

June 12, 2001

Mr. J. A. Stall
Senior Vice President, Nuclear and
Chief Nuclear Officer
Florida Power and Light Company
P.O. Box 14000
Juno Beach, Florida 33408-0420

SUBJECT: ST. LUCIE PLANT, UNIT NO. 2 — EXEMPTION FROM THE REQUIREMENTS
OF 10 CFR 50.55a(f)(4)(ii) AND 10 CFR 50.55a(f)(5)(i) REGARDING
SCHEDULE FOR SECOND AND THIRD INSERVICE TESTING PROGRAM
INTERVAL (TAC NO. MB0615)

Dear Mr. Stall:

The Commission has approved the enclosed exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Sections 50.55a(f)(4)(ii) and 50.55a(f)(5)(i), for the St. Lucie Plant, Unit No. 2. This action is in response to your letter of November 27, 2000.

A copy of the exemption and the supporting safety evaluation are enclosed. The exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Brendan T. Moroney, Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-389

Enclosures: 1. Exemption
2. Safety Evaluation

cc w/encls: See next page

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
FLORIDA POWER AND LIGHT COMPANY, ET AL.
ST. LUCIE PLANT, UNIT NO. 2
DOCKET NO. 50-389
EXEMPTION

1.0 BACKGROUND

The Florida Power and Light Company, et al. (FPL, the licensee) is the holder of Facility Operating License No. NPF-16, which authorizes operation of St. Lucie Unit No. 2. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a pressurized water reactor located in St. Lucie County, Florida.

2.0 REQUEST/ACTION

Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Section 55a, requires that inservice testing (IST) of certain American Society of Mechanical Engineers (ASME) Code Class 1, 2, and 3 pumps and valves be performed in accordance with Section XI of the ASME *Boiler and Pressure Vessel Code*. As stated in 10 CFR 50.55a(f)(4)(ii), IST programs are to be conducted in successive 120-month intervals. These programs must comply with the requirements of the latest edition and addenda of the Code incorporated by reference in 10 CFR 50.55a(b)(2) twelve months prior to the start of the 120-month interval. Section 50.55a(f)(5)(i) of 10 CFR requires that a licensee's IST program be revised in order to meet these requirements.

By letter dated November 27, 2000, the licensee requested an exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) in order to revise the IST 120-month interval dates for St. Lucie Unit 2. St. Lucie Unit 2 is currently in its second 120-month interval, which began on August 8, 1993. The licensee proposes to have the end date of

the second interval for Unit 2 retroactively changed to February 10, 1998, to coincide with the end date of the second interval for Unit 1.

In summary, the second IST interval for St. Lucie Unit 2 would be shortened so that the third and future IST intervals for both units would coincide.

3.0 DISCUSSION

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. These include the special circumstances that application of the regulation is not necessary to achieve the underlying purpose of the rule. The underlying purpose of the rule is to assure operational readiness of pumps and valves, whose function is required for safety, by conducting an IST program in accordance with the requirements of the ASME Code, and periodically updating the program to ensure that new code requirements are incorporated.

At the beginning of the third interval for Unit 1, the licensee also voluntarily updated the Unit 2 program to the then-required edition (1989) of the ASME Code. If the current schedule for Unit 2 were maintained, the second interval would end on August 7, 2003. At that time, the Unit 2 program would be updated to the 1995 edition of the ASME Code. The proposed exemption would effectively delay implementation of the 1995 edition until February 10, 2008, when the fourth interval for both units would commence if the proposed exemption is granted.

Periodic full- or substantial-flow testing of Emergency Core Cooling System pumps is one of the safety enhancements offered by the 1995 edition of the Code. This testing is

currently being performed on both units during refueling outages, so the licensee already realizes this safety enhancement. Therefore, operational readiness of pumps and valves, whose function is required for safety, will be adequately assured using the existing Code requirements until February 8, 2008. At that time, the licensee will update the IST programs for both Units 1 and 2 to the latest edition and addenda.

Therefore, the staff concludes that strict adherence to the 120-month interval is not necessary to achieve the underlying purpose of 10 CFR 50.55a(f)(4)(ii) and 50.55a(f)(5)(i), and pursuant to 10 CFR 50.12(a)(2)(ii) special circumstances are present.

4.0 CONCLUSION

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Also, special circumstances are present. Therefore, the Commission hereby grants FPL an exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) for St. Lucie Unit No. 2, based on the circumstances described herein.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 30236).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 12th day of June 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Cynthia A. Carpenter, Acting Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
EXEMPTION FROM 10 CFR 50.55a(f)(4)(ii) AND 10 CFR 50.55a(f)(5)(i)
FOR THE SECOND AND THIRD 120-MONTH INTERVAL, INSERVICE TESTING PROGRAM
FLORIDA POWER & LIGHT COMPANY, ET AL.
ST. LUCIE PLANT, UNIT 2
DOCKET NO. 50-389

1.0 INTRODUCTION

Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.55a, requires that inservice testing (IST) of certain American Society of Mechanical Engineers (ASME) Code Class 1, 2, and 3 pumps and valves be performed in accordance with Section XI of the ASME *Boiler and Pressure Vessel Code*. As stated in 10 CFR 50.55a(f)(4)(ii), IST programs are to be conducted in successive 120-month intervals. These programs must comply with the requirements of the latest edition and addenda of the Code incorporated by reference in 10 CFR 50.55a(b)(2) twelve months prior to the start of the 120-month interval. Section 50.55a(f)(5)(i) of 10 CFR also requires that a licensee's IST program be revised in order to meet these requirements.

Pursuant to 10 CFR 50.12, the Commission may grant exemption from the requirements of §50.55a(f)(4)(ii) and §50.55a(f)(5)(i). The regulations state that "[t]he 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 (1) are 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) meet the requirement that special circumstances are present." The regulations further state that special circumstances are present whenever 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.

By letter dated November 27, 2000, Florida Power & Light Company (the licensee) requested an exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) in order to revise the IST 120-month interval dates for St. Lucie Unit 2. The licensee proposes to adjust the 120-month interval of Unit 2 to coincide with that of Unit 1.

2.0 BACKGROUND

The licensee requests a one-time exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) in order to revise the second and third IST intervals for St. Lucie Unit 2. Currently, Unit 2 is in its second 120-month interval for IST. The interval began on August 8, 1993, and is scheduled to end August 7, 2003. The licensee requests that the end

of the second 120-month interval be retroactively changed to February 10, 1998, to coincide with the end of the interval for Unit 1. The third IST interval for Unit 2, as proposed, would have begun on February 11, 1998, and would end February 10, 2008.

2.1 Licensee's Basis for Requesting an Exemption

The licensee states:

Pursuant to 10 CFR 50.12(a)(2)(ii), Florida Power & Light Company (FPL) is requesting an exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) as applied to the second 120-month IST interval for St. Lucie Unit 2. If the exemption were granted, the end date of the St. Lucie Unit 2 second IST interval would be changed from August 7, 2003 to February 10, 1998. The third IST interval for St. Lucie Units 1 and 2 would have commenced on February 11, 1998 and would expire on February 10, 2008. All future IST intervals for St. Lucie Units 1 and 2 will run concurrently commencing on February 11 and expiring on February 10 ten years later.

The IST program for both St. Lucie Unit 1 and Unit 2 was updated when Unit 1 entered its third 120-month IST interval on February 11, 1998. FPL considers it advantageous to implement a combined IST program consistent between the units. Combining the IST programs for Unit 1 and 2 and requiring compliance with the same edition of the American Society of Mechanical Engineers (ASME) Code and addenda allows both units to be tested using the same test requirements. This simplifies the FPL program preparation and review as well as the associated program review by the NRC. Likewise, any relief requests submitted are similarly simplified. A common start date would also reduce the program administration burden by permitting only a single submittal to be made for both units once every 10 years.

The Unit 1 IST program was updated to the requirements of the ASME Boiler and Pressure Vessel Code, Section XI, 1989 Edition, as required by 10 CFR 50.55a(f)(4)(ii). The St. Lucie Unit 2 IST program was voluntarily upgraded from the requirements of the ASME Code, Section XI, 1986 Edition to the 1989 Edition as allowed by 10 CFR 50.55a(f)(4)(iv). The current second IST interval for Unit 2 ends August 7, 2003. Following the requirements of 10 CFR 50.55a(f)(4)(ii), Unit 2 will be required to update to the requirements of the latest edition of the ASME Code incorporated by 10 CFR 50.55a, twelve months prior to the start of its third IST interval. Updating both units to the latest approved ASME Code at the start of each interval will result in revising the IST programs for both units approximately every 5 years. The proposed action would implement a one-time exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) to change the Unit 2 second IST interval end date to coincide with the Unit 1 second IST interval end date of February 10, 1998. Thus, the Unit 2 third 120-month IST interval will run concurrent with the Unit 1 third 120-month IST interval, which began February 11, 1998 and ends February 10, 2008. This will permit both units to remain on the same IST interval, thus allowing simultaneous updates on a 10-year frequency for both units.

2.2 Proposed Alternative

The licensee proposes to “change the Unit 2 second IST interval end date to coincide with the Unit 1 second IST interval end date of February 10, 1998. Thus, the Unit 2 third 120-month IST interval will run concurrent with the Unit 1 third 120-month IST interval, which began February 11, 1998, and ends February 10, 2008.”

3.0 EVALUATION

The licensee requests a one-time exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) in order to revise the second and third IST intervals for St. Lucie Unit 2. Currently, Unit 2 is in its second 120-month interval for IST. The interval began on August 8, 1993, and is scheduled to end August 7, 2003. The licensee requests that the end of the second 120-month interval be retroactively changed to February 10, 1998, to coincide with the end of the interval for Unit 1. The third IST interval for Unit 2, as proposed, would have begun on February 11, 1998, and would end on February 10, 2008. This change would make the third IST intervals for both Units 1 and 2 coincide.

The licensee last updated the IST programs for both Unit 1 and Unit 2 in 1998 when the third 120-month interval for Unit 1 began on February 11, 1998. Unit 2 was midway through its second 120-month interval at the time, and the licensee voluntarily updated the program to the 1989 Edition of the Code.

When the IST programs were updated, the licensee submitted relief requests, PR-04, PR-05, and PR-06, to use Generic Letter 89-04, Position 9, for testing of the emergency core cooling system (ECCS) pumps. These relief requests were authorized in the staff's safety evaluation dated December 30, 1998. The alternatives proposed in the relief requests, and as described in Position 9, are appropriate in cases where flow can only be established through a non-instrumented minimum-flow path during quarterly pump testing and a path exists at cold shutdowns or refueling outages to perform a test of the pump under full- or substantial-flow conditions. Licensees who use the Position 9 alternative test the valves under full- or substantial-flow conditions during refueling outages.

Periodic full- or substantial-flow testing (i.e., comprehensive pump test) is one of the safety enhancements offered by the 1995 Edition of the OM Code. With this exemption request, the licensee proposes delaying the implementation of the 1995 Edition of the OM Code requirements by over 4 years. However, since full- or substantial-flow testing of the ECCS pumps during refueling outages is being performed, the licensee already realizes this safety enhancement.

Strict adherence to the 120-month interval is not necessary to achieve the underlying purpose of §50.55a(f)(4)(ii) and §50.55a(f)(5)(i). Operational readiness of the pumps and valves, whose function is required for safety, will be adequately assured using the existing Code requirements until the fourth interval commences on February 10, 2008. At this time, the licensee will update the IST programs for both Units 1 and 2 to the latest edition and addenda incorporated by reference in 10 CFR 50.55a(b)(2) twelve months prior to the start of the 120-month interval. Therefore “special circumstances” exist as defined in 10 CFR 50.12(a)(2)(ii) and a one-time exemption from the requirements of §50.55a(f)(4)(ii) and §50.55a(f)(5)(i) is acceptable.

4.0 CONCLUSION

The licensee's request for a one-time exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) in order to revise the IST interval dates for Unit 2 is acceptable pursuant to 10 CFR 50.12. This exemption is authorized by law and will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The exemption meets the requirement that special circumstances are present.

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Date: June 12, 2001

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