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L-2005-217  
10 CFR 50.48

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

**Subject: Turkey Point Units 3 and 4  
Docket Nos. 50-250 and 50-251  
Letter of Intent to Adopt NFPA 805  
Performance Based Standard for Fire Protection  
for Light Water Reactor Electric Generating Plants, 2001 Edition**

This letter serves to inform the Nuclear Regulatory Commission (NRC) of Florida Power & Light Company's (FPL) intent to adopt National Fire Protection Association (NFPA) Standard 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition," (NFPA 805) in accordance with 10 CFR 50.48(c) for Turkey Point Units 3 and 4.

The transition to the performance-based standard for fire protection commences with the submittal of this letter and is expected to take 36 months to develop the License Amendment Request (LAR). This proposed schedule is subject to change depending on the extent to which Turkey Point determines the need for either physical modifications or changes to the fire protection program to comply with NFPA 805. An updated transition schedule will accompany the LAR required under 10 CFR 50.48(c)(3)(i).

In accordance with the NRC's Interim Enforcement Policy Regarding Enforcement Discretion for Certain Fire Protection Issues (69 Fed. Reg. 33684 (2004); 70 Fed. Reg. 2662 (2005) (the Interim Enforcement Policy)), FPL is requesting enforcement discretion for existing identified noncompliances and noncompliances identified during the NFPA 805 transition process.

For reasons stated below, FPL requests an enforcement discretion window of three years.

- (1) FPL will be one of the first licensees to follow the pilot plants in the transition to NFPA 805; therefore, we believe that there is much to be learned from the pilot plants. The pilot plants are currently scheduled to complete the transition to NFPA 805 in 2007 (Oconee Units 1 and 2) and 2008 (Shearon Harris Unit 1);
- (2) FPL is currently performing a validation of the Essential Equipment List (EEL) and Essential Cables List (ECL) for Turkey Point. In addition, FPL will be performing an update and validation of the Safe Shutdown Analysis (SSA) for Turkey Point. The SSA update and validation will complete by December 2007. Without the extended window for enforcement discretion, FPL would be required to perform the EEL, ECL, and SSA Validation Projects in parallel with NFPA 805 transition activities. This would greatly increase the complexity and difficulty of the project overall and would result in added burden to maintain quality and consistency;

*ADD*

- (3) Due to changes to regulations, standards, and regulatory interpretations over the years, noncompliances may be identified as FPL transitions to NFPA 805. The requested enforcement discretion window should ensure that FPL can perform a thorough investigation of the extent of condition at Turkey Point Units 3 and 4;
- (4) FPL has determined that, in transitioning to a performance-based fire protection program, a key element will be development of a Fire Probabilistic Risk Assessment (PRA) for the Turkey Point plants. The development of a fire PRA is expected to take approximately eighteen to twenty-four months. Therefore, the fire PRA being developed for the change analysis will not be available until approximately two years after the start of the transition;
- (5) Within FPL, and in the nuclear industry in general, there is a limited population of Fire Protection experts needed to support the update and validation of the EEL, ECL, and SSA design basis, and the transition to NFPA 805; and
- (6) Finally, FPL believes that the risk of granting the requested enforcement discretion window is low, since noncompliances for which FPL would request enforcement discretion must meet the requirements of the Interim Enforcement Policy. The Interim Enforcement Policy applies only to those findings that are not characterized as safety significant.

FPL is projecting a LAR submittal for Turkey Point Units 3 and 4 by November 2008.

FPL understands that this letter of intent initiates a window of enforcement discretion for Turkey Point Units 3 and 4, during which no enforcement actions will be taken by the NRC for non-safety significant noncompliances, subject to the guidance provided in the Interim Enforcement Policy.

The Interim Enforcement Policy provides that as a condition to eligibility to enforcement discretion, "Licensees will perform a plant-wide assessment to identify fire areas and fire hazards and evaluate compliance with their existing fire protection licensing basis." FPL will comply with this condition by performing an assessment in accordance with NEI 04-02, "*Guidance for Implementing a Risk-Informed, Performance-Based Fire Protection Program under 10 CFR .50.48(c)*," during the transition window.

The NFPA 805 transition process will proceed in three phases:

**Phase 1 - Preliminary assessment of the Fire Protection Program**

- Preliminary technical and regulatory assessments have been completed to determine the feasibility and practicality of performing the transition.

**Phase 2 - Reviews and Engineering Analysis**

- Completion of EEL Validation Project
- Completion of ECL Validation Project
- Completion of SSA Validation Project
- Completion of Fire PRA
- Fundamental Fire Protection Program and Design Elements review

- Nuclear Safety Performance Criteria Transition review
- Non-Power Operational Mode Transition review
- Radiological Release Transition review
- Change Management Evaluations
- License Amendment Request

**Phase 3 - Implementation**

- Program Documentation
- Configuration Control
- Monitoring

FPL will consider this process to be completed upon FPL's receipt of the License Amendment authorizing the transition to NFPA 805.

Please contact Walter Parker at (305) 246-6632, if there are any questions.

Very truly yours,



Terry O. Jones  
Vice President  
Turkey Point Nuclear Plant

cc: Regional Administrator, Region II, USNRC  
Senior Resident Inspector, USNRC, Turkey Point  
Director, Office of Enforcement