

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.<sup>1</sup>

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

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<sup>1</sup>The 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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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  
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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. 344<sup>th</sup> 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