FPL.

POWERING TODAY.
EMPOWERING TOMORROW.®

L-2010-045
10 CFR 26.9
10 CFR 26.205
March 9, 2010

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

RE: Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
Response to Request for Additional Information -
Request for Exemption from Certain Requirements
of the Fitness for Duty Rule for Managing Fatigue

By letter L-2009-219 dated October 13, 2009, Florida Power and Light Co. (FPL) requested an exemption from certain requirements of the Fitness for Duty Rule for Managing Fatigue. Specifically, the letter requested exemption from certain specified requirements of Part 26 during preparations for severe weather conditions (i.e., tropical storm or hurricane force winds) and the recovery from severe weather conditions.

On February 16, 2010, the NRC issued a request for additional information regarding the exemption request. The attachment to this letter provides the requested information.

If there are any questions regarding this request, please contact Robert Tomonto at (305) 246-7327.

Sincerely,

Paul W. Rubin
for:

Michael Kiley
Site Vice-President
Turkey Point Nuclear Plant

Attachment

A021
NRR

Response to Request for Additional Information Regarding Exemption Request from Certain Requirements of 10 CFR 26

NRC Question 1

The exemption request states that, "Specifically, the letter requests exemption from certain specified requirements of Part 26 during preparations for severe weather conditions." Please indicate if the request is to include any period of time during the recovery phase, after the storm has passed.

Response

As stated in attachment 1 of FPL letter L-2009-219, the exemption would apply to severe weather conditions where tropical storm or hurricane force winds are predicted onsite requiring severe weather preparations and the possible sequestering of the Turkey Point storm crew. FPL would not need to meet the requirements of 10 CFR 26.205(c) and (d) from the time that severe weather preparations are commenced. This exemption would continue through storm crew sequestering until exit conditions are satisfied. After the storm has passed, it is difficult to predict when relief personnel could return to the site based on the degree of surrounding infrastructure damage caused by the storm and the different locations that personnel chose to evacuate to avoid the storm. Typically, access to the area following storm damage is controlled by local government officials. The goal is to provide relief as soon as circumstances allow.

For purposes of this exemption request, the following proposed definitions will apply:

ENTRY CONDITION: This is the start time when any individual on site who performs duties identified in Parts 26.4(a)(1) through (a)(5) of 10 CFR will not have to meet the requirements of 10 CFR 26.205(c) and (d). This occurs when site preparations are commenced per the severe weather preparation procedure (confirmed tropical storm watch or warning, or confirmed hurricane watch or warning).

EXIT CONDITION: This is the time when Turkey Point must fully comply with the requirements of 10 CFR 26.205(c) and (d) following severe weather involving tropical storm or hurricane force winds. This date and time is determined by the Emergency Coordinator when sufficient personnel who perform duties identified in Parts 26.4(a)(1) through (a)(5) of 10 CFR are available to meet the requirements of 10 CFR 26.205(c) and (d).

This time may include a period during recovery when the station has exited the emergency condition but sufficient personnel and resources are not available from offsite.

NRC Question 2

The supporting justification to the Turkey Point exemption request states that, "The hurricane staffing procedure provides specific guidance for crew staffing levels and for the process of sequestering storm crews." Does the hurricane staffing procedure or other site procedures define the condition necessary to sequester site personnel? Please provide that procedural reference and guidance.

Response

When a tropical storm warning is issued, 0-ONOP-103.3, Severe Weather Preparations, provides instructions for on site preparation for severe weather conditions (e.g., tropical storms, hurricane watch/warnings). The procedure requires that the Operations Manager or his designee ensures that personnel are identified to prepare the site for severe weather conditions and to remain onsite during the storm, if needed. Once a severe weather condition is confirmed, severe weather preparations are commenced. 0-ONOP-103.3 gives the Plant General Manager discretion to perform hurricane preparation activities for projected weather conditions less severe than hurricanes (e.g., tropical storms).

0-EPIP-20106, Natural Emergencies, provides instructions for staffing in preparation for and during a hurricane. The procedure includes an attachment delineating the minimum staff required to be sequestered during a storm but not the resources needed to make the station ready for severe weather since that condition varies from event to event. Once the plant is projected to receive hurricane force winds, the Emergency Coordinator directs that the roster be completed for the personnel who will be sequestered and remain on-site.