2.1, and SR 4.1.3.5, that were added for Unit 4 Cycle 21 regarding Rod F-8 in Shutdown Bank B. The staff concluded that these proposed changes are administrative and do not involve exigent circumstances pursuant to 10 CFR 50.91. Therefore, they will be evaluated separately at a later date.

2.0 REGULATORY EVALUATION

Section 182a of the Atomic Energy Act requires applicants for nuclear power plant operating licenses to include TSs as part of the license. The licensee provides TSs in order to maintain the operational capability of structures, systems and components that are required to protect the health and safety of the public. The Commission's regulatory requirements related to the content of the TS are contained in 10 CFR 50.36. The TS requirements will include the following categories: (1) safety limits, limiting safety systems settings, and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls.

Pursuant to 10 CFR 50.90, licensees may request changes to their TSs and 10 CFR 50.91 describes the notice and comment period requirement as 30 days. Where the Commission finds that exigent circumstances exist, in that a licensee and the Commission must act quickly and that time does not permit the Commission to publish a Federal Register notice allowing 30 days for prior public comment, and it also determines that the amendment involves no significant hazards considerations, the Commission may act without the 30-day comment period, pursuant to 10 CFR 50.91(a)(6)(i). Under such circumstances, the Commission notifies the public in one of two ways: (1) by issuing a *Federal Register* notice providing an opportunity for hearing and allowing at least 2 weeks for prior public comments, or (2) by issuing a press release discussing the proposed changes, using local media. In this case, the Commission used the first approach.

General Design Criteria (GDC) 13 in Appendix A to 10 CFR Part 50 requires that instrumentation and appropriate controls, respectively, be provided to monitor and maintain the variables and systems within their prescribed operating ranges during normal operation, anticipated operational occurrences, and accident conditions as appropriate to assure adequate safety, including those variables and systems that can affect the fission process, the integrity of the reactor core, the reactor coolant pressure boundary, and the containment and its associated systems. TSs 3.1.3.1, 3.1.3.2, 3.1.3.5, and 3.1.3.6, respectively, require the shutdown and control rods to be operable and within the alignment limits, the ARPI and the Demand Position Indication systems be operable, the shutdown rods be fully withdrawn, and the control bands be within the power-dependent Rod Bank Insertion Limits defined in the Core Operating Limits Report (COLR) during Modes 1 and 2 operation and, therefore, comply with GDC 13.

An initial assumption in the Turkey Point safety analyses is that rod insertion upon a reactor trip

is in compliance with the rod alignment and insertion limits of the shutdown and control rods. The operability of the ARPI system is necessary to ensure the validity of these assumptions.

3.0 TECHNICAL EVALUATION

3.1 Proposed TS Changes

The licensee proposes to change the Turkey Point Unit 3 TS 3/4.1.3, "Movable Control Assemblies," as follows:

For TS 3/4.1.3.1, "Group Height," and TS 3/4.1.3.2, "Position Indication Systems - Operating," the following note is added to sections relating to the use of ARPI:

During Unit 3 Cycle 22, the position of Rod M-6, Control Bank C will be determined every 8 hours by verifying gripper coil parameters of the Control Rod Drive Mechanism to determine it has not changed state, until the repair of the indicating system for this rod is completed.

For SR 4.1.3.1.1, the following note is added regarding the use of ARPI:

During Unit 3 Cycle 22, the position of Rod M-6, Control Bank C, may be monitored by verifying gripper coil parameters of the Control Rod Drive Mechanism to determine it has not changed state and it will not provide an input into the Rod Position Deviation Monitor. The use of the alternate method for rod M-6 does not require the 4 hour comparison of demanded versus actual position per 4.1.3.1.1.

For SR 4.1.3.2.1, the following note is added regarding the use of ARPI:

During Unit 3 Cycle 22, the position of Rod M-6, Control Bank C, may be monitored by verifying gripper coil parameters of the Control Rod Drive Mechanism to determine it has not changed state and it will not provide an input into the Rod Position Deviation Monitor. The use of the alternate method for rod M-6 does not require the 4 hour comparison of demanded versus actual position per 4.1.3.2.1.

For SR 4.1.3.6, the following note is added regarding the use of ARPI:

During Unit 3 Cycle 22, the position of Rod M-6, Control Bank C, may be monitored by verifying gripper coil parameters of the Control Rod Drive Mechanism to determine it has not changed state.

The APRI system functions to monitor control rod position and, thereby, ensures control rod alignment and insertion limits are maintained. This is necessary to achieve the purpose of the rod control system, which is to ensure that acceptable power distributions as well as minimum shutdown margins (SDM) are met, and that the potential effects of a rod misalignment on associated accidents are limited. Control rod M-6 is located in Control Bank C and is, therefore, required by LCO 3.1.3.6 to be positioned within the Rod Bank Insertion Limits curve specified in the COLR during Modes 1 and 2 operation.

With the ARPI for Rod M-6 inoperable, LCO 3.1.3.2 Action a(1) requires the position of Rod M-6 to be determined indirectly by the movable incore detectors at least once per 8 hours and within 1 hour after any rod motion that exceeds 24 steps in one direction. For Cycle 22, until repair of the inoperable ARPI is completed, the licensee proposes to use an alternate method rather than the incore detectors to determine the position of Rod M-6 once per 8 hours. The alternate method will monitor the Rod M-6 CRDM stationary gripper coil. If the Rod M-6 gripper coil changes state, a determination of its position will be made by using the movable incore detector system in accordance with plant procedures.

SR 4.1.3.2.1 specifies that each ARPI shall be determined to be operable by verifying that the Demand Position Indication System (DPIS) and the ARPI system agree within the Allowed Rod Misalignment of LCO 3.1.3.1 at least once per 12 hours, except during time intervals when the Rod Position Deviation Monitor (RPDM) is inoperable, which would require that the DPIS and the ARPI be compared at least once per 4 hours. The proposed use of the alternate monitoring method for Rod M-6 will require monitoring every 8 hours, which is more frequent than the 12-hour position determination requirement. Also, since the alternate monitoring method does not provide input to the RPDM and is independent of the operability of the RPDM, the added note regarding the suspension of requiring comparison of the demanded versus actual rod position every 4 hours when the RPDM is inoperable is acceptable. This acceptability is also true for the similar note added to SR 4.1.3.1.1.

To justify the proposed TS changes, the licensee considered the impact of using the alternate method of monitoring Rod M-6 position on following conditions:

- Rod drop or rod misalignment during power operation
- Rod drop or rod misalignment during reactor startup
- Reactor trip
- SDM

These four conditions are those that would be affected by an undetected change in a control rod position.

During power operation, a rod drop event would cause a noticeable change in the core power and would be immediately detected by the excore nuclear detectors. A rod misalignment can be detected by other means such as axial flux deviation. Since a rod drop or misalignment of control rod M-6 would be detected by indications other than the APRI, the operators would not be dependent on the APRI to take appropriate actions. Therefore, use of an alternate monitoring method has no impact on a rod drop or rod misalignment event during power operation.

During a reactor startup with an inoperable ARPI, the licensee will utilize an alternate method to provide initial verification that Rod M-6 is fully withdrawn. This method would only be used during startup from an unplanned outage that did not permit repair of the inoperable ARPI. This alternate method will involve using a recorder to record the profile of the stationary, lift and movable coils during rod withdrawal and performing a slip test at the rod full-out position to confirm that Rod M-6 is fully withdrawn. As a second diverse check, the movable incore detectors will be used to verify rod position when neutron flux becomes adequate. As previously discussed, a rod drop of the withdrawn rod would be detected by the excore

detectors and a rod misalignment would be detectable by means other than the ARPI system (e.g., CRDM trace monitoring, axial flux deviation). Therefore, the required operator actions in response to a dropped or misaligned rod would not be dependent on the status of the ARPIs. Based on the increased monitoring and the availability of other means of detection, the increase in the likelihood of an undetected rod drop or misalignment is considered to be negligible.

Following a reactor trip, plant procedures require emergency boration if more than one rod fails to fully insert. Since the inoperable ARPI and the alternate monitoring equipment do not provide a means for verifying insertion of Rod M-6 after a reactor trip, the licensee will conservatively assume that Rod M-6 does not fully insert following a reactor trip. Administrative controls will be established to heighten reactor operator awareness that the ARPI for Rod M-6 is inoperable and to require initiation of emergency boration if another control rod other than M-6 does not fully insert. The emergency boration would be sufficient to maintain subcriticality. These post-trip procedures will also be used during a controlled plant shutdown, since the plant is normally tripped from about 25 percent power in a controlled shutdown.

In Modes 1 and 2, SDM is ensured by compliance with LCO 3.1.3.6, in that the control banks are maintained within the Control Bank Insertion Limits specified in the COLR. SR 4.1.3.6 specifies that the position of each control bank shall be determined to be within the insertion limits at least once per 12 hours. This verification is performed with the Rod Insertion Limit Monitor (RILM), and is unaffected by the inoperable ARPI. In the case that the RILM is inoperable, the ARPI for individual rods can be used to verify compliance with the control rod insertion limits. In the case of inoperable ARPI for M-6, the proposed alternate method will provide assurance that Rod M-6 has not moved from its position within the insertion limit.

In Modes 3, 4, and 5, SDM is ensured by the reactor coolant boron concentration requirements specified in plant procedures. Since the ARPI system is relied upon to determine control rod positions, in Modes 3, 4, and 5, the licensee will revise the SDM Calculation procedure, 0-OP-028.2, to ensure that SDM limits continue to be met for the remainder of Cycle 22 while the ARPI for Rod M-6 remains inoperable. The licensee will increase the boron concentration requirements to account for the inoperable M-6 ARPI by providing an allowance for the withdrawn worth of control rod M-6 and a second control rod that provides the highest combined reactivity allowance. This increased shutdown boron concentration will ensure compliance with the SDM requirements. The licensee will also provide additional training, including operator simulator training, to reactor operators and Instrumentation and Maintenance technicians to assure familiarity with new plant conditions and modified procedures.

3.2 Alternate Monitoring Method

The licensee's alternate monitoring system will track the stationary gripper coil for Control Rod M-6. The licensee stated that it will monitor the gripper coil current (measured as an equivalent voltage) on an existing control room recorder, R-3-348. A change in the voltage signal will indicate a change in the state of the gripper coil. The licensee will use a spare channel to provide a readily-available indication of the gripper coil status to the control room operators. The normal gripper current is 4.4 amps, which, when measured across the resistor, will be equivalent to 275 millivolts. The licensee also stated that the recorder contains an alarm indication in the form of a display window that will be programmed for a voltage alarm indicative of a gripper coil change of state. No change in the gripper coil state would indicate that the rod has not moved. The proposed TS changes will require the operator to verify that the gripper

coil has not changed state every 8 hours. However, the location of the alternate indication in the control room and its alarm feature will ensure that operators have an immediate indication of any change in gripper coil state. This 8-hour surveillance period is consistent with the current TS requirements for determining Control Rod M-6 position with an inoperable ARPI.

Licensed operators will be responsible for monitoring the output data from the alternate monitoring equipment, recorder R-3-348. The licensee indicated that Operating Procedure 3-OSP-201.1, "RCO Daily Log," will provide instructions for monitoring gripper coil trends. Additionally, since the operators will be required to log the indicated value for Control Rod M-6 at least every 8 hours, the operators will be able to identify any changes in the gripper coil state based on a deviation from the normal state. The normal state is defined by a predetermined operating band and programmed alarm, as well as by observing the historical trend line displayed on the recorder.

The licensee provided a summary of all the indications and alarms affected by the inoperable ARPI for control rod M-6. Also included was a concise list of the affected indications and alarms, their functions, normal operating conditions, and the affected or modified operating conditions. The licensee summarized how the operators would compensate for each of the affected indications and alarms during normal, startup, and shutdown operations. For example, the licensee described how the incore detector system will be used to confirm the position of control rod M-6 during nonsteady-state evolutions such as a reactor shutdown. Additionally, the licensee stated that since the M-6 Rod Bottom Light and Rod Bottom Annunciation alarm will not be available on the alternate monitoring equipment, the loss will be compensated for by a procedurally driven requirement to perform a flux trace using incore detectors any time a change in gripper coil is indicated on the chart recorder. Based on the review of the licensee's compensatory actions, the NRC staff agrees that the licensee has developed effective controls to compensate for the loss of these indications and alarms.

The licensee also stated that if the coil has changed state, a determination of control rod M-6 position will be made by using the movable incore detector system in accordance with plant procedures. At least once every 31 effective-full-power days, a confirmation of control rod M-6 position will be made, using the movable incore detector system.

3.3 Summary

Based on its evaluation discussed above, the NRC staff concludes that the proposed alternate method is capable of monitoring whether Rod M-6 has moved from the previously known position. The NRC staff also concludes that the proposed TS changes to use the alternate method of monitoring Rod M-6 position provide adequate controls to ensure that the rod position is known and to ensure that rod misalignment is detectable. Since the increase in the likelihood of an undetected rod drop or misalignment is determined to be negligible, the integrity of the accident analysis is maintained. The staff concludes that the use of the alternate monitoring method will continue to comply with GDC 13. Including the alternate method in TSs provides an additional means of verifying that TS limiting conditions for operation and surveillance requirements are satisfied, thus, the requirements of 10 CFR 36 continue to be met.

In addition, the licensee's plans to revise applicable procedures and conduct additional training for reactor operators and maintenance technicians provide reasonable assurance that the alternate monitoring system will be used effectively. The licensee's commitment to repair the

inoperable ARPI at the earliest opportunity that the plant enters Mode 5 and the outage is of sufficient duration will minimize the period during which the alternate monitoring method is required. Therefore, the proposed TS changes are acceptable during Cycle 22 until repair of the inoperable ARPI is completed, but no later than the Unit 3 Cycle 23 refueling outage.

4.0 EXIGENT CIRCUMSTANCES

FPL requested that this amendment be processed as an exigent amendment request pursuant to 10 CFR 50.91(a)(6), due to the unanticipated failure of the Turkey Point Unit 3 Analog RPI for control rod M-6 in Control Rod Bank C. The failure in August 2006 was unanticipated because, during the reactor vessel head replacement refueling outage in fall 2004, the ARPI wiring and connectors from the ARPIs to the junction at the cavity were replaced with a new design.

The licensee states that the failure of the ARPI for control rod M-6 has resulted in erratic position indication with Control Rod Bank C in the "all rods out" position at 230 steps. This was confirmed by flux mapping. Troubleshooting activities outside containment have indicated intermittent low resistance between the primary and secondary coils and shield. Specialized equipment was used to further identify the fault inside containment. The test results indicated disturbances at both the penetration and the RPI coil stack/bulkhead connections. Accessibility and significant radiation dose prevent repairs during power. A Mode 5 outage of sufficient duration will be required to inspect and repair the connector(s) or detector coils. The next planned outage is the refueling outage in fall 2007.

FPL is currently implementing TS action statement a.1 of TS 3.1.3.2, which necessitates exercising the movable incore detectors every 8 hours (90 times per month). As a result, there is a concern regarding excessive wear of the movable incore detector system. Although wear of the incore detector system does not pose a reduction in the margin of safety for operation of Turkey Point Unit 3, excessive wear of the incore detector system could result in a loss of functionality of the system. This could lead to the inability to complete required TS surveillances, which could lead to a TS-required plant power reduction and/or shutdown.

The NRC staff agrees that the failure was unanticipated, considering the relative newness of the system, and that sufficient troubleshooting has been done to confirm that the system cannot be repaired at power. The staff also agrees that continued excessive use of the incore detector system could result in a loss of functionality of the system. The timing of such failure is not readily predictable, but continued frequent use makes excessive wear and potential failure more likely. Based on the preceding evaluation, shutdown of the plant to repair the inoperable RPI at this time would be unnecessary, since the proposed changes provide adequate controls to ensure that the rod position will be effectively monitored and to ensure that a rod drop or misalignment is detectable.

The NRC staff concludes that, pursuant to 10 CFR 50.91(a)(6), the Commission must act quickly and time does not permit allowing 30 days for public comment on the *Federal Register* notice. Therefore, exigent circumstances are present.

5.0 FINAL NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION

The Commission's regulations in 10 CFR 50.92 state that the Commission may make a final determination that a license amendment involves no significant hazards considerations if

operation of the facility in accordance with the 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 the margin of safety. In its application, the licensee provided the following no significant hazards consideration analysis:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed change provides an alternative method for verifying rod position of one control rod. The proposed change meets the intent of the current specification in that it ensures verification of position of the control rod once every eight (8) hours. The proposed change provides only an alternative method of monitoring control rod position and does not change the assumption or results of any previously evaluated accident.

Therefore, 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.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. As described above, the proposed change provides only an alternative method of determining the position of one control rod. No new accident initiators are introduced by the proposed alternative manner of performing rod position verification. The proposed change does not affect the reactor protection system or the reactor control system. Hence, no new failure modes are created that would cause a new or different kind of accident from any accident previously evaluated.

Therefore, operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a Significant reduction in a margin of safety?

No. The bases of Specification 3.1.3.2 state that the operability of the rod position indicators is required to determine control rod positions and thereby ensure compliance with the control rod alignment and insertion limits. The proposed change does not alter the requirement to determine rod position but provides an alternative method for determining the position of the affected rod. As a result, the initial conditions of the accident analysis are preserved and the consequences of previously analyzed accidents are unaffected.

This no significant hazards consideration determination was included in the notice published in the *Federal Register* on September 18, 2006 (71 FR 54691).

The NRC staff has reviewed the licensee's analysis given above. As stated by the licensee, the proposed TS changes only provide an acceptable alternate method for complying with existing TS requirements. The proposed changes do not affect the reactor protection system of the reactor control system, do not change the assumptions or results of any previously analyzed accident, and do not introduce any new accident initiators. In addition, the incore detectors will continue to be used to verify potential changes in the rod position and the excore nuclear detectors will provide indication of a significant rod misalignment or rod drop.

Based on its review, the NRC staff concludes that the three standards of 10 CFR 50.92(c) are satisfied and, therefore, the amendment request involves no significant hazards consideration.

6.0 STATE CONSULTATION

Based upon a letter dated May 2, 2003, from Michael N. Stephens of the Florida Department of Health, Bureau of Radiation Control, to Brenda L. Mozafari, Senior Project Manager, U.S. Nuclear Regulatory Commission, the State of Florida does not desire notification of issuance of license amendments.

7.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 and changes surveillance requirements. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has made a final finding that the amendment involves no significant hazards consideration. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

8.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

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Date: October 5, 2006