



December 18, 1998

L-98-307  
10 CFR 50.4  
10 CFR 50.72

U. S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D. C. 20555

RE: <sup>IAN -7 PA 24</sup> St. Lucie Units 1 and 2  
Docket Nos. 50-335 and 50-389  
Proposed Alternate Environmental Reporting  
Guidance - 10 CFR 50.72(b)(2)(vi)

Florida Power & Light Company (FPL) requests endorsement of alternate reporting guidance for complying with the requirements of 10 CFR 50.72(b)(2)(vi) for certain environmental events as set forth in Section 3.3.7 of NUREG 1022, *Event Reporting Guidelines 10 CFR 50.72 and 50.73*. FPL has historically and proposes in the future to report unusual or important environmental events involving endangered species at St. Lucie Plant in accordance with the requirements in Section 4.1 of the Environmental Protection Plan (EPP), Appendix B, of the St. Lucie Unit 1 and Unit 2 Operating Licenses.

In January 1998, the NRC issued Revision 1 to NUREG 1022. NUREG 1022 Section 3.3.7, *News Release or Other Government Notifications*, provides guidance for meeting the reporting requirements of 10 CFR 50.72(b)(2)(vi). The stated purpose of this criterion is to ensure the NRC is made aware of issues that will cause heightened public or government concern related to the radiological health and safety of the public or on-site personnel or protection of the environment. There are no corresponding 10 CFR 50.73 requirements.

In the general discussion of Section 3.3.7 of NUREG 1022, the NRC states that licensees generally do not have to report media and government interactions unless they are, among other things, related to protection of the environment. The section goes on to state that the NRC does not generally need to be informed under this criterion of minor deviations from sewage or chlorine effluent limits, or routine reports of effluent releases to other agencies. However under the guidance for *Other Government Notifications* example (6), *Reports Regarding Endangered Species*, the guidance states that notifications to U.S. Fish & Wildlife Service and to a state agency that an endangered species of sea turtle was found in their circulating water structure trash bar would require emergency notification system (ENS) notification. It is not clear how the turtle's condition (dead or alive) impacts whether or not a report would be required. The basis given for requiring ENS notification is that the NRC has statutory responsibilities regarding protection of endangered species.

St. Lucie is a dual unit site using the Atlantic Ocean as its heat sink. Since initial plant operation, FPL has been removing endangered sea turtles, under state permits, that become entrapped in the circulating water intake canal. FPL files monthly reports with the State of Florida Department of Environment Protection (FDEP) and the National Marine Fisheries Service (NMFS) on the

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quantity and condition of the sea turtles handled. The state permit requires a notification to FDEP within twelve hours for all turtle mortalities in the intake canal. Section 4.1 of the EPP for each unit requires a 72-hours verbal notification to the NRC for all endangered species' mortalities that are determined to be causal to plant operation. This verbal report is required to be followed by a 30-day written report discussing the event and the corrective actions to prevent recurrence.

FPL handles a significant number of endangered sea turtles (400-1000 turtles each year) at St. Lucie Plant and has a staff of marine biologists under contract to remove and release the turtles under state permits. Reporting every sea turtle handled at St. Lucie Plant is an unnecessary burden and not in keeping with the intent of the regulation to notify the NRC of significant environmental events and would also conflict with the more detailed reporting requirements already in place in Section 4.1 of the EPPs.

FPL has historically and proposes to continue to make reports involving endangered species only when required by Section 4.1 of the St. Lucie Plant EPPs. Endangered species telephone reports to the NRC Operations Center are made within 72-hours of the event and then only when required by Section 4.1 of the EPP (i.e., a mortality causal to plant operation.) For 10 CFR 50.72(b)(2)(vi) purposes, environmental conditions related to endangered species are considered in the category of events of which the NRC does not generally need to be informed under this criterion because of the routine nature of the events and the additional reporting requirements in the operating licenses.

Currently, the Staff is in the process of revising the reporting requirements of 10 CFR 50.72 and 10 CFR 50.73. FPL suggests that, as part of the proposed rulemaking and NUREG 1022 updating, the Staff incorporate this alternative into the NRC guidance since a significant number of operating licenses contain environmental reporting requirements. An alternative to this rulemaking proposal would be for the Staff to recommend through a generic communication that licensees remove the EPP reporting requirements for unusual or important environmental events from their licenses and report environmental events only under the 10 CFR 50.72 criterion.

Please contact us if there are any questions regarding this submittal.

Very truly yours,



J. A. Stall  
Vice President  
St. Lucie Plant

JAS/GRM

cc: ✓ Regional Administrator, Region II, USNRC  
Senior Resident Inspector, USNRC, St. Lucie Plant

**DAILY STATUS REPORT**  
**Florida Power & Light**  
**St Lucie Nuclear Power Station**  
**10/13/98**

\*\*\* INDUSTRIAL SAFETY \*\*\*

NAME: N. King

DATE/TIME: 10/12/98

**SAFETY**

	<u>FPL</u>	<u>FPL TEMP</u>	<u>CONTRACTOR</u>
Minor Injuries Since Last Report:	0	0	1
Minor Injuries To Date:	36	2	28
Serious Injuries Since Last Report:	0	0	0
Serious Injuries Year-To-Date:	5	0	9
Severe Injuries Year-To-Date:	1		

Comments:

**Observations: From Saturday, 10/10/98.**

1. Welders in the Unit 2 PASS room welding on piping system were following all applicable safety rules. (Posted Hot Work Permit, Proper PPE, practicing good housekeeping.)
2. Maintenance Support moving the Clearance Center from the Unit 1 Mezzanine to the SSB. Proper PPE being worn and areas were roped off to keep personnel out of danger areas.
3. Various areas on Unit 2 where scaffold was being erected and noted that personnel erecting scaffolding higher than 6 Ft. were wearing fall protection, gloves and all other PPE. Housekeeping was on going for removal of debris from work being performed.

**Minor Injury:**

1. An SBI employee reported an injury that occurred 10/09/98 while opening a door outside "Heat & Ventilation". Possible strain lower abdominal muscles.

Serious Injury:

\*\*\* OPERATIONS \*\*\*

NAME: J Sandy

DATE/TIME: 10/13/98 0500

**OPERATING PARAMETERS**

		<u>UNIT 1</u>	<u>UNIT 2</u>
Y-T-D Equivalent Availability (10/11/98):	%	92.45	99.15
Power Level:	%	100	99.91
Electrical Output (Gross):	MWe	892	885
Heat Rate:	BTU/KWHr	10325	10422
Days Online or Shutdown:	No.	232	203
RCS Boron Concentration:	ppm	1000	90
RCS Identified Leak Rate:	gpm	.017	0

*Handwritten signature/initials: A/15*

<u>LER Number</u>	<u>Rev</u>	<u>Due Date</u>	<u>Description</u>	<u>CR Number</u>
98-006	0	10/19/98	INADVERTENT ACTUATION OF AFAS-1 WHILE PERFORMING AFAS MONTHLY FUNCTIONAL SURVEILLANCE	98-1403
98-007	0	10/19/98	APPENDIX R RE-VERIFICATION IDENTIFIED POTENTIAL CABLE FAILURE MODES THAT AFFECT THE PORVs AND THE 2A EDG	98-1407

\*\*\* PROTECTION SERVICES \*\*\*

NAME: R. Walker

DATE/TIME: 10/12/98

EMERG ASSESS/OFFSITE RESP/COMM CAPABILITIES:

SITE

ERDADS:

Emergency Response Facilities (ERFS):

Emergency Communication Equipment:

Prompt Notification System incl. Sirens:

OK

OK

OK

OK

Comments

\*\*\* MAINTENANCE SERVICES \*\*\*

NAME: NWhiting

DATE/TIME: 10/12/98

ENVIRONMENTAL COMPLIANCE STATUS:

SITE

A small loggerhead turtle was found dead against the old barrier net under the A1A bridge 10/11/98. Due to its condition, its death does not appear to have been caused by conditions in the plant intake canal. As per plant environmental reporting procedure it is, therefore, not reportable to NRC as per the EPP. It will count as the first mortality of the year for loggerheads as per the NMFS incidental take statement. The limit for loggerheads is 2 or 1.5%, whichever is greater. Since we have captured over 327 loggerhead turtles to date, the limit for this year will be at least 5.

\*\*\* NUCLEAR MATERIALS MANAGEMENT \*\*\*

*NMM Supplying the Right Parts at the Right Time at the Right Cost*

NAME: John Edgar

DATE/TIME: 10/09/98

Current Material Issues

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Daily Inventory Status