



June 4, 2004

L-2004-123  
10 CFR 50.4

James E. Dyer, Director  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555

Re: St. Lucie Units 1 and 2  
Docket Nos. 50-335 and 50-389  
NRC Order EA-03-038 dated April 29, 2003  
Request for Relaxation and Enforcement Discretion

Pursuant to paragraph III.D of NRC Order for Compensatory Measures Related to Fitness-For-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel (EA-03-038, dated April 29, 2003), Florida Power & Light Company (FPL) hereby requests that the NRC grant FPL a temporary relaxation and enforcement discretion of the compensatory measures of the Order regarding the average work hour limits specified in the Order, Attachment 2, paragraph C.2.(a), as revised by Enclosure 2 of NRC letter dated October 23, 2003. Specifically, FPL expects St. Lucie Plant Security will exceed the 48 hours per week group average, when averaged over consecutive periods not to exceed six weeks limit set forth in Revision 1 of the compensatory measures of the Order. It is projected that St. Lucie Plant Security will exceed the six-week group average work hour limit starting on June 6, 2004.

The Order requires that in the event the group average work hour limit is exceeded, the licensee shall take prompt action to reduce the average hours worked in accordance with the compensatory measure and take actions to prevent recurrence. The cause of FPL exceeding the work hour limits was the unexpected, abrupt departure of eight security officers. In addition to these staffing losses, FPL had experienced increased attrition of seven security officers since March 1, 2004. The attrition was caused by activation of a military reservist, several family medical leave events, and unexpected resignations. It should be noted that due to new regulatory requirements related to the design basis threat, Physical Security Plan, Safeguards Contingency Plan, and Training and Qualifications Plan the average work hours would have been close to 48 hours during the latter part of this summer without these losses. The unexpected staffing losses have exacerbated the work load.

FPL and the security force contractor, Wackenhut Nuclear Services, have taken immediate measures to train two new classes of security officers. The first training class started in early April 2004 with the contractor hiring potential officers and resulted in eight security officers successfully completing training in late May 2004. An additional class of 22 security officers is scheduled to complete training in late July

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2004. St. Lucie expects to return the six-week group work hour average to less than 48 hours by October 10, 2004. During the period for which relaxation is requested, FPL estimates the maximum average group hours to peak at approximately 54 hours for a six-week period. To allow for contingencies, FPL commits to not exceeding 60 hours when averaged over consecutive six-week periods.

Security supervision is trained and monitors the security force to detect and minimize the effects of fatigue on security force performance. The security force will receive refresher training on fatigue identification and prevention during upcoming human performance training modules. Techniques planned or presently used include:

- Requests for self identification of fatigue at shift briefings. Instances of self-identification for fatigue will be entered into the plant corrective action program.
- Radio checks at frequent periodic intervals.
- Security posts are routinely rotated.
- The security shifts do not rotate between days and nights.
- Security management personnel will make periodic off-hours shift and weekend visits to St. Lucie to monitor the security officers.

Good cause exists to support FPL's request for relaxation. The departure of the security officers was completely unexpected and was beyond FPL's reasonable control. FPL is proceeding expeditiously toward the training and qualification of additional security officers to restore compliance with the Order. The training and qualification cycle takes approximately seven weeks. The beneficial effects of the security officers completing training in late July 2004 will be realized starting in August 2004. However, reductions to the six-week group average work hour limit will not be realized until the six-week interval ending October 10, 2004, when FPL expects St. Lucie Plant will return to compliance with the Order.

FPL could not have anticipated the sudden loss of eight security officers. This is believed to be an isolated case, therefore, additional actions to prevent recurrence are not needed.

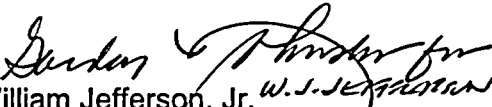
FPL respectfully submits that it is not in violation of revised compensatory measures, Section C.2(a) specified in the Order, in that the Order permits the licensee to take prompt actions to reduce the average hours worked and take corrective actions to prevent recurrence of exceeding the average work hour limits. However, during several telephone conferences between NRC staff and FPL, the NRC staff indicated that a relaxation request would be required in these circumstances. Accordingly, FPL hereby requests the NRC exercise enforcement discretion until such time as FPL has been able to restore full compliance with the Order. There is good cause for this request for enforcement discretion, as explained above with respect to the reasons for the relaxation request. Further, in this case, the situation was identified by FPL, FPL has taken prompt corrective actions to restore compliance, the sudden loss of security

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officers could not have been anticipated, and enforcement will serve no regulatory purpose.

Please contact George Madden, plant licensing, at (772) 467-7155 or Gary Hollinger, Acting Security Manager, at (772) 467-7020 should you have any questions on this submittal.

Sincerely yours,

  
William Jefferson, Jr. *W.J. Jefferson, Jr.*  
Vice President – St. Lucie Plant

WJ/GRM

cc: Garmon West, USNRC, NSIR