



December 22, 2005

L-2005-262
10 CFR 50.4

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

Subject: St. Lucie Units 1 and 2
Docket Nos. 50-335 and 50-389
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 St. Lucie Units 1 and 2.

The transition to the performance-based standard for fire protection will commence in January 2006 and is expected to take 42 months to develop the license amendment request (LAR). This proposed schedule is subject to change depending on the extent to which St. Lucie 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 42 months.

- (1) FPL will be one of the first licensees to follow the pilot plants in 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 submit their LARs in 2007 (Oconee Units 1 and 2) and 2008 (Shearon Harris Unit 1).
- (2) FPL has previously sent a letter of intent for Turkey Point Units 3 and 4 to adopt NFPA 805. The Turkey Point plant is the lead for the fleet and the St. Lucie schedule will be behind that of Turkey Point to capture lessons learned and utilize

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the same resources for key analysis areas to provide consistency in the evaluations.

- (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 through investigation of the extent of condition at St. Lucie Units 1 and 2.
- (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 St. Lucie plant. The development of a fire PRA is expected to take approximately 18 to 24 months. Therefore, the fire PRA being developed for the change 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 transition to NFPA 805.
- (6) 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 non-safety significant issues.

FPL is projecting a LAR submittal for St. Lucie Units 1 and 2 by July 2009.

FPL understands that this letter of intent initiates a window of enforcement discretion for St. Lucie Units 1 and 2, 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 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 will be completed to determine the feasibility and practicality of performing the transition.

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Phase 2 – Reviews and engineering analysis

- Completion of fire PRA
- Fundamental Fire Protection Program and design elements review
- Nuclear safety performance criteria transition review
- Non-power operational mode transition review
- Change management evaluations
- License amendment request

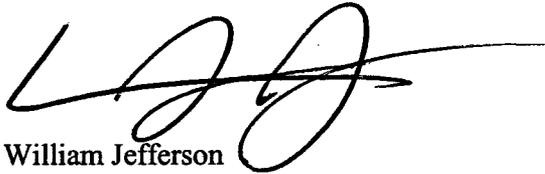
Phase 3 – Implementation

- Program documentation
- Configuration control
- Monitoring

FPL will consider this process to be completed upon FPL's receipt of the license amendment approving the transition to NFPA 805.

Please contact Ken Frehafer at (772) 467-7748, if there are any questions.

Very truly yours,



William Jefferson
Vice President
St. Lucie Nuclear Plant