

MAR 31 1983

Docket Nos. 50-250
and 50-251

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Dr. Robert E. Uhrig, Vice President
Advanced Systems and Technology
Florida Power and Light Company
Post Office Box 14000
Juno Beach, Florida 33408

Dear Dr. Uhrig:

Subject: Clarification of Environmental Qualification Safety Evaluation
Report for Turkey Point Units 3 and 4

On December 13, 1982, the NRC staff issued a Safety Evaluation (SE) for Turkey Point Units 3 and 4 on the environmental qualification of safety-related electrical equipment. The SE was based on a Technical Evaluation Reports (TERs) prepared by our contractor, Franklin Research Center.

By letter dated February 1, 1983, you provided your 30 day response to our SE. During discussions with members of your staff we indicated that Appendix D of the TERS may not be applicable, and requested that all the items in Category II.B be reassessed. The results of your review and justification for continued operation (LCO) was provided by letter dated March 1, 1983. You further indicated that the items in the remaining categories are being reviewed and you expect to complete this effort by March 31, 1983.

Our letter dated March 23, 1983 provided the results of our review of the JCOs for Category II.B items. The bases for acceptability and the details of our review were provided in the letter and enclosed SE. In addition, we indicated the March 31, 1983 date is acceptable for the JCOs for remaining categories. Due to the confusion in this area, the staff has revised the due date to 30 days from receipt of this letter.

Category IV items were not mentioned in the SER, however, they are to be included in your response for any items that are in this category. Upon completion of the plant specific review for all plants, a cross-reference of non-qualified equipment existing in any plant will be conducted by the NRC staff to determine if the same equipment exists in other plants and has been declared qualified. Should the cross-reference indicate that they do exist in your plant, the staff will contact you to reconfirm the qualification of these items for your plant.

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The ninety (90) day response required by the above referenced SE transmittal letter regarding the schedule for accomplishing proposed corrective actions has been superseded by the requirements of 10 CFR 50.49. Paragraph (g) of the rule requires that by May 20, 1983, licensees identify electrical equipment important to safety, within the scope of the rule, that is already qualified, and submit a schedule for the qualification or replacement of the remaining electrical equipment within the scope of the rule in accordance with the qualification deadline specified in paragraph (g). The submittal required by the rule should specifically indicate whether your previous submittals comply with paragraphs (a) and (b) of 10 CFR 50.49. In addition, you are requested to describe in your submittal the methods used to identify the equipment covered by paragraph 10 CFR 50.49(b)(2) and to establish any qualification programs not previously described for such equipment.

Your letter dated March 1, 1983 indicates that your review of the proprietary information in the TERs will be completed by April 29, 1983. It should be noted that the NRC's policy on proprietary information, as specified in SECY 81-119, is that summary data on equipment qualification testing will not be treated as proprietary by the NRC. A general guideline is enclosed for your information.

Sincerely,

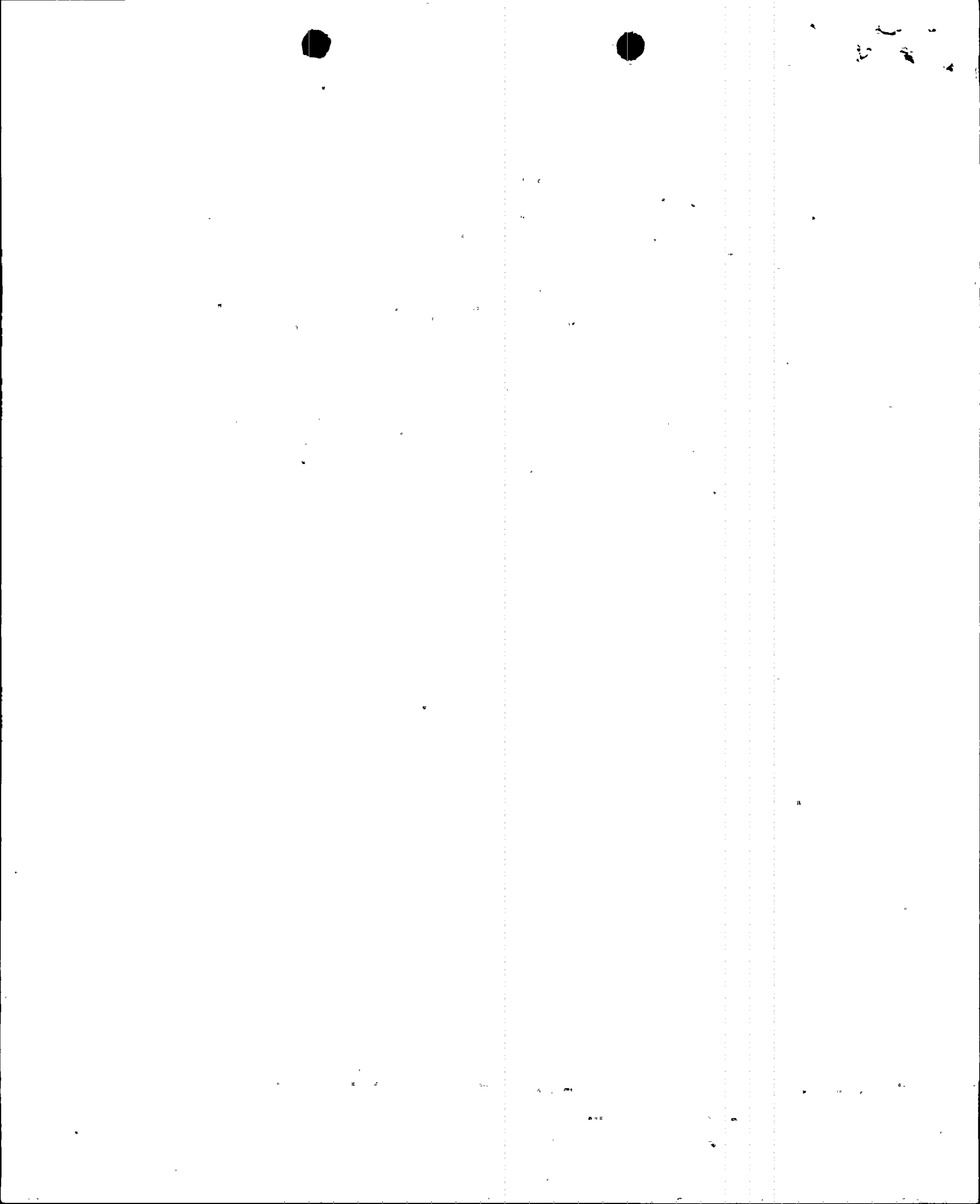
ORIGINAL SIGNED

Steven A. Varga, Chief
 Operating Reactors Branch #1
 Division of Licensing

Enclosure:
 Proprietary Review
 Information

cc w/enclosure:
 See next page

OFFICE	ORR#1	ORAB	ORR#1				
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DATE	03/24/83:dm	03/28/83	03/28/83				



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Florida Power and Light Company

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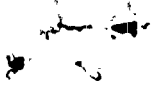
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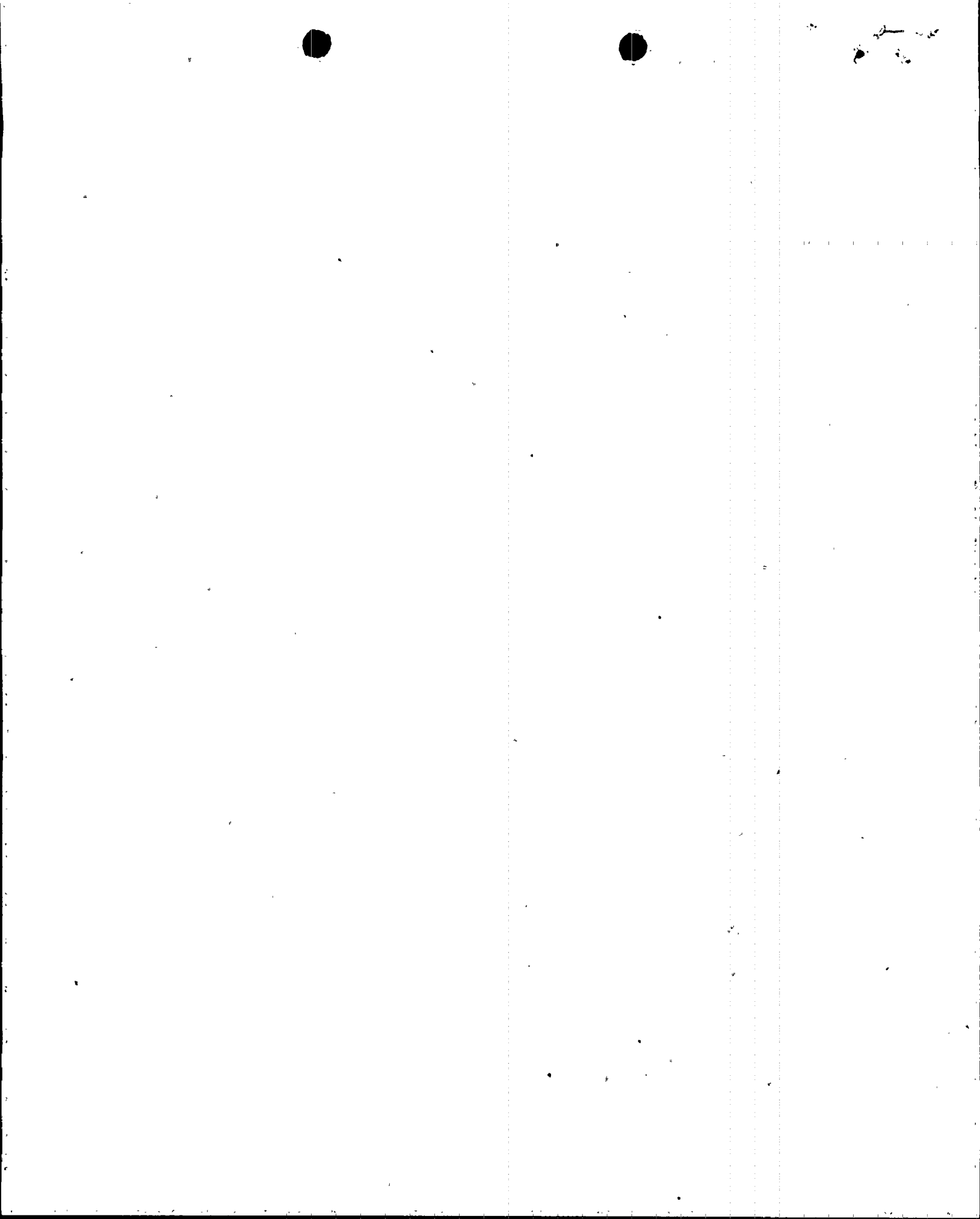
PROPRIETARY REVIEW GUIDELINES

It is the policy of the Nuclear Regulatory Commission that the records of the agency are available for inspection and copying in the NRC Public Document Room, except for matters that are exempt from public disclosure pursuant to the nine exemptions of the Freedom of Information Act. (See 10 C.F.R. 2.790)

Recently, the NRC has had its contractor, Franklin Research Center (FRC), prepare Technical Evaluation Reports for all 10 CFR Part 50 licensees. These reports evaluate and comment upon the references cited by the licensee as evidence of qualification in accordance with the documentation reference instructions established by IE Bulletin 79-01B.

In a typical evaluation, FRC generates a report of approximately 750 pages. Any page which mentions or comments upon a licensee's referenced material that was marked or claimed to be proprietary is marked at the top of the page with the legend "Proprietary Information". FRC has used this marking in a liberal manner and has not fully investigated the licensee's claim to determine whether portions of proprietary reports that they reproduced or mentioned were in fact "proprietary". A report typically contains 15 to 25 pages that are marked "Proprietary Information". Usually, no more than 4 licensee proprietary references are so discussed. In order to make any of the reports available to the public, FRC has produced two versions of each: those containing proprietary information and those having the proprietary information removed. The NRC now seeks the assistance of licensees in reviewing the proprietary versions of the FRC reports to determine whether still more information can be made available to the public.

For this reason, each licensee has been sent the Staff Equipment Qualification SER and a copy of the proprietary version of the FRC Technical Evaluation Report. It is believed that the licensee can review the few pages containing proprietary information in a relatively short period of time. The licensee is to send the third party owner of the reference report, which has been claimed to be proprietary, a copy of those pages from the FRC report that relates to its test report. The third party owner can quickly review these pages and determine whether the information claimed to be proprietary must still be so categorized. All reviewers should be aware of the NRC's policy, as specified in SECY-81-119, that summary data on Equipment Qualification testing will not be treated as proprietary by the NRC. If the review identifies no data that requires protection, the NRC should be notified and that portion of the report will be placed in the Public Document Room. If, however, the licensee identifies to the NRC portions that are still claimed to require proprietary protection, then compliance must be made with the requirements for withholding under 10 C.F.R. 2.790. This can be accomplished in two ways: (1) If the reference proprietary report has previously been submitted to the NRC pursuant to 10 C.F.R. 2.790 and the NRC has made a determination that portions are proprietary, then



those same portions can be protected again simply by notifying the NRC that this material is covered in the NRC's acceptance letter of a given date. If the reference proprietary report has not previously been submitted to the NRC pursuant to 10 C.F.R. 2.790, then the licensee and the proprietary owner must at this time make such an application and request for withholding from public disclosure.

The NRC recognizes that this proprietary review places an administrative burden upon its licensees and any third party owners. However, it is the policy of the NRC to make all non-proprietary information public, and the only way to protect the owner of proprietary information is to insure that the Franklin reports have been appropriately scrutinized.

The NRC will grant extensions of time for these reviews if necessary, on a case-by-case basis. If you have any further questions regarding this review, please contact either Edward Shomaker, OELD, at 492-8653 or Neal Abrams, Patent Counsel, at 492-8662.



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