NUCLEAR REGULATORY COMMISSION

[Docket No. 50–335]

Florida Power and Light company; 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. DPR–67, issued to Florida Power and Light Company, (the licensee), for operation of the St. Lucie Plant Unit No. 1 located in St. Lucie County, Florida.

The proposed amendment would reduce the stated value of design reactor coolant flow from 355,000 gpm to 345,000 gpm, revise the reactor core thermal margin safety limits shown in FIGURE 2.1–1, and modify the reactor coolant system total water and steam volume described in the design features. The amendment also reduces the Limiting Safety System Setting for the reactor coolant low flow trip function from greater than or equal to 95% to greater than or equal to 93% of design reactor coolant flow. Finally, TS 2.1.1 is modified to limit reactor power to less than or equal to 90% rated thermal power for Cycle 14 operation exceeding mid-cycle fuel burn up conditions. The revisions are being made to support changes in the safety analyses which accommodate a larger number of plugged steam generator tubes.

On April 29, 1996, St. Lucie Unit 1 entered a scheduled refueling outage. A margin of approximately 14% existed between the average number of steam generator (SG) tubes that had been previously removed from service and the number of plugged tubes assumed in the safety analyses. Based on a 10-year history of 100% Eddy Current Testing (ECT), and including additional inspection commitments pursuant to generic letter (GL) 95–03, ''Circumferential Cracking of Steam Generator Tubes,'' the number of tubes conservatively estimated to be removed from service during this outage was far less than the remaining analytical margin.

Based on meetings and conversations with NRC staff subsequent to entry into the outage, concerns involving the qualification of techniques for sizing SG tube crack-like indications were identified, resulting in the staff questioning the SG tube repair criteria which have been in place at Florida Power and Light Company (FPL) since 1985. On May 14, 1996, FPL agreed to implement a more conservative criteria for the Cycle 14 inspection. The licensee's assessment of the impact of implementing this criteria indicates that the number of SG tubes to be plugged may exceed the existing 25% (average) analyses limit.

The change in repair criteria and the magnitude of resultant SG tube plugging could not have been reasonably anticipated prior to NRC staff concerns having been communicated to FPL during the recent meeting and discussions. The need for an amendment to implement revised St. Lucie Unit 1 power and RCS flow limits could not have been anticipated prior to assessing the impact of the change in repair criteria following FPL's meeting and discussions with the NRC staff. The necessary evaluations and preparation of the proposed license amendment were initiated without delay and at the earliest practical time. Analyses and quality assurance verifications to support the proposed license amendment were completed in an expeditious manner, and were performed in parallel with the ongoing tube examinations.

FPL expects to complete the refueling overhaul and the required startup preparations by June 20, 1996. Until a license amendment is issued to authorize operation with the proposed changes, resumption of St. Lucie Unit 1 power operations will be prevented by the current Technical Specifications.

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 defines reactor core thermal margin safety limits for a reduced value of design reactor coolant flow, and establishes a revised Limiting Safety System Setting (LSSS) for the protective system low flow trip. As core protection variables, these limiting parameters are not accident initiators and do not affect the frequency of occurrence of previously analyzed transients. The design features' total water and steam volume revision accounts for steam generator tube plugging and is simply administrative in nature. Evaluations performed to assess the impact of the proposed amendment conclude that, when considering a unit derate to 90% rated thermal power for operation beyond 7000 EFPH in Cycle 14 as required by the proposed change to TS 2.1.1, the potential radiological consequences of previously analyzed transients will conservatively remain within established acceptance criteria. Therefore, operation of the facility in accordance with this amendment would not involve a significant increase in the probability or the consequences of any accident previously evaluated.

(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 revises limiting parameters to assure safe operation commensurate with the impact of steam generator tube plugging, and will not change the modes of operation defined in the facility license. The analysis of transients associated with steam generator failures are part of the design and licensing bases. Therefore, 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.

(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 allows full power operation at an RCS flow commensurate with 30% (average) steam generator tube plugging for Cycle 14 fuel batch average burn up conditions corresponding to mid-cycle. For operation beyond mid-cycle, reactor power will be restricted to less than or equal to 90% rated thermal power. An evaluation of limiting events to established acceptance criteria for Specified Acceptable Fuel Design Limits (SAFDL), primary and secondary over pressurization transients, 10 CFR 50.46(b) emergency core cooling systems acceptance criteria, peak containment pressure, potential radiation dose during accidents, and to TS Limiting Conditions for Operation has been completed in support of this amendment request. The evaluation concludes, when considering the proposed LSSS for the Low Flow trip, that a conservative margin to acceptable limits remains available. Therefore, operation of the facility in accordance with this proposed amendment would not involve a significant reduction in a margin of safety.

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 15 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 15-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 15-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 Review and Directives Branch, Division of Freedom of Information and Publications 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 6D22, 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, 1996, 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 Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida, 34954–9003. 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: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 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 1-(800) 248–5100 (in Missouri 1-(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Frederick J. Hebdon: 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, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Harold F. Reis, Esquire, Newman; and Holtzinger, 1615 L Street, NW., 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 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 June 1, 1996, 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 Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954–9003.

Dated at Rockville, Maryland, this 3rd day of June 1996.

For the Nuclear Regulatory Commission.

Leonard A. Wiens,

Senior Project Manager, Project Directorate II–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–244]

Exemption

In the Matter of Rochester Gas and Electric Corporation, R.E. Ginna Nuclear Power Plant)

I

On December 10, 1984, the Nuclear Regulatory Commission issued Facility Operating License No. DPR–18 to Rochester Gas and Electric Corporation (RG&E) for the R.E. Ginna Nuclear Power Plant (Ginna). The license stipulated, among other things, that the facility is subject to all rules, regulations, and orders of the Commission.

II

The *Code of Federal Regulations*, Paragraph I.D.3, ''Calculation of Reflood Rate for Pressurized Water Reactors [PWRs],'' of Appendix K to Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR) requires that the refilling of the reactor vessel and the time and rate of reflooding of the core be calculated by an acceptable model that considers the thermal and hydraulic characteristics of the core and of the reactor system. In particular, Paragraph I.D.3 requires, in part, that, ''The ratio of the total fluid flow at the core exit plane to the total flow at the core inlet plane (carryover fraction) shall be used to determine the core exit flow and shall be determined in accordance with applicable experimental data.'' The purpose of this requirement is to assure that the core exit flow during the post-loss-of-coolant accident (LOCA) refill/reflood phase is determined using a model that accounts for appropriate experimental data.

Paragraph I.D.5, ''Refill and Reflood Heat Transfer for Pressurized Reactors,'' of Appendix K to 10 CFR Part 50 requires that for (1) reflood rates of 1 inch per second or higher, the reflood heat transfer coefficients be based on applicable experimental data for unblocked cores, and (2) reflood rates less than 1 inch per second during refill and reflood, heat transfer calculations be based on the assumption that cooling is only by steam.

License Condition 2.D provided an exemption from 10 CFR 50.46(a)(1) that the emergency core cooling system (ECCS) performance be calculated in accordance with an acceptable calculational model which conforms to the provisions of Appendix K (SER dated April 18, 1978). The exemption will expire upon receipt and approval of revised ECCS calculations.

By letter dated November 5, 1992, as supplemented on June 19, 1995, RG&E (the licensee) requested an exemption from 10 CFR Part 50, Appendix K, Paragraphs I.D.3 and I.D.5 based on revised ECCS calculations.

The November 5, 1992, exemption request was supported first by a plant specific ECCS evaluation model (EM) using a methodology not yet approved by NRC (WCAP–10924–P, Volume 2, Revision 2, Addendum 3). The proposed EM would have supported the May 1993, 1994, and 1995 core reloads. However, the WCAP–10924–P, Revision 2, Volume 2, Addendum 3 methodology has not yet been approved by NRC. On June 19, 1995, the licensee supported the November 5, 1992, exemption request by an updated plant specific EM using a methodology approved by NRC (WCAP–10924–P, Volume 1, Revision 1, Addendum 4). The proposed June 19, 1995, EM includes larger peaking factors necessary to support conversion to an 18-month fuel-cycle reload to begin in May 1996.

The specific provision of Paragraph I.D.3 from which the licensee requested an exemption, is the calculation of core exit flow based on carryover fraction. The licensee stated that the prescriptions for this calculation given in Paragraph I.D.3 were based on data for a bottom-flooding configuration design. The Ginna design relies on upper plenum injection (UPI) for the ECCS injection during the reflood phase of a large-break LOCA. UPI is not a ''lower flooding design;'' its ECCS flow patterns, flow magnitudes, core cooling mechanisms, and, in fact, the meanings and impacts of the terms ''inlet'' and ''exit'' are different than those of bottom flooding plants. This EM described in WCAP 10924–P, Volume 1, Revision 2, Addendum 4, ''Westinghouse UPI Model Improvements,'' dated August 1990, which has been generically approved in a staff SER of February 8, 1991, determines core flow, including flow ''exiting'' the core, flow ''entering'' the core, and flow within the core and elsewhere within the reactor coolant system (RCS) in accordance with applicable experimental data. The data are different than that referenced in paragraph I.D.3, however, they were found acceptable because they are specifically applicable to UPI designs. Because of the differences between UPI design considerations and those for bottom flooding designs mentioned above, the ''carryover fraction'' as defined in paragraph I.D.3 is not calculated in the approved EM and would not have the same technical significance if it were. The licensee, therefore, concludes that, in using the approved UPI model with its technical improvements for Ginna, it will not comply with Paragraph I.D.3. The staff SER of February 8, 1991, finds WCAP–10924–P EM contains an empirically verified model more directly applicable to top flooding situations to calculate core exit flow, which satisfies the technical purpose of this Appendix K, paragraph I.D.3 requirement to determine the core exit flow, but does not comply with the letter of the requirement.

In more detail, the intent of the Appendix K, paragraph I.D.3, is to assure that the calculation of core exit flow is performed using an EM code model which has been verified against appropriate experimental data for LOCA accident analyses. The Westinghouse COBRA/TRAC code (*W*COBRA/TRAC) consists of (1) Westinghouse Large-Break LOCA Best Estimate Methodology, Volume 1: Model