



December 3, 2021

L-2021-196

EA-07-321

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
License Nos.: DPR-67, NPF-16
Request for Rescission of Confirmatory Order EA-07-321

References:

1. Letter from Kriss M. Kennedy (USNRC Division of Reactor Safety) to J. A. Stall (Florida Power & Light Company), EA-07-321, NRC Office of Investigations Report No. 2-2006-034 - St. Lucie Nuclear Plant and NRC Security Inspection Report, 05000335/2008401 and 05000389/2008401, dated April 2, 2008 (ADAMS Accession No. ML080930372)
2. Letter from Luis A. Reyes (USNRC Region II) to J. A. Stall (Florida Power & Light Company), Confirmatory Order (Effective Immediately) [NRC Office of Investigation Report No. 2-2006-034], dated June 13, 2008 (ADAMS Accession No. ML081650261)

By letter dated June 13, 2008 (Reference 2), Region II issued a Confirmatory Order EA-07-321 modifying St. Lucie Nuclear Plant License Nos. DPR-67 and NPF-16. The Confirmatory Order followed an alternative dispute resolution (ADR) session on May 16, 2008 during which the Florida Power & Light Company (FPL) agreed to implement a number of corrective actions and enhancements to its Corrective Action Program (CAP), procedural revisions, training initiatives, and FPL fleet-wide initiatives. In consideration of the commitments, the NRC agreed to exercise enforcement discretion to forego issuance of a Notice of Violation (NOV) or other enforcement action for all matters regarding two apparent violations discussed in the NRC's April 2, 2008 letter to FPL (Reference 1). Section V of the Confirmatory Order authorizes the Regional Administrator, NRC Region II, to relax or rescind its conditions upon a showing of good cause.

FPL hereby requests rescission of all items 4(a) through 4(l) of Confirmatory Order EA-07-321. The request for rescissions is based upon the good causes presented in Attachment 1. If the requests are granted, FPL requests that the rescissions become effective immediately upon notification by the Region II Administrator.

This letter contains new regulatory commitments. Attachment 1 discusses our requests related to each condition of Confirmatory Order EA-07-321 with annotations for the continuing commitments that will be sustained per this letter.

Should you have any questions regarding this submittal, please contact Mr. Wyatt Godes, St. Lucie Licensing Manager, at (772) 467-7435.

Sincerely,



Daniel DeBoer
Site Vice President
St. Lucie Nuclear Plant

DD/rcs

Attachment 1: Request for the Rescission of Confirmatory Order EA-07-321

cc: USNRC Regional Administrator, Region II
USNRC Project Manager, St. Lucie Plant
USNRC Senior Resident Inspector, St. Lucie Plant

Request for the Rescission of Confirmatory Order EA-07-321

FPL hereby requests rescission of all items 4(a) through 4(l) of Confirmatory Order EA-07-321. The request for rescission is based upon the good causes discussed below.

CO EA-07-321 Condition	Description	Bases for Rescission
4(a)	FPL will issue a fleet-wide training brief to managers and supervisors reinforcing the requirements of NP-415, the corporate policy governing Denial of Unescorted Access to FPL's Nuclear Facilities, and the site implementing procedures on access control.	<p>This is a one-time action that has been accomplished.</p> <p>St. Lucie issued this brief as a site corrective action in 2006.</p> <p>This condition was to reinforce the lessons learned fleet-wide. This action was completed in 2008 and need not continue to be a condition of the site licenses.</p>
4(b)	FPL will revise the site administrative procedures on access control as necessary to ensure that they require that contractor representatives and supervisors immediately notify FPL management of any incident or behavior that may call into question the trustworthiness or reliability of an individual.	<p>NEW COMMITMENT</p> <p>This action established a process that applies to contractors and is similar to that used for FPL employees to ensure that any individual(s) who have displayed behavior that potentially would adversely reflect on their trustworthiness is appropriately reviewed and approved by FPL management. Now that these requirements are aligned to be applicable to contractors as well as FPL, we propose to sustain Item 4(b) as a continuing commitment rather than a condition of the site licenses.</p>
4(c)	Site-specific Control and Acceptance of Contracted Services procedures will be revised as necessary to ensure that the NP-415 requirements are reviewed by the Site Technical Representative (STRs) as part of the termination request process. FPL will also conduct a review of existing procedures related to contractor oversight and administration to ensure that the processes therein properly reflect the access control responsibilities of FPL.	<p>NEW COMMITMENT</p> <p>This action was completed in 2007 to revise site-specific control and acceptance of contracted services procedures to reinforce adherence to existing complementary procedures. FPL continues to expect adherence to procedures. FPL proposes to sustain Item 4(c) as a continuing commitment rather than a condition of the site licenses.</p>

CO EA-07-321 Condition	Description	Bases for Rescission
4(d)	All STRs will receive a training bulletin that reinforces management expectations regarding FPL ownership of access control as part of the procedure revision. The initial and continuing training lesson plan will be revised to ensure that STRs, supervisors and managers understand management expectations regarding FPL ownership of access control.	NEW COMMITMENT Site technical representatives (STR) received this training as part of a site corrective action in 2006. To sustain the revisions to training lesson plans, FPL proposes to sustain Item 4(d) as a continuing commitment rather than a condition of the site licenses.
4(e)	FPL will review fleet-wide the site administrative procedures for access control to ensure they require an express declaration of favorable or unfavorable termination, and to ensure that contractors are not allowed to manage their own access terminations without FPL management or STR approval.	NEW COMMITMENT This action was completed in 2007 as described above with item 4(c). FPL proposes to sustain Item 4(e) as a continuing commitment rather than a condition of the site licenses.
4(f)	Plant management will reinforce management expectations via a fleet-wide training brief to all managers and supervisors, including the Management Review Committee (MRC) and the Initial Screening Team (IST), reinforcing the requirements of NP-415 and the site access control procedures. A Lessons-Learned Bulletin will be deployed for all Corrective Action Program Coordinators (CAPCOs) to ensure that identified CRs contain sufficient detail for the MRCs to make informed decisions regarding level, investigation type, and immediate action recommendations.	This is a one-time action that has been accomplished. FPL implemented this condition in combination with item 4(a) to reinforce the lessons learned fleet-wide. This action was completed in 2008 and need not continue to be a condition of the site licenses.

CO EA-07-321 Condition	Description	Bases for Rescission
4(g)	A representative from the Security Department will be added as a primary member of the MRC at each site.	<p>Security’s participation at MRC has not resulted in an increase in site security or nuclear safety. Item 4(g) was initially agreed upon to ensure that Security management would be alerted to potentially significant behavioral or physical security issues that may be under consideration by the MRC. However, the aggregate of corrective actions, including procedural revisions and training initiatives fully implemented since 2008, has rendered Item 4(g) of the Confirmatory Order unnecessary, and it is burdensome to Security management.</p> <p>More specifically, the periodic MRC meetings are a distraction from more immediate Security-related duties with minimal compensating benefit to Security or the station(s) overall. Such duties include standard plant security and anti-terrorism responsibilities that were present in 2008, as well as increased responsibilities such as cybersecurity. As such, mandatory participation in site MRCs for the purpose of being alerted to potential behavioral concerns is not an efficient use of Security resources.</p> <p>Since issuance of the Confirmatory Order, MRC members have been coached on the originating incident and the expectation to immediately alert Security to behavioral matters involving persons having unescorted or visitor access to the nuclear sites. In addition, other Confirmatory Order conditions were implemented and are being sustained as commitments at each of the nuclear stations.</p> <p>Finally, Security reviews CAP condition reports (CRs) for security-related impacts and retains the ability to participate in MRC meetings at any time. However, with the rescission of this condition, their participation as a primary member of the MRC would no longer be required as a condition of the site licenses.</p>

CO EA-07-321 Condition	Description	Bases for Rescission
4(h)	Management will conduct a briefing to MRC members with a focus on the lessons learned from the NNI event and need for conservative action for any issues that question the trustworthiness or reliability of any individual. FPL will institutionalize an MRC Job Familiarization Guide requiring new MRC and IST members to receive an orientation from management on the importance of recognizing potential security concerns while reviewing CRs.	NEW COMMITMENT This condition was implemented in 2008 in combination with items 4(a) and 4(f) to reinforce the lessons learned fleet-wide. To sustain the revisions to training material, FPL proposes to sustain Item 4(h) as a continuing commitment rather than a condition of the site licenses.

CO EA-07-321 Condition	Description	Bases for Rescission
4(i)	<p>To address situations where the CR evaluator is not the person primarily responsible for the event / issue, plant procedures will be revised to require the system / process owner to review the evaluator's analysis and approve of the evaluation.</p>	<p>System or process owner review and approval of CAP evaluations has not proven to be beneficial in all cases. Item 4(i) was initially agreed upon to ensure that appropriate staff are involved in the analyses of events involving matters of untrustworthiness. However, process owners are not necessarily independent, and CAP evaluations benefit from independent reviewers and approvers that effectively provide unbiased assessment.</p> <p>Requiring the process owner to approve the evaluation inappropriately removes ultimate authority from plant management and inappropriately places it at a lower level. FPL relies upon the qualified members of the MRC, comprised from the senior leadership team, for the ownership and oversight of the CAP process. In cases where process owners may have insufficient investigative, problem solving or technical expertise, the stations' MRCs need to be able to optimize assignments related to CAP evaluations.</p> <p>Overall, the CAP evaluation process has been an effective, reliable and sufficiently comprehensive means of determining cause(s) and implementing corrective action at the nuclear stations without specific limitations on the MRCs' oversight. Through this process, immediate actions are taken or planned which ensure that potential high risk consequences, including behavioral matters, are addressed quickly and effectively.</p> <p>The requirement to obtain system or process owner approval of CAP evaluations has not been conducive to improving overall CAP program performance and need not be a condition of the site licenses.</p>

CO EA-07-321 Condition	Description	Bases for Rescission
4(j)	Supervisor initial and continuing Fitness-For-Duty and Continued Behavioral Observation Program training will reinforce FPL's expectation of each Supervisor's obligations to notify the Security Department of any potential trustworthiness and reliability issues.	<p>NEW COMMITMENT</p> <p>This training was implemented as a site corrective action in 2006 and reinforced existing procedural guidance.</p> <p>To sustain the reinforcement provided by this training, FPL proposes to sustain Item 4(j) as a continuing commitment rather than a condition of the site licenses.</p>
4(k)	At St. Lucie, FPL validated that each fleet nuclear policy was appropriately implemented in a site implementing procedure. FPL will conduct an extent of condition review to validate the implementation of nuclear policies throughout the fleet.	This one-time action was implemented in 2006 as a site corrective action for extent of condition. This completed validation action need not be a condition of the site licenses.
4(l)	FPL agrees to complete all corrective actions and enhancements identified in this paragraph 4 (items a. through k.) within six months of the date of issuance of the Confirmatory Order.	This one-time action is complete. All of the actions to implement Confirmatory Order EA-07-321 paragraph 4 (items a. through k.) were completed by December 4, 2008 and within six months of the date of issuance of the Confirmatory Order. This completed validation action need not be a condition of the site licenses.