

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

SUBJECT: ISSUANCE OF EXEMPTION TO 10 CFR 71(e)(4) FOR THE TURKEY POINT PLANT, UNITS 3 AND 4 (TAC NOS. MA1529 AND MA1530)

Dear Mr. Plunkett:

The Commission has issued the enclosed exemption from certain requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the updated Final Safety Analysis Report (FSAR) for the Turkey Point Plant. This exemption is related to your application dated March 5, 1998, to submit updates to the Turkey Point FSAR for both units 6 months after each Unit 4 refueling outage, not to exceed 24 months between successive revisions. With the current length of fuel cycles, FSAR updates would be submitted approximately every 24 months.

The quality and timeliness of this exemption request allowed the staff to process it without the need for additional information, and on a schedule compatible with other licensing actions related to the forthcoming refueling outage for Turkey Point Unit 3 in the fall of 1998. This represents good planning of your licensing activities.

A copy of the Exemption and the supporting Safety Evaluation is enclosed. The Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,
 /s/

Frederick J. Hebdon, Director
 Project Directorate II-3
 Division of Reactor Projects - I/II
 Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-2518

Enclosures: 1. Exemption
 2. Safety Evaluation

cc w/encls: See next page

Document Name:

DISTRIBUTION

see next page

* see previous concurrence

OFFICE	PDII-3/PM <i>KS</i>	PDII-3/LA <i>MC</i>	PDII-3/D	DRPE:D(A)
NAME	K.JABBOUR	B.CLAYTON	F.HEBDON <i>H</i>	J.ZWOLINSKI *
DATE	7/13/98	7/13/98	7/13/98	7/10/98
COPY	(YES) NO	YES NO	(YES) NO	YES NO
OFFICE	ADPR (A) <i>7/10 *</i>	OGC *	NRR:D <i>[Signature]</i>	
NAME	B. BOGER		S. COLLINS	
DATE	7/14/98	06/16/98	7/14/98	
COPY	YES NO	YES NO	YES (NO)	

YI
DF01



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 16, 1998

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

SUBJECT: ISSUANCE OF EXEMPTION TO 10 CFR 71(e)(4) FOR THE TURKEY POINT
PLANT, UNITS 3 AND 4 (TAC NOS. MA1529 AND MA1530)

Dear Mr. Plunkett:

The Commission has issued the enclosed exemption from certain requirements of 10 CFR 50.71(e)(4) regarding submission of revisions to the updated Final Safety Analysis Report (FSAR) for the Turkey Point Plant. This exemption is related to your application dated March 5, 1998, to submit updates to the Turkey Point FSAR for both units 6 months after each Unit 4 refueling outage, not to exceed 24 months between successive revisions. With the current length of fuel cycles, FSAR updates would be submitted approximately every 24 months.

The quality and timeliness of this exemption request allowed the staff to process it without the need for additional information, and on a schedule compatible with other licensing actions related to the forthcoming refueling outage for Turkey Point Unit 3 in the fall of 1998. This represents good planning of your licensing activities.

A copy of the Exemption and the supporting Safety Evaluation is enclosed. The Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in cursive script that reads "Frederick J. Hebdon".

Frederick J. Hebdon, Director
Project Directorate II-3
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-2518

Enclosures: 1. Exemption
2. Safety Evaluation

cc w/encls: See next page

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

cc:

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

John T. Butler, Esquire
Steel, Hector and Davis
4000 Southeast Financial Center
Miami, Florida 33131-2398

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

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

Senior Resident Inspector
Turkey Point Nuclear Generating
Station
U.S. Nuclear Regulatory Commission
P.O. Box 1448
Homestead, Florida 33090

Mr. Bill Passetti
Office of Radiation Control
Department of Health and
Rehabilitative Services
1317 Winewood Blvd.
Tallahassee, Florida 32399-0700

TURKEY POINT PLANT

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

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
61 Forsyth Street, SW., Suite 23T85
Atlanta, GA 30303-3415

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

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

Mr. H.N. Paduano, Manager
Licensing & Special Programs
Florida Power and Light Company
P.O. Box 14000
Juno Beach, Florida 33408-0420

Mr. Gary E. Hollinger
Licensing Manager
Turkey Point Nuclear Plant
9760 SW. 344th Street
Florida City, FL 33035

Mr. Robert P. Schin
U.S. Nuclear Regulatory Commission
61 Forsyth Street, SW., Suite 23T85
Atlanta, GA 30303-3415

July 16, 1998

DISTRIBUTION:

Docket Files

PUBLIC

GHill (4)

MBoyle

THarris (TLH3 SE)

TPP r/f

JZwolinski (A)

FHebdon

KJabbour

BClayton

OGC

ACRS

LPlisco, RII

MTschiltz, OEDO

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
FLORIDA POWER AND LIGHT COMPANY) Docket Nos. 50-250 and 50-251
)
(Turkey Point Plant, Units 3 and 4))
)

EXEMPTION

I.

Florida Power and Light (the licensee) is the holder of Facility Operating License Nos. DPR-31 and DPR-41, for the Turkey Point Plant (TPP), Units 3 and 4. The licenses provide, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

This facility consists of two pressurized water reactors located in Dade County, Florida.

II.

Title 10 of the Code of Federal Regulations (10 CFR), Section 50.71 "Maintenance of records, making of reports," paragraph (e)(4) states, in part, that "Subsequent revisions [to the updated Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates [to the FSAR] does not exceed 24 months." The two units at the TPP site share a common FSAR; therefore, this rule requires the licensee to update the same document annually or within 6 months after each unit's refueling outage (approximately every 9 months).

III.

Section 50.12(a) of 10 CFR, "Specific exemptions," states that

The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are - (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when "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...." The licensee has proposed updating the unified TPP FSAR 6 months after each Unit 4 refueling outage. With the current length of fuel cycles, FSAR updates would be submitted approximately every 24 months. The underlying purpose of the rule was to relieve licensees of the burden of filing annual FSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its FSAR revisions 6 months after refueling outages for its facility, but did not provide in the rule for multiple unit facilities sharing a common FSAR. Rather, the Commission stated that "With respect to . . . multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis" 57 FR 39355 (1992).

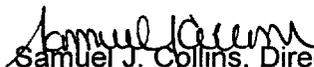
The TPP units are on an 18-month fuel cycle. As noted in the staff's Safety Evaluation, the licensee's proposed schedule for TPP FSAR updates will ensure that the FSAR will be maintained current for both units within 24 months of the last revision. The proposed schedule satisfies the maximum 24-month interval between FSAR revisions specified by 10 CFR 50.71(e)(4). Revising the FSAR 6 months after refueling outages for each unit, therefore, is not necessary to achieve the underlying purpose of the rule. Accordingly, the

Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest. The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the TPP FSAR within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the TPP FSAR within 6 months after each Unit 4 refueling outage, not to exceed 24 months between subsequent revisions.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (63 FR 36276).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION


Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 16th day of July, 1998



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

EXEMPTION FROM UPDATED FINAL SAFETY ANALYSIS REPORT

UPDATE REQUIREMENTS OF 10 CFR 50.71(e)(4)

FLORIDA POWER AND LIGHT

TURKEY POINT PLANT, UNITS 3 AND 4

DOCKET NOS. 50-250 AND 50-251

1.0 INTRODUCTION

By letter dated March 1998, Florida Power and Light (the licensee) submitted a request for an exemption from the requirements of 10 CFR 50.71(e)(4), "Maintenance of records, making reports." Section 50.71(e)(4) requires, in part, that "Subsequent revisions [to the updated Final Safety Analysis Report (FSAR)] must be filed annually or 6 months after each refueling outage provided the interval between successive updates to the FSAR does not exceed 24 months." The two Turkey Point Plant (TPP) units share a common FSAR; therefore, this rule requires the licensee to update the station's FSAR annually or within 6 months after each unit's refueling outage.

2.0 EVALUATION

Section 50.71(e)(4) ensures that all licensees update their FSARs annually or at least every refueling outage and no less frequently than every 2 years. When two units share a common FSAR, the rule has the effect of making the licensee update the FSAR roughly every 9 months. The TPP units are on an 18-month fuel cycle, meaning that FSAR updates based on the refueling schedule must be submitted approximately every 9 months. However, the licensee maintains the plant copy of the FSAR as a "living" document, implementing revisions to that copy on a real-time basis. The current rule, as revised August 31, 1992 (57 FR 39355), was intended to provide some reduction in regulatory burden by limiting the frequency of required updates. The underlying purpose of the rule was to relieve licensees of the burden of filing annual FSAR revisions while assuring that such revisions are made at least every 24 months. The Commission reduced the burden, in part, by permitting a licensee to submit its FSAR revisions 6 months after refueling outages for its facility, but did not provide in the rule for multiple unit facilities sharing a common FSAR. Rather, the Commission stated that "With respect to [the] concern about multiple facilities sharing a common FSAR, licensees will have maximum flexibility for scheduling updates on a case-by-case basis." The burden reduction, however, can only be realized by single-unit facilities or multiple-unit facilities that maintain separate FSARs for each unit.

9807270457 980716
PDR ADOCK 05000250
P PDR

The licensee's requested exemption would permit periodic FSAR updates within 6 months of each Unit 4 refueling outage, but not to exceed 24 months from the last revision. Thus the requirement that an update be submitted within 6 months of an outage of each unit is no longer retained. With the exemption, the TPP FSAR will be updated and maintained current within 24 months of the last revision. Revising the FSAR 6 months after refueling outages for each unit is not necessary to achieve the underlying purpose of the rule.

3.0 CONCLUSION

The staff finds that the alternative proposed by the licensee is acceptable in that revising the FSAR 6 months after refueling outages for each unit is not necessary to achieve the underlying purpose of the rule (10 CFR 50.71(e)(4)), which is to require the FSAR of each station be revised at least once per 24 months.

Principal Contributor: Kahtan N. Jabbour

Date: July 16, 1998

Commission has determined that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii). The Commission has further determined that, pursuant to 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security, and is otherwise in the public interest. The Commission hereby grants the licensee an exemption from the requirement of 10 CFR 50.71(e)(4) to submit updates to the TPP FSAR within 6 months of each unit's refueling outage. The licensee will be required to submit updates to the TPP FSAR within 6 months after each Unit 4 refueling outage, not to exceed 24 months between subsequent revisions.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (63 FR 36276).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by
Samuel J. Collins

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 16th day of July 1998

Document Name: G:\TURKEY\FSAREXEM.EX

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure
"E" = Copy with attachment/enclosure "N" = No copy

OFFICE	PM:PDII-3	E	LA:PDII-3	C	D:PDII-3	C	AD:DRPE	AD:ADPR
NAME	KJabbour		BClayton		FHebdon		JZwolinski	BBogert
DATE	6/12/98		6/11/98		7/8/98		7/10/98	7/14/98
OFFICE	OGC		D:NR					
NAME			SCollins					
DATE	6/11/98		7/10/98					

Official Record Copy