



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 10, 1999

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

SUBJECT: ST. LUCIE PLANT, UNITS 1 AND 2 - PAST AND FUTURE COMPLIANCE
WITH 10 CFR 50.71(e)(4) FOR REVISIONS TO THE UFSAR
(TAC NOS. M72478 AND M72479)

Dear Mr. Plunkett:

The purpose of this letter is to clarify any misunderstanding of the U.S. Nuclear Regulatory Commission (NRC's) regulations that relate to Title 10 of the *Code of Federal Regulations* (10 CFR), Subsection 50.71(e)(4). Subsection 50.71(e)(4) specifies the schedular requirements whereby licensees are to submit revisions to their Final Safety Analysis Reports (FSARs). It requires revisions to be made, "... annually or 6 months after each refueling outage provided the interval between successive updates does not exceed 24 months."

In a 1997 survey of licensees, we found numerous cases of noncompliance with this schedular requirement, in both single- and multi-unit sites. A common example of this noncompliance was a multi-unit site that based their submission schedule for all units on the schedule of one of the units.

We understand that an NRC letter to Commonwealth Edison Company (ComEd), dated June 15, 1993, may have caused some confusion about the proper interpretation of the regulation. The letter endorsed an alternative submission schedule proposed by ComEd. Neither ComEd's proposed schedule, nor the staff's endorsement, were in compliance with the regulation. Nevertheless, many licensees adopted the staff position expressed in the June 15th letter and deviated from the schedular requirements of the regulation. In order to correct the error, the staff recently granted exemptions to the ComEd plants. The transmittal letter to the exemption (D. Skay to O. D. Kingsley, dated July 27, 1999), states, "this [Skay] letter and the enclosed exemptions supersede our letter of June 15, 1993."

We note that you have not requested a schedular exemption to Subsection 50.71(e)(4) for St. Lucie plant. This indicates that you intend to comply with the literal interpretation of the regulation, regardless of how you have interpreted the regulation in the past. We will exercise enforcement discretion, in accordance with Section VII.B.6 of the NRC Enforcement Policy, for past violation(s) of Subsection 50.71(e)(4). In the future, we will enforce the schedular requirements as prescribed, or as modified by an exemption.

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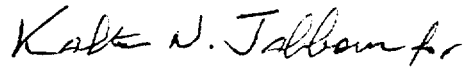
DFo 1

T.F. Plunkett

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We do not require a response to this letter. If you have any questions or comments, please call me at 301-415-1479.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Gleaves".

William C. Gleaves, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

cc: See next page

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

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We do not require a response to this letter. If you have any questions or comments, please call me at 301-415-1479.

Sincerely,

Original signed by K. Jabbour for
William C. Gleaves, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

cc: See next page

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