



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

50-250/257
See Reports

November 13, 1992

Mr. James P. Riccio
Energy Campaigner
Public Citizen
215 Pennsylvania Avenue, SE.
Washington, DC 20003

Dear Mr. Riccio:

I am writing to acknowledge receiving a Petition of October 23, 1992, that you submitted on behalf of Public Citizen, Greenpeace, Nuclear Information & Resource Service, and the Safe Energy Communication Council (Petitioners) to the Executive Director for Operations of the U. S. Nuclear Regulatory Commission (NRC) pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR 2.206). The Petition has been referred to my office to prepare a response.

In the Petition, you requested that the NRC issue an order to show cause to the Florida Power and Light Company (FP&L or Licensee) as to why the nuclear units at the Turkey Point Nuclear Generating Plant should not remain closed or have their operating licenses suspended by the NRC unless and until such time as the Licensee demonstrates full compliance with the NRC's emergency planning regulations.

The Petition alleged a number of deficiencies with emergency planning at Turkey Point because of the effects of Hurricane Andrew. The Petitioner alleged deficiencies in the areas of notification during an accident, notification of persons with special needs, and evacuation plans. In alleging these deficiencies, Petitioners relied in part on a preliminary report prepared by the Federal Emergency Management Agency (FEMA) and forwarded to the NRC on October 16, 1992. The Petitioners also alleged deficiencies in the coordination between the Licensee, and Federal, State and local agencies responsible for radiological emergency response planning based on the circumstances surrounding the initial restart of the Turkey Point Unit 4 after Hurricane Andrew. The Petitioners alleged that the NRC allowed the Licensee to restart the reactor without any coordination, advance notice, or request that FEMA confirm offsite capabilities.

The NRC has considered your request in the Petition that the nuclear units at Turkey Point not resume operation or that the operating licenses for these units be suspended until your concerns have been addressed. The NRC has concluded, upon reviewing a letter and interim report of October 23, 1992, from FEMA, that the conditions which led to the NRC request that Turkey Point not be operated until FEMA reviewed offsite emergency preparedness have now been satisfied. I have enclosed a copy of the FEMA letter and interim report. Upon conducting an assessment of offsite preparedness and compensatory actions taken, FEMA reaffirmed that there is "reasonable assurance that the public

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health and safety can be protected in the event of a radiological emergency at the Turkey Point Nuclear Power Plant." In making its assessment, FEMA considered the areas of concern raised by Petitioners regarding offsite emergency preparedness. FEMA made the assessment with "extensive coordination among FEMA, NRC, the State of Florida, Dade and Monroe County emergency management officials, and Florida Power and Light."

The NRC previously concluded that plant conditions at Turkey Point Units 3 and 4 are such that there is reasonable assurance that they can be operated safely. Therefore, on October 23, 1992, the NRC informed the Licensee that, based on FEMA's assessment of offsite emergency preparedness and the NRC's safety assessment, there was no longer any reason pertaining to nuclear safety that would prohibit the nuclear units at Turkey Point from resuming operation. On October 24, 1992, the Licensee returned Turkey Point Unit 4 to service and has scheduled to restart Unit 3 on November 25, 1992, after its refueling outage.

Accordingly, your request that the operating licenses for the Turkey Point Units be suspended until your concerns are addressed is denied. As provided by 10 CFR 2.206, the NRC will act on the specific issues raised in your Petition within a reasonable time. For your information, I have enclosed a copy of the notice that is being filed with the Office of the Federal Register for publication.

Sincerely,
/s/
Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosures:

- 1. FEMA letter and interim report
- 2. Federal Register Notice

cc w/enclosures: Mr. Dennis Kwiatkowski, FEMA Licensee Service List

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Docket File 50-250/251
NRC & Local PDRs (w/incoming letter)
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Document Name - TPGRN.RSP *Previously Concurred

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Florida Power and Light Company

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