

September 10, 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
WORKING HOUR LIMITS AND CONTROLS (TAC NOS. MB3910 AND
MB3912)

Dear Mr. Stall:

The Commission has issued the enclosed Amendment Nos. 185 and 128 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 Technical Specifications (TS) in response to your application dated January 18, 2002.

These amendments relocate specific working hour limits and controls contained in the TS to administrative procedures.

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. 185 to DPR-67
2. Amendment No. 128 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. 185
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 18, 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. , 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

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: September 10, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 185

TO FACILITY OPERATING LICENSE NO. DPR-67

DOCKET NO. 50-335

Replace the following page of the Appendix A Technical Specifications with the attached page. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

Remove Page

6-5

Insert Page

6-5

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. 128
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 18, 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. 128, 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: September 10, 2002

ATTACHMENT TO LICENSE AMENDMENT NO. 128

TO FACILITY OPERATING LICENSE NO. NPF-16

DOCKET NO. 50-389

Replace the following pages of the Appendix A Technical Specifications with the attached page. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

Remove Page

6-2

6-2a

Insert Page

6-2

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NOS. 185 AND 128

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 18, 2002, Florida Power and Light Company (the licensee) requested revision of Technical Specification (TS) 6.2.2.f for the St. Lucie Plant, Units 1 and 2. The proposed revision would replace the specific TS requirements for administrative controls on working hours of plant staff with a general requirement for administrative procedures to establish and maintain work hour limits. The proposed change is based on the U.S. Nuclear Regulatory Commission (NRC)-approved revision to the Standard Technical Specifications (STS) contained in TSTF-258, Revision 4, of the industry TS Task Force.

2.0 REGULATORY EVALUATION

As stated in Title 10, *Code of Federal Regulations* (10 CFR), Section 50.59(c)(1)(i), a licensee is required to submit a license amendment pursuant to 10 CFR 50.90 if a change to the TS is required. Furthermore, the requirements of 10 CFR 50.59 necessitate that NRC approve the TS changes before the TS changes are implemented. The licensee's submittal meets the requirements of 10 CFR 59(c)(1)(i) and 10 CFR 50.90. The staff's evaluation of the proposed change will be discussed in the technical evaluation section.

Section 182a of the Atomic Energy Act requires applicants for nuclear power plant operating licenses to include TS as part of the license. The Commission's regulatory requirements related to the content of the TS are contained in 10 CFR 50.36. The TS requirements in 10 CFR 50.36 include the following categories: (1) safety limits, limiting safety systems settings and control settings, (2) limiting conditions for operation, (3) surveillance requirements, (4) design features, and (5) administrative controls. Per 10 CFR 50.36, "Administrative controls are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner." A TS requirement to develop and implement administrative procedures is an acceptable method of satisfying the administrative controls required by 10 CFR 50.36. Specific working hour limits are not required to be included in TS.

In IE Circular 80-02 (February 1, 1980), the NRC directed licensee management to review their administrative procedures regarding working hours for plant personnel who perform safety

related functions and recommended specific guidelines for limiting overtime. In a July 31, 1980, letter to all licensees and applicants, the NRC provided interim criteria for shift staffing, including the requirement for having administrative procedures to control overtime, which included the recommendations of IE Circular 80-02. Action Item I.A.1.3.1, "Limit Overtime," of NUREG-0737, "Clarification of TMI [Three-Mile Island] Action Plan Requirements," required licensees to include the previous guidance in their administrative procedures, but did not require them to be included in the TS. On February 8, 1982, Generic Letter (GL) 82-02 forwarded the "Policy on Factors Causing Fatigue of Operating Personnel at Nuclear Reactors," which was also published in the *Federal Register* on February 11, 1982 (47 FR 7352). GL 82-02 stated that licensees would be requested to revise the Administrative Controls section of their TS to require that administrative procedures follow the policy statement guidelines. On June 15, 1982, GL 82-12 issued a revised policy statement and also a revision to NUREG-0737, Section I.A.1.3.1, which incorporated the revised policy. The need to revise the TS Administrative Controls section to require administrative procedures to follow the policy statement guidelines was included in the revised NUREG-0737. On September 20, 1982, GL 82-16 issued guidance on the TS changes required by NUREG-0737. With regard to limiting overtime, it stated, "The administrative section of the technical specifications should be revised to require procedures that follow the policy statement guidelines." Thus, control of work hours through administrative procedures is consistent with Action Item I.A.1.3.1 of NUREG-0737 and other guidelines issued, and the Administrative Controls section of the TS need only contain the requirement to have such procedures.

The staff reviewed the proposed changes for agreement with the precedent as established in NUREG-1432, "Standard Technical Specifications for Combustion Engineering Plants," as modified by TSTF-258. The proposed changes are consistent with NUREG-1432 and TSTF-258. However, the licensee cannot justify TS changes solely on the basis of adopting the model STS. In each case the staff makes a determination that the change maintains adequate safety. This is discussed in the technical evaluation.

3.0 TECHNICAL EVALUATION

The current St. Lucie TS are similar to the Standard TS, which, although not required, were developed with specific working-hour limits included in the Administrative Controls section. An April 9, 1997, letter from C. Grimes (NRC) to J. Davis (Nuclear Energy Institute), contained a new staff position regarding controls for working hours of personnel who perform safety-related functions. It indicated that specific controls for working hours could be described in a licensee procedure, which could be located outside the TS, and provided suggested new wording for the Administrative Controls section of the Standard TS. These recommendations were subsequently incorporated into TSTF-258. The licensee's proposed changes are consistent with the recommendations in the April 9, 1997, letter and with TSTF-258.

The licensee proposes to remove specific requirements on work hours in TS 6.2.2.f and to revise the wording as follows:

Administrative procedures shall be developed and implemented to limit the working hours of personnel who perform safety-related functions (e.g., licensed senior reactor operators (SROs), licensed reactor operators (ROs), health physicists, auxiliary operators, and key

maintenance personnel). The administrative procedures shall include guidelines on working hours that ensure that adequate shift coverage shall be maintained without routine heavy use of overtime. Any deviation from the above guidelines shall be authorized by the Plant General Manager or the Plant General Manager's designee, in accordance with approved administrative procedures, and with documentation of the basis for granting the deviation. Controls shall be included in the procedures to require a periodic independent review be conducted to ensure that excessive hours have not been assigned. Routine deviation from the working hour guidelines shall not be authorized.

In addition to the requirements for administrative controls to limit the working hours of unit staff who perform safety-related functions, the proposed amendment requires advance authorization of deviations from the working hour guidelines and periodic independent reviews of overtime use to ensure that excessive hours have not been assigned. These requirements provide reasonable assurance that impaired performance caused by excessive working hours will not jeopardize safe plant operation.

The staff concludes that the specific controls for working hours of reactor plant staff can be described in a licensee procedure and that the licensee's established procedure control processes will provide sufficient control for changes to that procedure. Accordingly, the staff finds that the proposed amendment to the TS to replace the specific requirement for control of working hours of plant staff with a general requirement for administrative procedures to establish and maintain work hour limits to be acceptable.

4.0 STATE CONSULTATION

Based upon a letter dated March 8, 1991, from Mary E. Clark of the State of Florida, Department of Health and Rehabilitative Services, to Deborah A. Miller, Licensing Assistant, U.S. Nuclear Regulatory Commission, the State of Florida does not desire notification of issuance of license amendments.

5.0 ENVIRONMENTAL CONSIDERATION

This amendment relates to changes in record keeping, reporting, or administrative procedures or requirements. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (67 FR 7418, dated February 19, 2002). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this amendment.

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: David R. Desaulniers, NRR

Date: September 10, 2002

Mr. J. A. Stall
Florida Power and Light Company

ST. LUCIE PLANT

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