



April 29, 2016

L-2016-072
10 CFR 50.90

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555-0001

Re: St. Lucie Units 1 and 2
Renewed Facility Operating License Nos. DPR-67 and NPF-16
Docket Nos. 50-335 and 50-389

Proposed License Amendment
License Amendment Request to Update Appendix B to the Renewed
Facility Operating Licenses to Incorporate the 2016 Biological Opinion

References:

1. NRC letter dated April 7, 2016: Transmittal of National Marine Fisheries Service's March 24, 2016, Final Biological Opinion for St. Lucie Plant, Units 1 and 2

In accordance with the provisions of 10 CFR 50.90, "Application of License or Construction Permit," Florida Power & Light Company (FPL) hereby requests an amendment to the Renewed Facility Operating License (RFOL) listed above for St. Lucie Units 1 and 2.

The proposed changes revise the Unit 1 and Unit 2 Environmental Protection Plans (EPP) Section 4.2 to incorporate the revised terms and conditions (T&Cs) of the Incidental Take Statement (ITS) included in the currently applicable Biological Opinion (Reference 1) issued by the National Marine Fisheries Service (NMFS) on March 24, 2016. The proposed changes to the EPP will clarify that FPL must adhere to the currently applicable Biological Opinion in order to preclude the need for a new license amendment request in the event NMFS issues a new biological opinion in the future. FPL agreed to submit a proposed license amendment incorporating the changes issued in the biological opinion by July 5, 2016.

Attachment 1 of this submittal provides a description and evaluation supporting the proposed changes including the "Determination of No Significant Hazards Consideration." Attachment 2 provides a marked up copy of the St. Lucie Unit 1 EPP. Attachment 3 provides a marked up copy of the Unit 2 EPP.

ADD
NRR

No regulatory commitments are contained in this submittal. The biological opinion includes Reasonable and Prudent Measures (RPMs) that NMFS has determined to be necessary or appropriate to minimize the amount or extent of incidental take and associated T&Cs, which are non-discretionary and implement the RPMs. Upon NRC approval of the License Amendment Request, FPL will comply with all T&Cs of the ITS, and compliance with these T&Cs is intended to satisfy the regulatory requirements of the RPMs. Once approved, the amendment will be implemented within 60 days from the date of issuance.

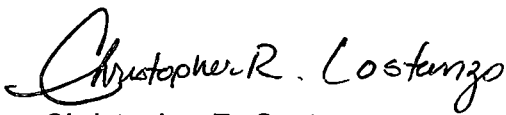
The Onsite Review Group has reviewed the proposed amendment. In accordance with 10 CFR 50.91, a copy of this application, with attachments, is being provided to the designated official of the State of Florida.

If you should have any questions regarding this application, please contact Michael J Snyder, Licensing Manager, at 772-467-7036.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 29 2016.

Respectfully submitted,



Christopher R. Costanzo
Site Vice President
St. Lucie Plant

CRC/rcs

Attachments:

1. Proposed Changes
2. St. Lucie Unit 1 EPP Mark-Up
3. St. Lucie Unit 2 EPP Mark-Up

cc: Ms. Cindy Becker, Florida Department of Health
USNRC Regional Administrator, Region II
USNRC Senior Resident Inspector, St. Lucie Units 1 and 2

Attachment 1

Proposed Changes

Background

On March 24, 2016, the NMFS issued the 2016 Biological Opinion (Reference 1) with the conclusion that the continued operation of the circulating seawater cooling system at the St. Lucie Plant is not likely to jeopardize the continued existence of the five species of sea turtles found at St. Lucie or the smalltooth sawfish. However, it revised the ITS and modified some of the terms and conditions of the previous Biological Opinion (2001).

Section 4.2 of the Environmental Protection Plan (EPP) contained in Appendix B of the St. Lucie renewed licenses requires FPL to adhere to the specific requirements within the ITS associated with NMFS's previous biological opinion, which was issued on May 4, 2001, and further clarified in a letter dated October 8, 2001. These changes are being proposed in order for FPL to take advantage of the protective coverage of section 7(o)(2) afforded by compliance with the ITS contained in the currently applicable biological opinion. Removing the date designation from the currently applicable Biological Opinion referenced in the EPP will preclude the need for a new license amendment request in the event NMFS issues a new biological opinion in the future.

The proposed amendment would implement the changes to the Biological Opinion and the ITS. The specific requirements and ITS limits will be specified in plant procedures and / or managed per routine change management tasks (i.e., licensee planned actions).

Summary of the Proposed Changes

The proposed amendment revises the Unit 1 and Unit 2 Environmental Protection Plans (EPP) Section 4.2, to generically incorporate the proposed terms and conditions and the Incidental Take Statement included in the currently applicable Biological Opinion.

Technical Analysis

FPL proposes to make changes to the EPP, Section 4.2, Terrestrial/Aquatic Issues. The individual changes are discussed below with a technical evaluation of each proposed change.

Section 4.2: Terrestrial/Aquatic Issues.

For any issues related to endangered aquatic species, the NRC relies on NMFS guidance issued under Section 7 of the Endangered Species Act (ESA). Section 4.2 of the St Lucie EPPs reiterates these principles and references the Biological Opinion issued by the NMFS under Section 7 of the ESA.

FPL proposes changes to the language in this section to delete the date specified for the Biological Opinion. Rather than specifically reference the 2016 Biological Opinion issued under Section 7 of the ESA, FPL proposes referencing to the currently applicable Biological Opinion. This would avoid the need for future changes to the EPP whenever there are changes to the Biological Opinion provided there are no substantive changes to the conclusions of future Biological Opinions.

The currently applicable Biological Opinion includes the designation of a critical habitat for the distinct population segment of the Northwest Atlantic Ocean loggerhead sea turtle (i.e., loggerhead NWA DPS). The conclusions of the currently applicable Biological Opinion are summarized in section 4.2. Revisions to section 4.2 include a statement that the continued operation of the St Lucie Plant is not likely to destroy or adversely modify the designated critical habitat of the loggerhead NWA DPS.

Determination of No Significant Hazards Consideration

The standards used to arrive at a determination that a request for amendment involves a no significant hazards consideration are included in the Commission's regulation, 10 CFR 50.92, which states that no significant hazards considerations are involved if the operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Each standard is discussed as follows:

- (1) Operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.**

The changes are administrative in nature and would in no way affect the initial conditions, assumptions, or conclusions of the St. Lucie Unit 1 or Unit 2 accident analyses. In addition, the proposed changes would not affect the operation or performance of any equipment assumed in the accident analyses. Based on the above information, we conclude that the proposed changes would not significantly increase the probability or consequences of an accident previously evaluated.

(2) Use of the modified specification would not create the possibility of a new or different kind of accident from any previously evaluated.

The changes are administrative in nature and would in no way impact or alter the configuration or operation of the facilities and would create no new modes of operation. We conclude that the proposed changes would not create the possibility of a new or different kind of accident.

(3) Use of the modified specification would not involve a significant reduction in a margin of safety.

The changes are administrative in nature and would in no way affect plant or equipment operation or the accident analysis. We conclude that the proposed changes would not result in a significant reduction in a margin of safety.

Based on the above, we have determined that the proposed amendment does not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the probability of a new or different kind of accident from any previously evaluated, or (3) involve a significant reduction in a margin of safety; and therefore, does not involve a significant hazards consideration.

Environmental Consideration

There are no environmental protection requirements established by other Federal, State, or local agencies that are being reduced by this license amendment request.

10 CFR 51.22(c)(10) provides criteria for identification of licensing and regulatory actions eligible for categorical exclusion from performing an environmental assessment. Issuance of an amendment to a permit or license pursuant to Part 50 is eligible for categorical exclusion if (1) it changes surety, insurance, and/or indemnity requirements, or (2) it changes recordkeeping, reporting, or administrative procedures or requirements.

The proposed license amendment revises the St. Lucie Units 1 and 2 renewed facility operating licenses to implement the revised requirements in the currently applicable NMFS Biological Opinion. The proposed license amendment changes administrative requirements and therefore, meets the criteria for categorical exclusion set forth in 10

CFR 51.22(c)(10). Any physical modifications to the St Lucie Plant prescribed by the T&C of the currently applicable Biological Opinion will be evaluated separately under the FPL process for 10 CFR 50.59. FPL has determined, pursuant to 10 CFR 51.22(b), that an environmental impact statement or environmental assessment need not be prepared in connection with issuance of the amendments.

Attachment 2

Florida Power & Light Company

St. Lucie Unit 1 EPP Mark-Up

Description of the Changes

Revise St. Lucie Unit 1, Renewed Facility Operating License No. DPR-67, Appendix B – Part II, Environmental Protection Plan, Section 4.2, Terrestrial/Aquatic Issues, to update the current version of the Biological Opinion by replacing the second and third paragraphs of Section 4.2 with the insert provided below:

INSERT

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.

3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with or approval from other Federal, State, or local environmental regulations are not subject to the requirements of Section 3.1.

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 requirement 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 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, on May 4, 2001, the NMFS issued a revised Biological Opinion that revised the ITS and modified some of the terms and conditions of the previous Opinion. After discussions among the NRC, NMFS, and FPL and in response to an NRC letter dated June 8, 2001, the NMFS issued a clarification of the issues in the new Biological Opinion and the ITS on October 8, 2001. The revised 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. No critical habitat has been designated for the specified species in the action area; therefore, none will be affected.~~

~~FPL shall adhere to the specific requirements within the ITS in the Biological Opinion as clarified by the NMFS and NRC. 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

REPLACE WITH
INSERT

Attachment 3

Florida Power & Light Company

St. Lucie Unit 2 EPP Mark-Up

Description of the Changes

Revise St. Lucie Unit 2, Renewed Facility Operating License No. NPF-16, Appendix B, Environmental Protection Plan, Section 4.2, Terrestrial/Aquatic Issues, to update the current version of the Biological Opinion by replacing the second and third paragraphs of Section 4.2 with the insert provided below:

INSERT

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.

4.0 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 5.4.2. 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, on May 4, 2001, the NMFS issued a revised Biological Opinion that revised the ITS and modified some of the terms and conditions of the previous Opinion. After discussions among the NRC, NMFS, and FPL and in response to an NRC letter dated June 8, 2001, the NMFS issued a clarification of the issues in the new Biological Opinion and the ITS on October 8, 2001. The revised 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. No critical habitat has been designated for the specified species in the action area; therefore, none will be affected.~~

REPLACE WITH INSERT

~~FPL shall adhere to the specific requirements within the ITS in the Biological Opinion as clarified by the NMFS and NRC. 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

REPLACE WITH INSERT

4.2.2 DELETED