



November 27, 2000

L-2000-217  
10 CFR 50.4  
10 CFR 50.12

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

Re: St. Lucie Unit 2  
Docket No. 50-389  
Exemption Request 10 CFR 50.55a(f)

Pursuant to 10 CFR 50.12(a), Florida Power & Light Company (FPL) hereby requests an exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) as applied to the second 120-month inservice testing (IST) interval for St. Lucie Unit 2. FPL requests to revise the Unit 2 second interval end date to coincide with the St. Lucie Unit 1 second interval end date of February 10, 1998. The revised second IST interval for St. Lucie Unit 2 will be less than 120 months in duration. As revised the St. Lucie Unit 2 IST second interval would have started on August 8, 1993 and ended on February 10, 1998. Thus, the St. Lucie Unit 2 third 120-month IST interval will run concurrent with the St. Lucie Unit 1 third 120-month IST interval, which began February 11, 1998 and ends February 10, 2008. FPL determined that continued implementation of the existing IST program until February 10, 2008 for both St. Lucie Units 1 and 2, is authorized by law, poses no undue risk to the public health and safety, is consistent with the common defense and security, and that special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii).

Attachment 1 details the exemption request. Attachment 2 provides FPL's analysis confirming that there is no environmental impact that would result from the proposed exemption. The proposed exemption has been reviewed by the St. Lucie Facility Review Group and the Florida Power & Light Company Nuclear Review Board.

FPL requests that the NRC complete its review of the proposed exemption by November 2001. This request is similar to the exemption approved for Surry Power Station Unit 1 on February 16, 1993. Please contact us if there are any questions about this submittal.

Very truly yours,

Rajiv S. Kundalkar  
Vice President  
St. Lucie Plant

RSK/GRM

Attachments

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

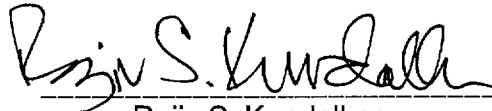
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STATE OF FLORIDA     )  
                                  )  
COUNTY OF ST. LUCIE    )     ss.

Rajiv S. Kundalkar being first duly sworn, deposes and says:

That he is Vice President, St. Lucie Plant, for the Nuclear Division of Florida Power & Light Company, the Licensee herein;

That he has executed the foregoing document; that the statements made in this document are true and correct to the best of his knowledge, information and belief, and that he is authorized to execute the document on behalf of said Licensee.

  
Rajiv S. Kundalkar

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

Sworn to and subscribed before me

this 27 day of November, 2000  
by Rajiv S. Kundalkar, who is personally known to me.

  
Name of Notary Public - State of Florida



**Leslie J. Whitwell**  
MY COMMISSION # CC646183 EXPIRES  
May 12, 2001  
BONDED THRU TROY FAIR INSURANCE, INC.

\_\_\_\_\_  
(Print, type or stamp Commissioned Name of Notary Public)

**St. Lucie Unit 2  
Inservice Testing Program for Pumps and Valves  
Request for Exemption from ASME Section XI Interval Dates**

**Introduction**

Pursuant to 10 CFR 50.12(a), Florida Power & Light Company (FPL) hereby requests an exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) as applied to the second 120-month inservice testing (IST) interval for St. Lucie Unit 2. FPL requests to revise the Unit 2 second interval end date to coincide with the St. Lucie Unit 1 second interval end date of February 10, 1998. The revised second IST interval for St. Lucie Unit 2 will be less than 120 months in duration. As revised the St. Lucie Unit 2 IST second interval would have started on August 8, 1993 and ended on February 10, 1998. Thus, the St. Lucie Unit 2 third 120-month IST interval will run concurrent with the St. Lucie Unit 1 third 120-month IST interval, which began February 11, 1998 and ends February 10, 2008. FPL determined that continued implementation of the existing IST program until February 10, 2008 for both St. Lucie Units 1 and 2, is authorized by law, poses no undue risk to the public health and safety, is consistent with the common defense and security, and special circumstances are present as defined in 10 CFR 50.12(a)(2)(ii).

**Requested Exemption**

Pursuant to 10 CFR 50.12(a)(2)(ii), Florida Power & Light Company (FPL) is requesting an exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) as applied to the second 120-month IST interval for St. Lucie Unit 2. If the exemption were granted, the end date of the St. Lucie Unit 2 second IST interval would be changed from August 7, 2003 to February 10, 1998. The third IST interval for St. Lucie Units 1 and 2 would have commenced on February 11, 1998 and would expire on February 10, 2008. All future IST intervals for St. Lucie Units 1 and 2 will run concurrently commencing on February 11 and expiring on February 10 ten years later.

**Evaluation**

The IST program for both St. Lucie Unit 1 and Unit 2 was updated when Unit 1 entered its third 120-month IST interval on February 11, 1998. FPL considers it advantageous to implement a combined IST program consistent between the units. Combining the IST programs for Unit 1 and 2 and requiring compliance with the same edition of the American Society of Mechanical Engineers (ASME) Code and addenda allows both units to be tested using the same test requirements. This simplifies the FPL program preparation and review as well as the associated program review by the NRC. Likewise, any relief requests submitted are similarly simplified. A common start date would also reduce the program administration burden by permitting only a single submittal to be made for both units once every 10 years.

The Unit 1 IST program was updated to the requirements of the ASME Boiler and Pressure Vessel Code, Section XI, 1989 Edition as required by 10 CFR 50.55a(f)(4)(ii). The St. Lucie Unit 2 IST program was voluntarily upgraded from the requirements of the ASME Code, Section XI, 1986 Edition to the 1989 Edition as allowed by 10 CFR 50.55a(f)(4)(iv). The current second IST interval for Unit 2 ends August 7, 2003. Following the requirements of 10 CFR 50.55a(f)(4)(ii), Unit 2 will be required to update to the requirements of the latest edition of the ASME Code incorporated by 10 CFR 50.55a, 12 months prior to the start of its third IST interval. Updating both units to the latest approved ASME Code at the start of each interval will result in revising the IST programs for both units approximately every 5 years. The proposed action would implement a one time exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) to change the Unit 2 second IST interval end date to coincide with the Unit 1 second IST interval end date of February 10, 1998. Thus, the Unit 2 third 120-month IST interval will run concurrent with the Unit 1 third 120-month IST interval, which began February 11, 1998 and ends February 10, 2008. This will permit both units to remain on the same IST interval, thus allowing simultaneous updates on a 10-year frequency for both units.

**10 CFR 50.12(a)(1)** requires an exemption request to satisfy three requirements: (1) the request must be authorized by law, (2) the request must not present an undue risk to public health and safety, and (3) the request must be consistent with the common defense and security. These three requirements are discussed below.

Authorized By Law - The ten-year requirement in 10 CFR 50.55a(f) was adopted solely at the discretion of the NRC in the exercise of its rulemaking authority under Section 161 of the Atomic Energy Act of 1954 as amended, 42 U.S.C. § 2201. No statute required the NRC to adopt this provision. No other regulation of either the NRC or another agency required the NRC to adopt this provision. The NRC has authority under 10 CFR 50.12 to grant exemptions from the requirements of NRC regulations. Therefore, no statutory or regulatory provision precludes the NRC from granting the requested exemption upon proper showing. The NRC has granted a similar exemption for the Surry Power Station Unit 1 on February 16, 1993.

The proposed alternative, a one time exemption that revises the end date of the St. Lucie Unit 2 IST second interval, provides an acceptable level of quality and safety equivalent to the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i).

No Undue Risk to Public Health & Safety - The granting of this exemption poses no risk to public health and safety. This exemption is for schedule relief only. Granting an exemption to the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) only relieves FPL of the requirement to update the St. Lucie Unit 2 IST program by August 7, 2003. The substantive requirements of the license IST program as provided for in 10 CFR 50.55a(f) still apply to St. Lucie Unit 2. The intent of 10 CFR 50.55a(f) is to ensure that the IST program is periodically updated to the current ASME Code requirements. The 10 CFR 50.12(a)(2)(ii) discussion below provides the details and basis for why special circumstances exist for St. Lucie Unit 2.

Common Defense and Security – The granting of this exemption request is consistent with the common defense and security. As noted above, this exemption request is for schedule relief only; all NRC requirements pertaining to the IST program for the Unit 2 operating license will be fully satisfied in the combined St. Lucie Units 1 and 2 IST program. Further, there are no security or safeguards issues raised by the proposed exemption.

**10 CFR 50.12(a)(2)(ii)** states in part, that the NRC will consider granting an exemption whenever application of the regulation is not necessary to achieve the underlying purpose of the rule. The revised St. Lucie Unit 2 third interval IST program will continue to be implemented in accordance with the existing approved program until the start of the fourth interval. Therefore, the operational readiness of the pumps and valves, whose function is required for safety, will continue to be assured; the proposed fourth interval will commence on February 11, 2008. Continued implementation of the existing IST program to the same requirements as Unit 1 meets the underlying purpose of the regulation. The IST interval need not be consistent with the inservice inspection interval and this exemption request does not address inservice inspection.

It is advantageous to implement an IST program consistent between units by using the same ASME Code edition for developing the program and for scheduling ten-year updates. Section 50.55a(f)(4)(iv) allows the use of later editions of the ASME Code provided the NRC has indicated approval in 50.55a (b); and, therefore, allows the licensee to update programs during the 120-month intervals without revising the interval dates.

Nevertheless, strict adherence to the 120-month interval is not necessary to achieve the underlying purpose of the rule. That is, the operational readiness of the pumps and valves, whose function is required for safety, will be adequately assured using the existing ASME Code requirements. The fourth interval will commence on the later date, that is, February 11, 2008. Continued implementation of the existing IST program meets the underlying purpose of the regulation and therefore, special circumstances exist as defined in 10 CFR 50.12.

## **Environmental Assessment**

### **Identification of the Proposed Action**

The proposed action would change the end date of the second 120-month inservice test (IST) interval for St. Lucie Unit 2 from August 7, 2003 to February 10, 1998. The requested exemption would revise the Unit 2 second interval end date to coincide with the St. Lucie Unit 1 second interval end date of February 10, 1998. The revised second IST interval for St. Lucie Unit 2 will be less than 120 months in duration. As revised the St. Lucie Unit 2 IST second interval started on August 8, 1993 and ended on February 10, 1998. Thus, the St. Lucie Unit 2 third 120-month IST interval will run concurrent with the St. Lucie Unit 1 third 120-month IST interval, which began February 11, 1998 and ends February 10, 2008.

### **Need for the Proposed Action**

The IST program for both St. Lucie Unit 1 and Unit 2 were updated when Unit 1 entered its third 120-month inservice test interval on February 11, 1998. FPL considers it advantageous to implement a combined IST program consistent between the units. Combining the IST programs for Unit 1 and 2 and requiring compliance with the same edition of the ASME Code and addenda allows both units to be tested using the same test requirements. This simplifies the FPL program preparation and review as well as the associated program review by the NRC. Likewise, any relief requests submitted are similarly simplified. A common start date would also reduce the administrative burden by permitting only a single submittal to be made for both units once every 10 years.

### **Environmental Impacts of the Proposed Action**

Based on FPL's evaluation, the exemption will not endanger life or property and is otherwise in the public interest. The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no increase in occupational or public radiation exposure. Therefore, there are no radiological environmental impacts associated with the proposed action. With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. The proposed exemption would not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no nonradiological environmental impacts associated with the proposed action. Accordingly, the FPL concludes that there are no environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, FPL considered not proposing the exemption. The alternative would not result in any change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are the same.

**Alternative Use of Resources**

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for St. Lucie Unit 2.

**Conclusion**

The proposed action will not have an effect on the quality of the human environment. Accordingly, FPL has determined an environmental impact statement for the proposed action is not required.