

August 25, 2000

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

SUBJECT: TURKEY POINT UNITS 3 AND 4 - REQUEST FOR EXEMPTION FROM THE
REQUIREMENTS OF CODE OF FEDERAL REGULATIONS, LICENSEE
EVENT REPORT SYSTEM (TAC NOS. MA9736 AND MA9737)

Dear Mr. Plunkett:

This is in response to your August 14, 2000, request for an exemption from the requirements of Title 10, *Code of Federal Regulations* (10 CFR), Section 50.73(a)(2)(i)(B), regarding licensee event reports when Technical Specification 3.0.3 is entered. The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed your exemption request and determined that an exemption from the rule is not necessary.

The requirements in 10 CFR 50.73(a)(2)(i)(B) state that licensees shall report "Any operation or condition prohibited by the plant's Technical Specifications." It does not indicate that brief entry into Technical Specification 3.0.3 to perform required testing, such as you described in your exemption request, is considered to be an operation or condition prohibited by the plant's Technical Specifications and, thus, reportable under this reporting criterion.

In the past, the NRC staff's event reporting guidelines have stated that entry into Technical Specification 3.0.3 for any reason or justification is reportable under this reporting criterion. That guidance is discussed on page 30 of NUREG-1022, "Event Reporting Guidelines, 10 CFR 50.72 and 50.73," Revision 1, 1998.

On July 10, 2000 the Commission affirmed a final rule to modify the event reporting requirements in 10 CFR 50.72 and 50.73. Although the requirement to report an operation or condition prohibited by the plant's Technical Specifications will not change, the event reporting guidelines that are to be issued in conjunction with the final rule are different. Specifically, the revised guidelines state that an entry into Technical Specification 3.0.3 is not necessarily reportable under this reporting criterion; however, it should be considered reportable if the condition is not corrected within an hour, such that it is necessary to initiate actions to shut

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down, cool down, etc. This new guidance would appear to be applicable to your exemption request concerning the need to report a brief entry into TS 3.0.3 to perform required testing.¹

If you have any comments on this matter, please contact the Turkey Point Project Manager, Kahtan Jabbour at (301) 415-1496.

Sincerely,

/RA/

Richard P. Correia, Chief, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

cc: See next page

¹The final rule package, including the revised event reporting guidelines, has been provided to the Office of the Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act. A notice of the OMB review and solicitation of public comment was published in the *Federal Register* on July 26, 2000 (65 FR 46004). That *Federal Register* notice, along with the OMB supporting statement, the final rule, and the revised event reporting guidelines are available on the internet at <http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>. The revised guidance is provided on page 35 in Section 3.2.2 of NUREG-1022, Revision 2.

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*See previous concurrence

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

TURKEY POINT PLANT

cc:

M. S. Ross, Attorney
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Attorney General
Department of Legal Affairs
The Capitol
Tallahassee, Florida 32304

Mr. Robert J. Hovey, Site
Vice President
Turkey Point Nuclear Plant
Florida Power and Light Company
9760 SW. 344th Street
Florida City, FL 33035

Plant Manager
Turkey Point Nuclear Plant
Florida Power and Light Company
9760 SW. 344th Street
Florida City, FL 33035

County Manager
Miami-Dade County
111 NW 1 Street, 29th Floor
Miami, Florida 33128

Mr. Steve Franzone
Licensing Manager
Turkey Point Nuclear Plant
9760 SW. 344th Street
Florida City, FL 33035

Senior Resident Inspector
Turkey Point Nuclear Plant
U.S. Nuclear Regulatory Commission
9762 SW. 344th Street
Florida City, Florida 33035

Mr. John Gianfrancesco
Manager, Administrative Support
and Special Projects
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. William A. Passetti, Chief
Department of Health
Bureau of Radiation Control
2020 Capital Circle, SE, Bin #C21
Tallahassee, Florida 32399-1741

Mr. J.A. Stall
Vice President - Nuclear Engineering
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. Joe Myers, Director
Division of Emergency Preparedness
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399-2100