



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 5, 2016

Mr. Mano Nazar
President and Chief Nuclear Officer
Nuclear Division
Florida Power & Light Co.
Mail Stop: NT3/JW
15430 Endeavor Drive
Jupiter, FL 33478

SUBJECT: ST. LUCIE PLANT, UNIT NOS. 1 AND 2 - ISSUANCE OF AMENDMENTS TO UPDATE APPENDIX B TO THE RENEWED FACILITY OPERATING LICENSES TO INCORPORATE THE 2016 BIOLOGICAL OPINION (CAC NOS. MF7661 AND MF7662)

Dear Mr. Nazar:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued the enclosed Amendment Nos. 237 and 187 to Renewed Facility Operating License Nos. DPR-67 and NPF-16 for the St. Lucie Plant, Unit Nos. 1 and 2, respectively. These amendments consist of changes to the renewed operating licenses in response to the Florida Power & Light Company application dated April 29, 2016, as supplemented by a letter dated August 11, 2016.

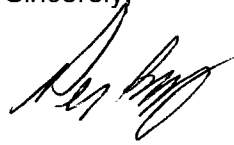
The amendments revise Appendix B (Environmental Protection Plan) of the renewed operating licenses to incorporate the revised terms and conditions of the Incidental Take Statement included in the Biological Opinion issued by the National Marine Fisheries Service on March 24, 2016.

M. Nazar

- 2 -

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,

A handwritten signature in black ink, appearing to read "Perry H. Buckberg". The signature is fluid and cursive, with a large initial "P" and "B".

Perry H. Buckberg, Senior Project Manager
Plant Licensing Branch II-2
Division of Operator Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

Enclosures:

1. Amendment No. 237 to DPR-67
2. Amendment No. 187 to NPF-16
3. Safety Evaluation

cc w/enclosures: Distribution via Listserv



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

FLORIDA POWER AND LIGHT COMPANY

DOCKET NO. 50-335

ST. LUCIE PLANT UNIT NO. 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 237
Renewed License No. DPR-67

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Florida Power & Light Company (FPL, the licensee), dated April 29, 2016, as supplemented by a letter dated August 11, 2016, 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, the license is amended by changes to the Environmental Protection Plan contained in Appendix B, as indicated in the attachment to this license amendment, and paragraph 3.B of Renewed Facility Operating License No. DPR-67 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 237, are hereby incorporated in the renewed license. FPL 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.

FOR THE NUCLEAR REGULATORY COMMISSION



Jeanne A. Dion, Acting Chief
Plant Licensing Branch II-2
Division of Operator Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Renewed Facility
Operating License and
Environmental Protection Plan

Date of Issuance: December 5, 2016

ATTACHMENT TO LICENSE AMENDMENT NO. 237

ST. LUCIE PLANT UNIT NO. 1

RENEWED FACILITY OPERATING LICENSE NO. DPR-67

DOCKET NO. 50-335

Replace Page 3 of Renewed Facility Operating License No. DPR-67 with the attached revised Page 3.

Replace the following page of Appendix B - Part II, Environmental Protection Plan, with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove Page

7

Insert Page

7

applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. Maximum Power Level

FPL is authorized to operate the facility at steady state reactor core power levels not in excess of 3020 megawatts (thermal).

B. Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 237 are hereby incorporated in the renewed license. FPL shall operate the facility in accordance with the Technical Specifications.

Appendix B, the Environmental Protection Plan (Non-Radiological), contains environmental conditions of the renewed license. If significant detrimental effects or evidence of irreversible damage are detected by the monitoring programs required by Appendix B of this license, FPL will provide the Commission with an analysis of the problem and plan of action to be taken subject to Commission approval to eliminate or significantly reduce the detrimental effects or damage.

C. Updated Final Safety Analysis Report

The Updated Final Safety Analysis Report supplement submitted pursuant to 10 CFR 54.21(d), as revised on March 28, 2003, describes certain future activities to be completed before the period of extended operation. FPL shall complete these activities no later than March 1, 2016, and shall notify the NRC in writing when implementation of these activities is complete and can be verified by NRC inspection.

The Updated Final Safety Analysis Report supplement as revised on March 28, 2003, described above, shall be included in the next scheduled update to the Updated Final Safety Analysis Report required by 10 CFR 50.71 (e)(4), following issuance of this renewed license. Until that update is complete, FPL may make changes to the programs described in such supplement without prior Commission approval, provided that FPL evaluates each such change pursuant to the criteria set forth in 10 CFR 50.59 and otherwise complies with the requirements in that section.

D. Sustained Core Uncovery Actions

Procedural guidance shall be in place to instruct operators to implement actions that are designed to mitigate a small-break loss-of-coolant accident prior to a calculated time of sustained core uncovery.

In accordance with Section 7(a) of the Endangered Species Act, the NMFS issued a Biological Opinion that prescribes an Incidental Take Statement (ITS) and mandatory terms and conditions. The currently applicable 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 or to destroy or adversely modify the designated critical habitat of the loggerhead sea turtle.

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

4.2.1 DELETED

4.2.2 DELETED



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

FLORIDA POWER AND 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 RENEWED FACILITY OPERATING LICENSE

Amendment No. 187
Renewed License No. NPF-16

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Florida Power & Light Company (FPL, the licensee), dated April 29, 2016, as supplemented by a letter dated August 11, 2016, 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.

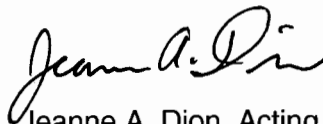
2. Accordingly, the license is amended by changes to the Environmental Protection Plan contained in Appendix B, as indicated in the attachment to this license amendment, and paragraph 3.B of Renewed Facility Operating License No. NPF-16 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 187, are hereby incorporated in the renewed license. FPL 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.

FOR THE NUCLEAR REGULATORY COMMISSION



Jeanne A. Dion, Acting Chief
Plant Licensing Branch II-2
Division of Operator Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Renewed Facility
Operating License and
Environmental Protection Plan

Date of Issuance: December 5, 2016

ATTACHMENT TO LICENSE AMENDMENT NO. 187
ST. LUCIE PLANT UNIT NO. 2
RENEWED FACILITY OPERATING LICENSE NO. NPF-16
DOCKET NO. 50-389

Replace Page 3 of Renewed Facility Operating License No. NPF-16 with the attached revised Page 3.

Replace the following pages of Appendix B, Environmental Protection Plan, with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Page

4-1
4-2

Insert Page

4-1
4-2

neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required.

- D. Pursuant to the Act and 10 CFR Parts 30, 40, and 70, FPL to receive, possess, and use in amounts as required any byproduct, source, or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- E. Pursuant to the Act and 10 CFR Parts 30, 40, and 70, FPL to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

3. This renewed license shall be deemed to contain and is subject to the conditions specified in the following Commission's regulations: 10 CFR Part 20, Section 30.34 of 10 FR Part 30, Section 40.41 of 10 CFR Part 40, Section 50.54 and 50.59 of 10 CFR Part 50, and Section 70.32 of 10 CFR Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. Maximum Power Level

FPL is authorized to operate the facility at steady state reactor core power levels not in excess of 3020 megawatts (thermal).

B. Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 187 are hereby incorporated in the renewed license. FPL shall operate the facility in accordance with the Technical Specifications.

4.0 Environmental Conditions

4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to station operation shall be recorded and promptly reported to the NRC Operations Center within 72 hours via Emergency Notification System described in 10 CFR 50.72. In addition, the reporting requirements time frame shall be consistent with 10 CFR 50.72 for environmental protection issues. The initial report shall be followed by a written report as described in Section 4.2. The initial report shall be followed by a written report as described in Section 5.4.2. No routine monitoring programs are required to implement this condition. Events covered by Section 3.2 of this EPP will be subject to reporting requirements as defined in that section and not subject to these requirements.

The following are examples of unusual or important events: excessive bird impaction events; onsite plant or animal disease outbreaks; mortality (causally related to station operation), or unusual occurrence of any species protected by the Endangered Species Act of 1973; unusual fish kills; increase in nuisance organisms or conditions; and unanticipated or emergency discharge of waste water or chemical substances.

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, the NMFS issued a Biological Opinion that prescribes an Incidental Take Statement (ITS) and mandatory terms and conditions. The currently applicable 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 or to destroy or adversely modify the designated critical habitat of the loggerhead sea turtle.

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

4.2.1 DELETED

4.2.2 DELETED



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NOS. 237 AND 187

TO RENEWED FACILITY OPERATING LICENSE NOS. DPR-67 AND NPF-16

FLORIDA POWER AND LIGHT COMPANY, ET AL.

St. LUCIE PLANT, UNIT NOS. 1 AND 2

DOCKET NOS. 50-335 AND 50-389

1.0 INTRODUCTION

By letter dated April 29, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16125A253), as supplemented by letter dated August 11, 2016 (ADAMS Accession No. ML16238A190), Florida Power and Light Company (FPL or the licensee) submitted a request for changes to Appendix B, "Environmental Protection Plan (Non-Radiological)," for St. Lucie Plant, Unit Nos. 1 and 2 (St. Lucie). The requested changes would revise the St. Lucie Environmental Protection Plans (Non-Radiological) (EPPs), to clarify that FPL must adhere to the "currently applicable" biological opinion.

The supplement dated August 11, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the U.S. Nuclear Regulatory Commission (NRC or the Commission) staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on June 7, 2016 (81 FR 36621).

2.0 REGULATORY EVALUATION

2.1 Background Related to the Proposed Amendments

St. Lucie withdraws cooling water from the Atlantic Ocean. Pursuant to Section 7 of the Endangered Species Act of 1973, as amended (ESA), the NRC has consulted with the National Marine Fisheries Service (NMFS) to ensure that the licensing of St. Lucie is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat of such species. The NRC reinitiated ESA Section 7 consultation with the NMFS following the incidental capture of a smalltooth sawfish (*Pristis pectinata*) in the St. Lucie cooling water intake canal. On February 24, 2006, the NRC transmitted its biological assessment for smalltooth sawfish to the NMFS for its review (ADAMS Accession No. ML060580303). On April 4, 2007, the NRC requested that the NMFS

include sea turtles in the consultation following FPL's exceedance of its incidental take limit for sea turtles in 2006 (ADAMS Accession No. ML070870846). Consultation between the NRC and the NMFS continued until the NMFS's issuance of a biological opinion on March 24, 2016 (ADAMS Accession No. ML16084A616), which replaced the biological opinion dated May 4, 2001 (ADAMS Accession No. ML011430173), as clarified by letters dated June 8, 2001 (ADAMS Accession No. ML011590621), and October 8, 2001 (ADAMS Accession No. ML013020208), that had previously been applicable to St. Lucie.

The biological opinion dated March 24, 2016, considers the effects of continued operation of St. Lucie, under the terms of Renewed Facility Operating Licenses DPR-67 and NPF-16, on smalltooth sawfish and five species of sea turtles (*Caretta carreta*, *Chelonia mydas*, *Lepidochelys kempii*, *Eretmochelys imbricata*, and *Dermochelys coriacea*). The biological opinion concludes that the continued operation of St. Lucie is not likely to jeopardize the continued existence of these species or destroy or adversely modify designated critical habitat. The NMFS issued, as part of the biological opinion, a new Incidental Take Statement (ITS) that includes Reasonable and Prudent Measures (RPMs) that the NMFS has determined to be necessary and appropriate to minimize the amount or extent of incidental take and associated terms and conditions, which are nondiscretionary and implement the RPMs.

By letter dated April 7, 2016 (ADAMS Accession No. ML16084A688), the NRC formally transmitted the biological opinion to FPL. The letter stated that if FPL wished to take advantage of the protective coverage of ESA Section 7(o)(2) that compliance with the new ITS would afford, FPL should propose appropriate changes to the EPPs within 90 days of receipt of the letter.

2.2 Licensee's Proposed Changes

FPL proposes to modify Section 4.2 of Appendix B to Renewed Facility Operating License Nos. DPR-67 and NPF-16 (Section 4.2) to reflect the NMFS's issuance of the March 24, 2016, biological opinion. The proposed change would remove the current reference to the May 4, 2001, biological opinion and its conclusions and, rather than specifically referencing the new March 24, 2016, biological opinion, it would insert the language "currently applicable" biological opinion and ITS. This would avoid the need for changes to the EPPs if the NMFS issues new biological opinions in the future.

2.3 Regulatory Review

The EPPs were established during initial plant licensing to require monitoring of environmental issues. The EPPs were retained when the renewed licenses were issued for St. Lucie. The regulatory basis for the establishment of the EPPs is contained in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.36b, "Environmental conditions." This section provides that a license may include conditions to protect the environment during operation and decommissioning. Such conditions will be derived from information contained in the environmental report, or the supplement to the environmental report, required by 10 CFR 51.50, "Environmental report-construction permit, early site permit, or combined license stage," and 10 CFR 51.53, "Postconstruction environmental reports," as analyzed and evaluated in the NRC record of decision. The regulations at 10 CFR 50.36b(b), state, in part, that these conditions "will identify the obligations of the licensee in the environmental area, including, as appropriate,

requirements for reporting and keeping records of environmental data, and any conditions and monitoring requirement for the protection of the nonaquatic environment.” In the March 12, 1984, statements of consideration for the final rule that created 10 CFR 50.36b, the Commission stated that the NRC “may also include additional environmental conditions as appropriate” (49 FR 9352).

The regulations at 10 CFR 50.90, “Application for amendment of license, construction permit, or early site permit,” state that, whenever a holder of a license desires to amend the license, it must file an application for an amendment with the NRC. The requirements contained in 10 CFR 50.92, “Issuance of amendment,” specify that the NRC staff will be guided by the considerations which govern the issuance of initial licenses to the extent applicable and appropriate in determining whether an amendment to a license will be issued.

3.0 TECHNICAL EVALUATION

This evaluation considers whether the proposed changes would continue to meet the requirements of 10 CFR 50.36b and whether the proposed changes would result in any conflicts with environmental protection requirements established by other Federal, State, or local agencies.

The intent of Section 4.2 is to ensure that FPL complies with the ESA. However, the current wording of this section requires that FPL comply with a 2001 biological opinion despite the fact that the NMFS issued a new biological opinion on March 24, 2016. The proposed change would correct this discrepancy by changing the language of Section 4.2 to refer to the “currently applicable” biological opinion instead of to a specific biological opinion. This change would both continue to ensure that FPL complies with the ESA and would preclude the need for FPL to submit new license amendment requests in the event that the NMFS issues new biological opinions in the future.

The proposed change is administrative in nature. It does not alter the intent of Section 4.2 and does not conflict with any NRC regulatory requirement or with any environmental protection requirements established by other Federal, State, or local agencies. Additionally, the proposed change is similar to a previously approved change to the Hope Creek Generating Station and Salem Nuclear Generating Station, Unit Nos. 1 and 2, EPPs dated June 17, 2015 (ADAMS Accession No. ML15141A271).

Based on the preceding evaluation, the NRC staff concludes that the proposed change to Section 4.2 is acceptable.

5.0 STATE CONSULTATION

In accordance with the Commission’s regulations, on August 29, 2016, the NRC staff notified the State of Florida official (Ms. Cynthia Becker, M.P.H., Chief of the Bureau of Radiation Control, Florida Department of Health) of the proposed issuance of the amendments. The State official had no comments.

6.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact were published in the *Federal Register* on November 14, 2016 (81 FR 79526). Accordingly, based on the environmental assessment, the Commission has determined that issuance of these amendments will not have a significant effect on the quality of the human environment.

7.0 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) there is reasonable assurance that 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: Briana A. Grange
Perry H. Buckberg

Date: December 5, 2016

M. Nazar

- 2 -

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/

Perry H. Buckberg, Senior Project Manager
Plant Licensing Branch II-2
Division of Operator Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-335 and 50-389

Enclosures:

1. Amendment No. 237 to DPR-67
2. Amendment No. 187 to NPF-16
3. Safety Evaluation

cc w/enclosures: Distribution via Listserv

DISTRIBUTION:

PUBLIC
LPL2-2 R/F
RidsACRS_MailCTR
RidsNrrDlrRerb
KFolk, NRR
RecordsAmend

RidsNrrDorlLpl2-2
BGrange, NRR
RidsNrrPMSLucie
RidsNrrLABClayton
AKlein, NRR

JDanna, NRR
RidsNrrDorlDpr
RidsRgn2MailCenter
JDion, NRR
RidsNrrDssStsb

ADAMS Accession No.: ML16251A128

*by e-mail

OFFICE	DORL/LPL2-2/PM	DORL/LPL2-2/LA	DLR/RERP/BC*	OGC (NLO)*
NAME	PBuckberg	BClayton	JDanna	JWachutka
DATE	11/23/2016	11/22/2016	08/17/2016	11/22/2016
OFFICE	DORL/LPL2-2/BC (A)	DORL/LPL2-2/PM		
NAME	JDion	PBuckberg		
DATE	12/02/2016	12/05/2016		

OFFICIAL RECORD COPY