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SUBJECT: Requests one-time exemption from requirements of 10CFR50, App E, "Emergency Planning & Preparedness for Production & Utilization Facilities."

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MAR 23 1994

L-94-63
10 CFR 50.12
10 CFR 50 Appendix E

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

Subject: Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
Request for Exemption - 10 CFR 50 Appendix E

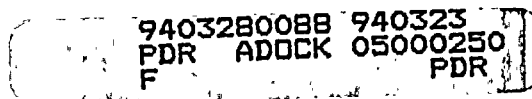
In accordance with the provisions of Title 10 of the Code of Federal Regulations Section 50.12 (10 CFR 50.12), "Specific Exemptions," Florida Power & Light Company (FPL) requests a one-time exemption from the requirement of 10 CFR 50 Appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," to conduct an annual U. S. Nuclear Regulatory Commission (NRC) evaluated emergency preparedness exercise in calendar year 1994 for Turkey Point Units 3 and 4. During calendar year 1994, consistent with current regulatory guidance, Turkey Point will be conducting the drills specified in its emergency plan. Those drills include, but are not limited to, a radiological monitoring drill, two health physics drills, a medical drill involving offsite transport, and multiple communication drills. Furthermore, at least one integrated drill will be conducted to exercise the FPL Emergency Response Organization for Turkey Point, and allow state and local agencies the opportunity to participate in the drill.

Section 7.1.4 of the Turkey Point Radiological Emergency Plan, 10 CFR 50.47(b) (14), and 10 CFR Appendix E, Section IV.F(2), require a nuclear power plant operator to conduct an annual emergency preparedness exercise that provides state and local governments the opportunity to jointly exercise their respective radiological emergency response plans. On December 15, 1993, FPL's Turkey Point Plant, in conjunction with the State of Florida, and Dade and Monroe counties, conducted a successful full participation emergency preparedness exercise that was evaluated by the Federal Emergency Management Agency (FEMA) and the NRC. Turkey Point has conducted annual NRC evaluated exercises in the past and there have been no violations identified during an evaluated exercise or Emergency Preparedness Inspection since 1989. Turkey Point is scheduled to conduct a full participation FEMA evaluated exercise in February 1995, 14 months after the last full participation exercise.

FPL has discussed the need for an NRC evaluated emergency preparedness exercise for Turkey Point Units 3 and 4 in 1994 with both state and local governments and it has been agreed that an

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an FPL Group company



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NRC evaluated exercise would not significantly enhance their programs. In light of the successful December 1993 FEMA exercise, and the preparation for the February 1995 FEMA exercise, the state and local governments are more than satisfied to participate in Turkey Point's 1994 drills.

FPL requests a one-time exemption from the requirement of 10 CFR 50 Appendix E, to conduct an annual NRC evaluated emergency preparedness exercise in calendar year 1994 for Turkey Point Units 3 and 4. The attachment to this letter provides the regulatory basis for this exemption. As discussed in the attachment, the conducting of an evaluated emergency preparedness exercise in 1994 is not necessary to assure the health and safety of the public. The exemption from conducting the 1994 evaluated exercise would not decrease Turkey Point Plant's, nor the community's, ability to respond to an accident. Additionally, the cost savings, reduction of burden on the operating staff, and flexible drill schedule would make the exemption beneficial.

We would appreciate your timely review of this request prior to May 13, 1994, to eliminate the administrative preparation requirements for the currently scheduled July 27, 1994, Turkey Point Plant NRC evaluated emergency preparedness exercise.

If you have any questions regarding this request, please contact us.

Very truly yours,



T. F. Plunkett
Vice President
Turkey Point Plant

Attachment

TFP/OIH

cc: Stewart D. Ebnetter, Regional Administrator, Region II, USNRC
T. P. Johnson, Senior Resident Inspector, USNRC, Turkey
Point Plant
W. A. Passetti, Florida Department of Health and
Rehabilitative Services

EXEMPTION REQUEST

BACKGROUND

Pursuant to 10 CFR 50.12, Florida Power & Light Co. (FPL) requests a one-time exemption from the requirement to conduct an annual Nuclear Regulatory Commission (NRC) evaluated emergency preparedness exercise at Turkey Point Units 3 and 4. Specifically, FPL requests a one-time exemption from the provision requiring each site to annually exercise its emergency plan as specified in 10 CFR Part 50, Appendix E, Section IV.F(2). Generically, this requirement has been interpreted as the conduct of an integrated exercise scheduled for NRC evaluation. The 1994 NRC evaluated emergency preparedness exercise for Turkey Point Units 3 and 4 is presently scheduled for July 27, 1994.

DISCUSSION

An emergency preparedness exercise was last held on December 15, 1993. FPL's Turkey Point Plant, in conjunction with the State of Florida, Dade and Monroe counties, conducted a successful full participation emergency preparedness exercise that was evaluated by the Federal Emergency Management Agency (FEMA) and the NRC. There were no negative findings, violations, weaknesses, or follow-up items identified as a result of this evaluation. The December 15, 1993, full participation emergency preparedness exercise demonstrated the sufficiency of the emergency response capability and emergency preparedness program at the Turkey Point Plant. Additionally, Turkey Point is scheduled to conduct a full participation FEMA evaluated exercise in February of 1995, 14 months after the last full participation exercise.

During calendar year 1994, consistent with current regulatory guidance, Turkey Point will be conducting the drills specified in its emergency plan. Those drills include, but are not limited to, a radiological monitoring drill, two health physics drills, a medical drill involving offsite transport, and multiple communication drills. Furthermore, at least one integrated drill will be conducted to exercise the FPL Emergency Response Organization for Turkey Point, and allow state and local agencies the opportunity to participate in the drill. Each of these drills will be evaluated, at a minimum, by an FPL controller/evaluator organization. Items identified during the drills as deficiencies will be corrected as detailed in the NRC's regulations. The Turkey Point Plant 1994 schedule of emergency preparedness drills and exercises is sufficient and appropriate to assess and confirm the capability of the various organizations involved to respond to a radiological emergency, and obviate the need to conduct a full participation evaluated exercise in calendar year 1994.

JUSTIFICATION

10 CFR 50.12 states that the Commission may grant exemptions from the requirements of the regulations contained in 10 CFR 50 provided that: (1) the exemption is authorized by law, (2) the exemption will not present an undue risk to the public health and safety, (3) the exemption is consistent with the common defense and security, and (4) special circumstances as defined in 10 CFR 50.12(a) (2) are present.

1. The requested Exemption is Authorized by Law

No law exists which would preclude the approval of this exemption request. Also, this exemption, if approved, would not create a conflict with any existing law.

2. The Requested Exemption Does Not Present an Undue Risk to the Public Health and Safety

There have been no violations identified during an evaluated exercise or Emergency Preparedness Inspection since 1989. On December 15, 1993, FPL's Turkey Point Plant, in conjunction with the state of Florida, and Dade and Monroe counties, conducted a successful full participation emergency preparedness exercise that was evaluated by FEMA and the NRC. The next FEMA evaluated exercise for the Turkey Point Plant is scheduled for February 1995, 14 months since the last evaluated exercise.

Approval of this one-time exemption from the requirement to conduct the annual NRC evaluated emergency preparedness exercise for calendar year 1994 does not represent a degradation in the ability of FPL to respond to a radiological emergency at the Turkey Point Plant. During calendar year 1994, consistent with current regulatory guidance, Turkey Point will be conducting the drills specified in its emergency plan. Those drills include, but are not limited to, a radiological monitoring drill, two health physics drills, a medical drill involving offsite transport, and multiple communication drills. Furthermore, at least one integrated drill will be conducted to exercise the FPL Emergency Response Organization for Turkey Point, and allow state and local agencies the opportunity to participate in the drill. Each of these drills will be evaluated, at a minimum, by an FPL controller/evaluator organization. Items identified during the drills as deficiencies will be corrected as detailed in the NRC's regulations. The Turkey Point Plant 1994 schedule of emergency preparedness drills and exercises is sufficient

and appropriate to assess and confirm the capability of the various organizations involved to respond to a radiological emergency, and obviate the need to conduct a full participation evaluated exercise in calendar year 1994.

3. The Requested Exemption Will Not Endanger the Common Defense and Security

The common defense and security is not an issue in this exemption request.

4. Special Circumstances as Defined in 10 CFR 50.12(a)(2)

The following special circumstances pursuant to 10 CFR 50.12(a)(2) are identified as applicable to this exemption request:

Item (ii) - "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule."

There have been no violations identified during an evaluated exercise or Emergency Preparedness Inspection since 1989. Additionally, on December 15, 1993, FPL's Turkey Point Plant, in conjunction with the State of Florida, and Dade and Monroe counties, conducted a successful full participation emergency preparedness exercise that was evaluated by FEMA and the NRC. There were no negative findings, violations, weaknesses, or follow-up items identified as a result of this evaluation. The December 15, 1993, full participation emergency preparedness exercise and Turkey Point's previous record have demonstrated the sufficiency of the emergency response capability and emergency preparedness program at the Turkey Point Plant.

In addition, Turkey Point is scheduled to conduct a full participation FEMA evaluated exercise in February of 1995, only 14 months after the last full participation exercise. During calendar year 1994, consistent with current regulatory guidance, Turkey Point will be conducting the drills specified in its emergency plan. Those drills include, but are not limited to, a radiological monitoring drill, two health physics drills, a medical drill involving offsite transport, and multiple communication drills. Furthermore, at least one integrated drill will be conducted to exercise the FPL Emergency Response Organization for

Turkey Point, and allow state and local agencies the opportunity to participate in the drill. Each of these drills will be evaluated, at a minimum, by an FPL controller/evaluator organization. Items identified during the drills as deficiencies will be corrected as detailed in the NRC's regulations. This schedule of emergency preparedness drills and exercises is appropriate to assess and confirm the capability of the various organizations involved to respond to a radiological emergency without the conduct of an NRC evaluated exercise. Therefore, the conducting of a 1994 NRC evaluated emergency preparedness exercise is not necessary to demonstrate the sufficiency of the emergency response capability and emergency preparedness program at the Turkey Point Plant.

Item (iii) - "Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated."

An emergency preparedness exercise was last held on December 15, 1993. FPL's Turkey Point Plant, in conjunction with the State of Florida, Dade and Monroe counties, conducted a successful full participation emergency preparedness exercise that was evaluated by FEMA and the NRC. The 1994 NRC evaluated emergency preparedness exercise for Turkey Point Units 3 and 4 is presently scheduled for July 27, 1994, seven months from the last full participation exercise. The next FEMA evaluated exercise for the Turkey Point Plant is planned for February 1995. The conducting of the 1994 NRC evaluated emergency preparedness exercise would result in three evaluated emergency preparedness exercises within a 14 month period for Turkey Point Units 3 and 4.

FPL's Turkey Point Plant will have two refueling outages in 1994, one in the spring and one in the fall. Additionally, FPL's St. Lucie Plant has refueling outages scheduled for both units this year, and successfully conducted an evaluated exercise in February 1994. The performance of a 1994 NRC evaluated emergency preparedness exercise at Turkey Point puts undue demands on the site and corporate response organizations. The corporate site organization participates in both the St. Lucie and Turkey Point plant emergency preparedness exercises and has already successfully demonstrated acceptable performance at the St. Lucie February 1994 evaluated exercise.

FPL has discussed the need for an evaluated emergency preparedness exercise for Turkey Point Units 3 and 4 in 1994 with both state and local governments and it has been agreed that such an exercise is not necessary in 1994. In light of the successful December 1993 FEMA exercise, the preparation for the February 1995 FEMA exercise, and the fact that there have been no violations identified during an evaluated exercise or Emergency Preparedness Inspection since 1989, the state and local governments are more than satisfied to participate in Turkey Point's 1994 drills.

Item (v) - "The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation."

A one-time exemption is not permanent, but rather, provides relief only for 1994. Turkey Point is scheduled to conduct a full participation FEMA evaluated exercise in February of 1995, only 14 months after the last full participation evaluated exercise of December 1993. During calendar year 1994, consistent with current regulatory guidance, Turkey Point will be conducting the drills specified in its emergency plan. Those drills include, but are not limited to, a radiological monitoring drill, two health physics drills, a medical drill involving offsite transport, and multiple communication drills. Furthermore, at least one integrated drill will be conducted to exercise the FPL Emergency Response Organization for Turkey Point, and allow state and local agencies the opportunity to participate in the drill. Each of these drills will be evaluated by an FPL controller/evaluator organization. Items identified during the drills as deficiencies will be corrected as detailed in the NRC's regulations. This schedule of emergency preparedness drills and exercises is sufficient and appropriate to assess and confirm the capability of the various organizations involved to respond to a radiological emergency and obviate the need to conduct an NRC evaluated emergency preparedness exercise on calendar year 1994. Based on the above, FPL has shown good faith efforts to comply with the regulation.

CONCLUSION

With the successful completion of the December 1993 full participation evaluated emergency preparedness exercise, and the fact that there have been no violations identified during an

evaluated exercise or Emergency Preparedness Inspection since 1989, we conclude that the sufficiency of the emergency preparedness program has been demonstrated and the provisions of the plan have been satisfied. The 1994 schedule of emergency preparedness drills and exercises is sufficient and appropriate to assess and confirm the capability of the various organizations involved to respond to a radiological emergency and obviate the need to conduct an NRC evaluated emergency preparedness exercise on calendar year 1994. At least one integrated drill will be conducted in 1994 to exercise the FPL Emergency Response Organization for Turkey Point, and allow state and local agencies the opportunity to participate in the drill. Additionally, Turkey Point is scheduled to conduct a full participation FEMA evaluated exercise in February 1995, 14 months after the last full participation exercise. Therefore, the intent of the regulation is met. An NRC evaluated emergency preparedness exercise during 1994 is not necessary to further demonstrate the adequate protective measures in place in the event of a radiological emergency, and to establish reasonable assurance against undue risk to the health and safety of the public.

Approval of this one-time exemption will avoid duplication of efforts, and unnecessary use of Federal, State, local, and FPL resources. Performance of the July 27, 1994, Turkey Point Plant evaluated exercise, given our specific circumstances and previous performance, represents undue regulatory burden without additional benefit to public safety.

For these reasons, we conclude that the requested exemption will not present an undue risk to the public and safety and is consistent with the common defense and security, and meets the special circumstances described in 10 CFR 50.12(a)(2).