

DEC 1 1986

DMB 016

Docket No. 50-335

Mr. C. O. Woody
Group Vice President
Nuclear Energy
Florida Power & Light Company
P. O. Box 14000
Juno Beach, Florida 33408

Dear Mr. Woody:

We are in the process of reviewing your applications for exemption from certain requirements of Appendix R to 10 CFR Part 50, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," for St. Lucie Unit No. 1. Your applications for exemption were dated December 14, 1983, November 28 and December 31, 1984 and February 21, 1985. The applications were submitted pursuant to 10 CFR 50.12, "Specific Exemptions."

On January 13, 1986, the NRC amended Section 50.12(a) to require that the NRC consider "special circumstances" in granting exemptions from certain requirements of 10 CFR Part 50 (see the enclosed text). Since the revised Section 50.12(a) postdates your applications, we request that you address the existence of "special circumstances" for each instance where an exemption is being sought from the requirements of 10 CFR Part 50, Appendix R. We further request that you submit this information within 30 days from receipt of this letter.

This request for information affects fewer than 10 respondents; therefore, OMB clearance is not required under P.L. 96-511.

Sincerely,

Original signed by

E. G. Tourigny, Project Manager
PWR Project Directorate #8
Division of PWR Licensing-B

Enclosure:
As stated

cc w/enclosure:
See next page

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Mr. C. O. Woody
Florida Power & Light Company

St. Lucie Plant

cc:

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§ 50.12 Specific exemptions.

(a) 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. Special circumstances are present whenever—

(i) Application of the regulation in the particular circumstances conflicts with other rules or requirements of the Commission; or

(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; or

(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; or

(iv) The exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the grant of the exemption; or

(v) The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation; or

(vi) There is present any other material circumstance not considered when

the regulation was adopted for which it would be in the public interest to grant an exemption. If such condition is relied on exclusively for satisfying paragraph (a)(2) of this section, the exemption may not be granted until the Executive Director for Operations has consulted with the Commission.

(b) Any person may request an exemption permitting the conduct of activities prior to the issuance of a construction permit prohibited by § 50.10. The Commission may grant such an exemption upon considering and balancing the following factors:

(1) Whether conduct of the proposed activities will give rise to a significant adverse impact on the environment and the nature and extent of such impact, if any;

(2) Whether redress of any adverse environment impact from conduct of the proposed activities can reasonably be effected should such redress be necessary;

(3) Whether conduct of the proposed activities would foreclose subsequent adoption of alternatives; and

(4) The effect of delay in conducting such activities on the public interest, including the power needs to be used by the proposed facility, the availability of alternative sources, if any, to meet those needs on a timely basis and delay costs to the applicant and to consumers.

Issuance of such an exemption shall not be deemed to constitute a commitment to issue a construction permit. During the period of any exemption granted pursuant to this paragraph (b), any activities conducted shall be carried out in such a manner as will minimize or reduce their environmental impact.

[37 FR 5748, Mar. 21, 1972, as amended at 40 FR 8789, Mar. 3, 1976; 50 FR 50777, Dec. 12, 1985]

EFFECTIVE DATE NOTE: At 50 FR 50777, Dec. 12, 1985, § 50.12(a) was revised, effective January 13, 1986. For the convenience of the user, the superseded text is set forth below: