

UNITED STATES NUCLEAR REGULATORY COMMISSIONFLORIDA POWER AND LIGHT COMPANY, ET ALDOCKET 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 (FP&L), Orlando Utilities Commission of the City of Orlando, Florida and Florida Municipal Power Agency (the Licensees), for operation of the St. Lucie Plant, Unit 2 located in St. Lucie County, Florida.

The amendment would change the natural circulation cooldown and boron mixing tests to be performed at first refueling instead of at the completion of startup testing in accordance with the licensee's application for amendment dated July 7, 1983, and received on July 15, 1983. It should be noted that testing would only be performed if a similar test to be performed at the San Onofre 2 plant is found not to be applicable to St. Lucie 2. This is required per license condition 2.C.7.

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 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.

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The Commission has provided guidance for the application of these criteria by providing examples of amendments that are considered not likely to involve a significant hazards consideration (48 FR 14870). One such example (see example (vi) of 10 CFR 50.92) is a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP). The change being proposed by the licensee is within all acceptable criteria with respect to the systems specified in the SRP.

The issue pertaining to the natural circulation and boron mixing tests of the St. Lucie Plant Unit 2 was first identified and addressed in the SER (October, 1981). The staff documented in the SER the acceptability of the Florida Power and Light (FP&L) commitment to perform the tests during their power escalation program if the data from a similar test at San Onofre 2 was not applicable.

When delays in the San Onofre 2 tests occurred, FP&L formally requested in an October 8, 1982 letter approval to change their commitment to prior to exceeding fifty percent of rated thermal power. The staff found this acceptable and documented it in SSER 3 (April 1983).

Again, when additional delays in the San Onofre tests occurred, FP&L formally requested in a June 9, 1983 letter approval to reschedule meeting their commitment to the end of start-up testing. The staff documented their acceptability of this commitment in SSER 4 (June 1983).

Further delays in the San Onofre 2 tests have occurred. FL&P has submitted by letter dated July 7, 1982 a request for approval to extend their commitment to prior to restart following the first refueling.

The staff considers that none of these changes involve a safety concern. The implementation of the San Onofre 2 or St. Lucie 2 tests primarily serve to confirm the results of the analysis which the staff has reviewed, evaluated, found acceptable and documented in the SER and SSER. The previously specified dates that were documented in the SER and SSER for these tests were selected only to provide timely confirmation. While the test results should be provided in a timely manner, they are not required prior to completing the startup test program in order to assure safe operation of the facility. Furthermore, the natural circulation cooldown event which occurred at St. Lucie Unit 1 in 1977 demonstrated that the reactor coolant system can be promptly bled and the plant shutdown without endangering the health and safety of the public. St. Lucie Unit 2 is essentially identical to St. Lucie Unit 1; therefore, it is considered that the plant procedures and systems are such that similar results would be expected on St. Lucie Unit 2. The staff is also confident that the test scheduled to be performed at San Onofre 2 will be applicable to St. Lucie 2, and therefore, would not require the test to be performed by FP&L. It is for these reasons the staff finds acceptable that the St. Lucie demonstration be performed no later than first refueling. Based on the above it is determined that this amendment request involves no 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 Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, ATTN: Docketing and Service Branch.

By August 29, 1983, 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.

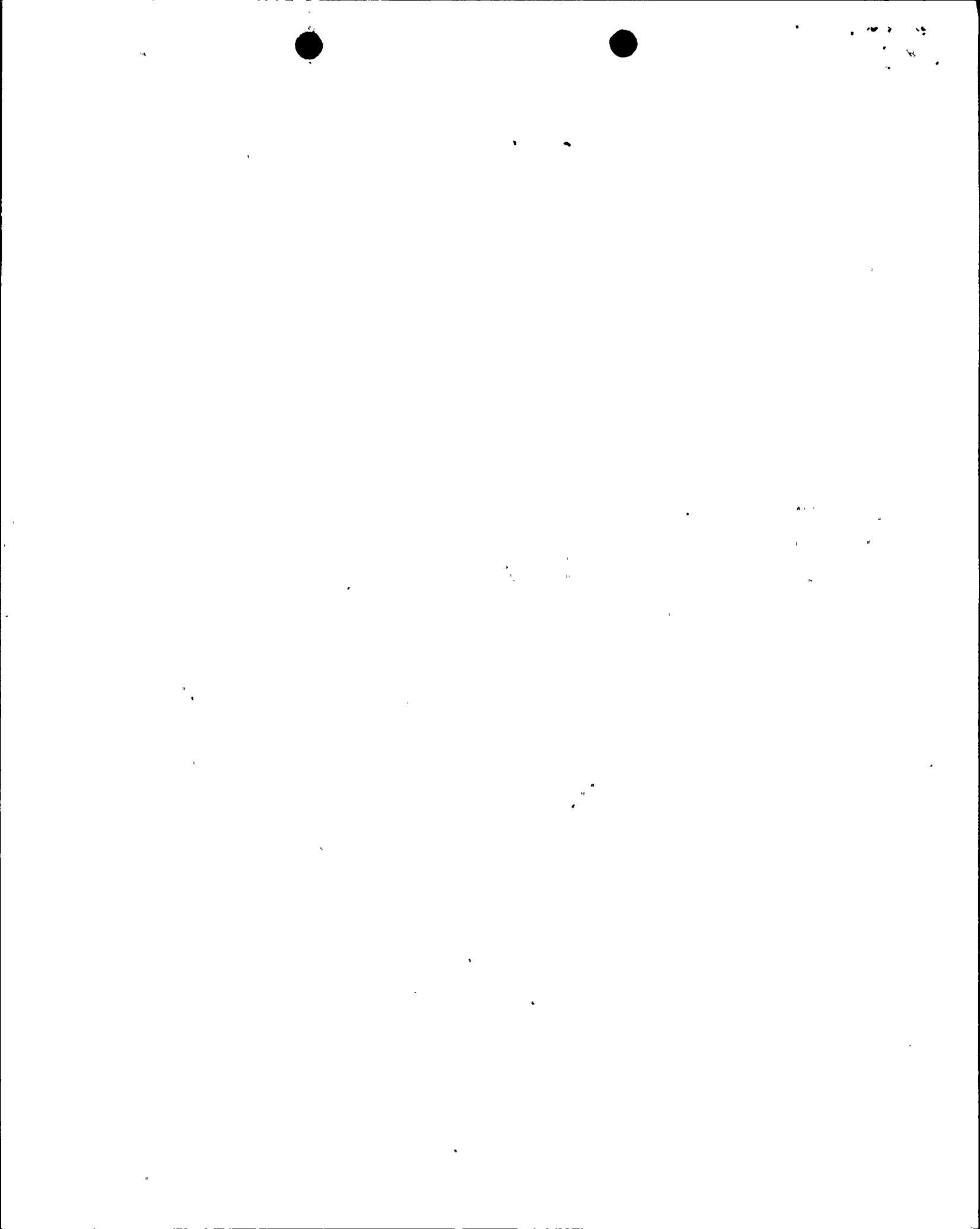
As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be 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 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 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.

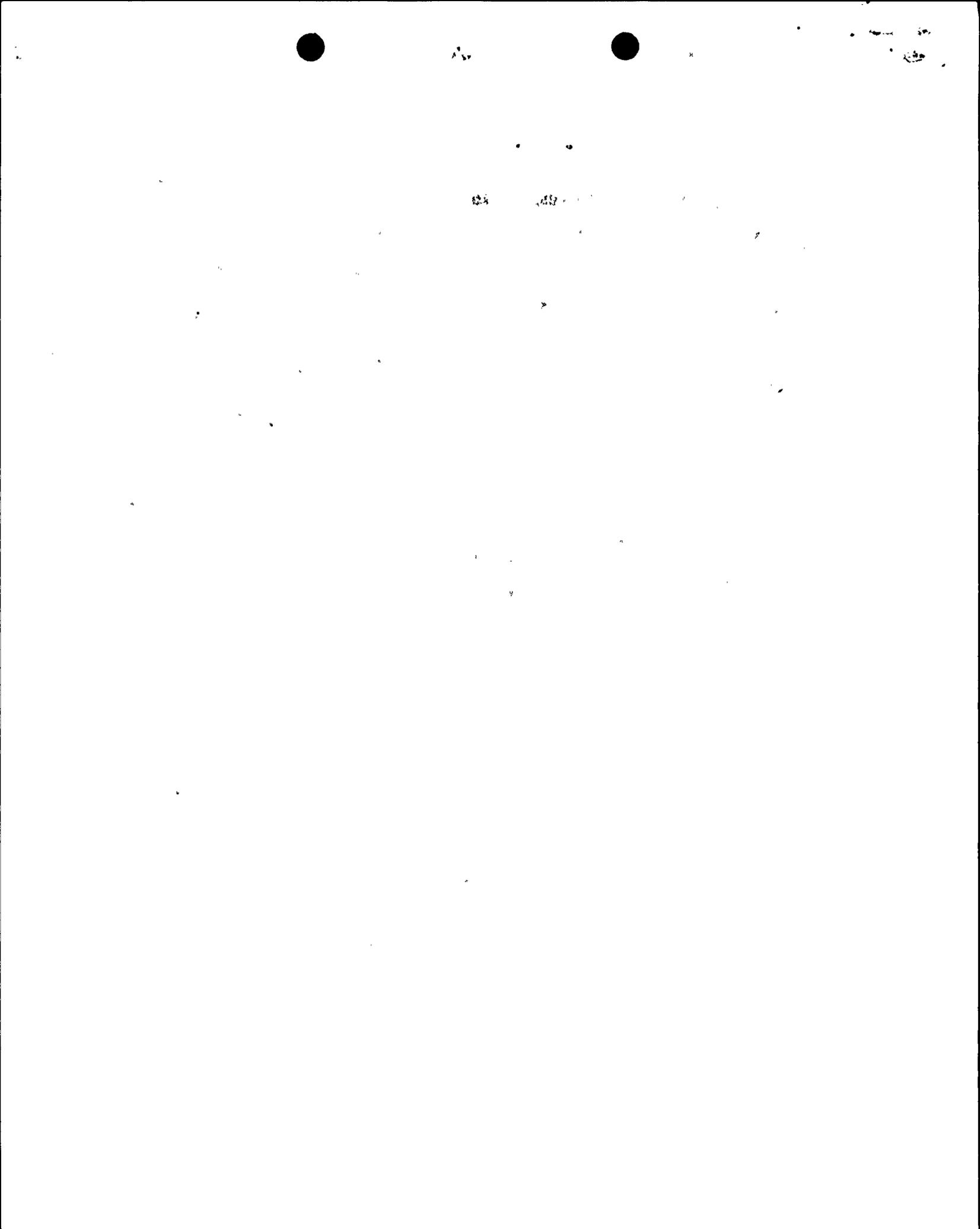
If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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 George W. Knighton: 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 Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harold F. Reis, Esq., Lowenstein, Newman, Reis, Axelrad & Toll, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036, attorney for the licensees.

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 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 Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

Dated at Bethesda, Maryland, this 27th day of July, 1983.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by:
George W. Knighton

George W. Knighton, Chief
Licensing Branch No. 3
Division of Licensing

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SURNAME ▶	J Lee ph	Unerses	W.D. PATON	G.W. Knighton			
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