

August 28, 2002

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 UNITS 1 AND 2 - ISSUANCE OF AMENDMENTS REGARDING
REVISIONS TO ENVIRONMENTAL PROTECTION PLANS (TAC NOS.
MB3913 AND MB3914)

Dear Mr. Stall:

The Commission has issued the enclosed Amendment Nos. 183 and 126 to Facility Operating License Nos. DPR-67 and NPF-16 for the St. Lucie Plant, Units 1 and 2. These amendments consist of changes to the Environmental Protection Plans (EPPs) in response to your application dated January 25, 2002.

These amendments revise the EPPs to incorporate the revised requirements for sea turtle protection contained in the Biological Opinion issued by the National Marine Fisheries Service (NMFS) on May 4, 2001, as clarified by NMFS letter dated October 8, 2001. They also revise the EPPs to incorporate editorial changes necessitated by the consolidation of the Environmental Protection Agency-issued National Pollutant Discharge Elimination System permit and the state-issued wastewater permit.

A copy of the Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/RA/

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

Docket Nos. 50-335
and 50-389

Enclosures:

1. Amendment No. 183 to DPR-67
2. Amendment No. 126 to NPF-16
3. Safety Evaluation

cc w/enclosures: See next page

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FLORIDA POWER & LIGHT COMPANY

DOCKET NO. 50-335

ST. LUCIE PLANT UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 183
License No. DPR-67

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Florida Power & Light Company (the licensee), dated January 25, 2002, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, Facility Operating License No. DPR-67 is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and by amending paragraph 2.C.(2) to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 183, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Kahtan N. Jabbour, Acting Chief, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: August 28, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 183

TO FACILITY OPERATING LICENSE NO. DPR-67

DOCKET NO. 50-335

Replace the following pages of the Appendix B Technical Specifications with the attached pages. The revised pages are identified by amendment number and contain marginal lines indicating the area of change.

Remove Pages

1
3
5
6
7
8
9
10

Insert Pages

1
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FLORIDA POWER & LIGHT COMPANY
ORLANDO UTILITIES COMMISSION OF
THE CITY OF ORLANDO, FLORIDA
AND
FLORIDA MUNICIPAL POWER AGENCY
DOCKET NO. 50-389
ST. LUCIE PLANT UNIT NO. 2
AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 126
License No. NPF-16

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Florida Power & Light Company, et al. (the licensee), dated January 25, 2002, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, Facility Operating License No. NPF-16 is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and by amending paragraph 2.C.2 to read as follows:

2. Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 126, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Kahtan N. Jabbour, Acting Chief, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: August 28, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 126

TO FACILITY OPERATING LICENSE NO. NPF-16

DOCKET NO. 50-389

Replace the following pages of the Appendix B Technical Specifications with the attached pages. The revised pages are identified by amendment number and contain marginal lines indicating the area of change.

Remove Pages

1-1
2-1
3-2
3-3
4-1
4-2
4-3
4-4
4-5

Insert Pages

1-1
2-1
3-2
3-3
4-1
4-2
4-3
4-4
4-5

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NOS. 183 AND 126

TO FACILITY OPERATING LICENSES NOS. DPR-67 AND NPF-16

FLORIDA POWER AND LIGHT COMPANY, ET AL.

ST. LUCIE PLANT, UNITS NOS. 1 AND 2

DOCKET NOS. 50-335 AND 50-389

1.0 INTRODUCTION

By letter dated January 25, 2002, Florida Power and Light Company, et al., (FPL, the licensee) requested amendments to Operating Licenses DPR-67 and NPF-16 for St. Lucie Plant, Units 1 and 2, respectively. The proposed amendments would revise the Appendix B Technical Specifications, "Environmental Protection Plan (Non-Radiological)" (EPP). The requested changes to the EPPs would incorporate by reference the revised terms and conditions of the Incidental Take Statement (ITS) included in the Biological Opinion (Opinion) issued by the National Marine Fisheries Service (NMFS) on May 4, 2001, as clarified by NMFS letter dated October 8, 2001. The licensee also requested that the applicable sections of the EPPs be changed to reflect the change in nomenclature for their wastewater permits consistent with a 1995 change in the permitting authority.

2.0 BACKGROUND

In 1999, the St. Lucie plant exceeded the anticipated annual incidental take of green turtles as established in the ITS of the NMFS 1997 Opinion. As a consequence, on November 30, 1999, the U.S. Nuclear Regulatory Commission (NRC) requested reinitiation of formal consultation between the NRC and NMFS. On March 22, 2000, the licensee submitted to the NRC a document entitled "Physical and Ecological Factors Influencing Sea Turtle Entrainment Levels at the St. Lucie Nuclear Power Plant: 1976 - 1998." This document contained new information about sea turtle interactions with the plant and was forwarded to the NMFS on May 9, 2000. Based on the historical data related to the annual incidental take limit and the new information in the aforementioned licensee document, NMFS revised the 1997 Opinion and transmitted a new Opinion to the NRC by letter dated May 4, 2001.

The May 4, 2001 Opinion analyzed the plant's circulating seawater system and its effect on loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) sea turtles in accordance with Section 7 of the Endangered Species Act of 1973 as amended. It stated NMFS' belief that the continued operation of the circulating seawater cooling system at the St. Lucie Nuclear Power Plant is not likely to jeopardize the continued existence of the five species of sea turtle. However, NMFS issued, as part of the Opinion, a new ITS which

contained reasonable and prudent measures with implementing terms and conditions to help minimize the incidental take of the various species of sea turtle.

On May 31, 2001, the NRC staff had a telephone conversation with NMFS to clarify certain provisions of the ITS contained in the May 4, 2001, Opinion. The telephone conversation was followed up by letter dated June 8, 2001, which memorialized the discussions during the May 31, 2001, conference call. On October 8, 2001, NMFS responded to the NRC letter of June 8, 2001, providing clarification on a number of issues related to the terms and conditions and the ITS.

The proposed amendments incorporate the terms and conditions and the ITS contained in the May 4, 2001, Opinion, as revised or clarified by the letters of June 8, 2001 and October 8, 2001, into Section 4.2 of the EPPs.

The proposed amendments also include editorial changes to various sections of the EPPs that conform to the changes made in the National Pollutant Discharge Elimination System (NPDES) permitting authority. On May 1, 1995, the Florida Department of Environmental Protection (FDEP) was granted authority by the U.S. Environmental Protection Agency (EPA) to administer the NPDES permitting program. Pursuant to the Florida Administration Code (FAC) 62-620.105(10), the NPDES Permit No. FL0002208 and the State-issued wastewater permit No. IO56-194945 were to be combined into one document, Wastewater Permit No. FL0002208. The licensee, in its January 25, 2002, amendment request, proposed changes to the EPPs to reflect the consolidation of the EPA-issued NPDES permit with the state-issued wastewater permit into a single wastewater permit for the facility. The permit would no longer be referred to as an NPDES permit but rather as a wastewater permit. The proposed change to the EPPs incorporates the editorial changes necessary to change references to the NPDES permit to the consolidated wastewater permit.

3.0 EVALUATION

This safety evaluation discusses the proposed changes to Appendix B, "Environmental Protection Plan (Non-Radiological)," of the St. Lucie Units 1 and 2 Operating Licenses.

The licensee proposes to change Section 1.0 of each EPP to reflect the transfer of NPDES permitting authority from the EPA to the FDEP. The term "NPDES" is changed to "Wastewater." The proposed changes do not revise any of the requirements of the wastewater permit. The proposed changes are editorial in nature and simply reflect a change in nomenclature. The staff finds the proposed changes acceptable.

The licensee proposes to change Section 2 of each EPP by adding the following paragraph to the end of Section 2.1 of the Unit 1 EPP and to the end of Section 2.0 of the Unit 2 EPP:

On May 1, 1995, the FDEP was granted authority by the U.S. Environmental Protection Agency (EPA) to administer the NPDES permitting programs. Pursuant to the Florida Administrative Code (FAC) 62-620.105(10), the EPA-issued NPDES permit and the State-issued wastewater permit for each facility were to be combined into one document. A copy of the FAC 62-620 was submitted to the NRC by FPL letter, L-95-150, on May 16, 1995.

The resulting single document, Wastewater Permit No. FL0002208 combines the NPDES Permit FL0002208 and the State Wastewater Permit IO56-194945.

The proposed changes describe the present situation with respect to the issuance of wastewater permits in the State of Florida. They are editorial in nature and simply provide clarification of the permitting authority. The staff finds the proposed changes acceptable.

The licensee proposes to change Section 3.2 of each EPP to reflect the transfer of NPDES permitting authority from the EPA to the FDEP. The term "NPDES" would be changed to "Wastewater" throughout Section 3.2. These changes are editorial in nature and reflect a change in nomenclature. The staff finds the proposed changes acceptable.

The licensee proposes removing the entire text of Section 4.2 in each EPP and replacing it with the following:

Section 4.2 Terrestrial/Aquatic Issues

The certifications and permits required under the Clean Water Act provide mechanisms for protecting water quality and indirectly, aquatic biota. The NRC will rely on the decisions made by the State of Florida under the authority of the Clean Water Act and, in the case of sea turtles, decisions made by the NMFS under the authority of the Endangered Species Act, for any requirements pertaining to terrestrial and aquatic monitoring.

In accordance with Section 7(a) of the Endangered Species Act, on May 4, 2001, the NMFS issued a revised Biological Opinion that revised the ITS and modified some of the terms and conditions of the previous Opinion. After discussions among the NRC, NMFS, and FPL and in response to an NRC letter dated June 8, 2001, the NMFS issued a clarification of issues in the new Biological Opinion and the ITS on October 8, 2001. The revised Biological Opinion concludes that continued operation of the St. Lucie Plant circulating seawater cooling system is not likely to jeopardize the continued existence of the listed species. No critical habitat has been designated for the specified species in the action area; therefore none will be affected.

FPL shall adhere to the specific requirements within the ITS in the Biological Opinion as clarified by the NMFS and NRC. Changes to the ITS or the terms and conditions must be preceded by consultation between the NRC, as the authorizing agency, and NMFS.

Currently Section 4.2 contains the terms and conditions and ITS of the 1997 Opinion issued by NMFS. The section is very prescriptive and details the various requirements contained in the 1997 Opinion. These terms and conditions and the ITS have been superseded by the May 4,

2001, Opinion issued by the NMFS. The licensee proposes incorporating the revised terms and conditions and ITS contained in the 2001 Opinion, as clarified by the October 8, 2001, letter from NMFS to the NRC, into the St. Lucie EPPs by reference. A detailed description and explanation of requirements would not be contained in the EPPs. Rather, the requirements in the Opinion as revised would be incorporated into the EPPs by reference. The licensee is prohibited from making changes to the terms and conditions or ITS without NRC approval after consultation between the NRC and NMFS. Based on the foregoing, the staff finds the proposed changes acceptable.

4.0 STATE CONSULTATION

By letter dated March 8, 1991, Mary E. Clark of the State of Florida, Department of Health and Rehabilitative Services, informed Deborah A. Miller, Licensing Assistant, U.S. NRC, that the State of Florida does not desire notification of issuance of license amendments.

5.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an Environmental Assessment and Finding of No Significant Impact has previously been prepared and published in the *Federal Register* on July 29, 2002 (67 FR 49046). Accordingly, based on the environmental assessment, the Commission has determined that the issuance of this amendment will not have a significant effect upon the quality of the human environment.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: Gregory F. Suber, NRR

Date: August 28, 2002

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