



FPL

JUN - 3 2003

L-2003-126
10 CFR 2.202
10 CFR 50.4

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

Re: St. Lucie Units 1 and 2
Docket Nos. 50-335, 50-389
Turkey Point Units 3 and 4
Docket Nos. 50-250, 50-251
Seabrook Station
Docket No. 50-443
Response to Order Requiring Compliance for Compensatory
Measures Related to Fitness-For-Duty Enhancements
Applicable to Nuclear Facility Security Force Personnel (EA-03-038)

By this letter Florida Power & Light (FPL) and FPL Energy Seabrook, LLC (FPL Energy Seabrook) hereby answer the April 29, 2003, Order for Compensatory Measures Related to Fitness-For-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel (EA-03-038) ("Order"). Pursuant to Section IV of the Order and 10 CFR §2.202, FPL and FPL Energy Seabrook request an extension of time in which to submit information in response to the Order and to request a hearing. In addition, FPL and FPL Energy Seabrook request the NRC provide certain information to ensure a full understanding of the underlying bases of the Order and, therefore, effectively implement its individual requirements.

Section II of the Order states that, "[t]he Commission has determined that the security measures addressed by the enclosed compensatory measures are required to be implemented by licensees as prudent measures to address issues that may arise from work-hour related fatigue of nuclear facility security force personnel." The Order does not explain the bases for the specific limits and other requirements described in the Order in sufficient detail for FPL and FPL Energy Seabrook to understand the rationale for the requirements. FPL and FPL Energy Seabrook therefore request that the NRC provide: the bases for the specific limits prescribed in the Order; the bases upon which it relied to establish a linkage between the specific limits chosen and any causal relationship to fatigue that would otherwise occur if those individual or group work hour limits were to be exceeded; and information pertaining to any events or incidents where the NRC has determined that fatigue was the cause or a major contributing factor in those events or incidents.

As provided for in Section IV of the Order, good cause for granting an extension of time to respond to the Order and to request a hearing is shown in that no basis or rationale for the Order has been demonstrated. Thus, FPL and FPL Energy Seabrook request that the Director, Nuclear Reactor Regulation extend the time periods for responding to the Order (including, specifically, Section III B.1 and 2) and for requesting a hearing from the time period specified in the Order until 35 days after the date that the NRC provides the bases for the work hour limits in the Order. Subject to the foregoing request for information concerning the bases for the Order and the request for an extension of time in accordance with Section IV, FPL and FPL Energy Seabrook will achieve compliance with all applicable requirements not later than October 29, 2003.

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FPL and FPL Energy Seabrook also confirm their understanding that the Commission intends to exercise enforcement discretion to accommodate issues that may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of this Order. We further understand that the Commission will exercise enforcement discretion for the period necessary to resolve such issues, and to integrate the requirements of this Order with the orders issued February 25, 2002, as well as with other pertinent regulatory requirements, and our safeguards contingency plans, security plans, and security officer training and qualification plans.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'J. A. Stall', enclosed within a large, loopy oval shape.

J. A. Stall
Senior Vice President, Nuclear
and Chief Nuclear Officer