



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW, SUITE 23T85  
ATLANTA, GEORGIA 30303-8931

February 22, 2006

Florida Power and Light Company  
ATTN: Mr. J. A. Stall, Senior Vice President  
Nuclear and Chief Nuclear Officer  
P. O. Box 14000  
Juno Beach, FL 33408-0420

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR FLORIDA POWER  
AND LIGHT REGARDING ST. LUCIE UNIT 2 [TAC NO. MD0052, NOED  
NO. 06-2-01]

Dear Mr. Stall:

By letter dated February 17, 2006, you requested that the NRC exercise discretion to not enforce compliance with the actions required in St. Lucie Unit 2 Technical Specification (TS) 3.6.1.7 Action c, which required a plant shutdown if repair of an 8-inch containment purge supply isolation valve could not be completed within 24 hours. Your letter documented information discussed with the NRC in a teleconference on February 15, 2006 in which you requested a NOED be granted pursuant to the NRC's policy regarding exercise of discretion for an operating facility, set out in Section VII.C, of the NRC Enforcement Policy, and be effective for the period from 4:10 p.m., on February 15, 2006, to March 24, 2006. This letter documents our telephone conversation of February 15, 2006 at 2:00 p.m., wherein the NRC verbally granted discretion from TS LCO 3.6.1.7 Action c. The principal NRC staff members who participated in the telephone conference included: (1) from Region II - Charles Casto, Director, Division of Reactor Projects (DRP); Joseph Shea, Deputy Director, DRP; Son Ninh, Senior Project Engineer, DRP Branch 3; Rudy Bernhard, Senior Reactor Analyst; Tom Morrissey, Acting Senior Resident Inspector - St. Lucie and (2) from the Office of Nuclear Reactor Regulation - Catherine Haney, Director, Division of Reactor Licensing; Michael Marshall, Chief, Plant Licensing Branch 2-2; Brendan Moroney, Project Manager, St. Lucie; Harold Chernoff, lead Project Manager for NOEDs; James Pulsipher, Reactor Systems Engineer, Containment and Ventilations Systems Branch; and Robert Palla, Senior Reactor Engineer.

On February 14, 2006, at 4:10 p.m. Unit 2 inboard 8-inch containment purge supply isolation valve, FCV-25-36, failed a routine local leak rate test (LLRT) required by TS surveillance 4.6.1.7.4, due to the failure of a shear pin that uncoupled the actuator from the valve stem and was declared inoperable. TS 4.6.1.7.4 states "at least once per 92 days, each 8-inch containment purge supply and exhaust isolation valve with resilient material seals shall be demonstrated OPERABLE by verifying that the measured leakage rate is less than or equal to 0.05 La when pressurized to Pa." TS 3.6.1.7 Action c was entered that requires "With a containment purge supply and /or exhaust isolation valve(s) having a measured leakage rate exceeding the limits of Surveillance Requirements 4.6.1.7.3 and/or 4.6.1.7.4, restore the inoperable valve(s) to OPERABLE status within 24 hours, otherwise be in at least HOT STANDBY within the next 6 hours and in COLD SHUTDOWN within the following 30 hours." You stated that Unit 2 would violate the allowed outage time for Action c on February 15, 2006

at 4:10 p.m., because the valve could not be restored to OPERABLE status within the allowed 24 hours. You verbally requested enforcement discretion to allow the use of a blind flange to satisfy TS 3.6.1.7 Action c requirements during our telephone conference on February 15, 2006. Additionally, you committed to submitting an exigent license amendment request to allow this additional action, which is consistent with the standard Combustion Engineering TS.

Your letter of February 17, 2006, stated that the proposed NOED would avoid an unnecessary transient as a result of compliance with TS 3.6.1.7 Action c; thereby, minimizing the potential safety consequences and operational risks. It also stated that the requested NOED would provide adequate time for completing the necessary engineering and administrative activities for implementing a permanent TS change, which would allow installation of a blind flange to satisfy TS 3.6.1.7 Action c requirements for containment purge penetrations that failed the respective LLRT TS surveillance. In addition, your letter indicated that the impact on containment isolation does not contribute to core damage frequency, only large early release frequency (LERF), however, the impact of loss of the continuous containment purge/hydrogen purge systems functions would be insignificant to the LERF. As such, your letter concluded that the proposed NOED would not be of potential detriment to the public health and safety, because there is no net increase in radiological risk to the public. Moreover, the only compensatory measure implemented is the installation of a passive blind flange. This configuration enhances plant safety.

In your letter of February 17, 2006, you confirmed your commitment to submit a followup license amendment request (LAR) by close of business February 21, 2006, which incorporates a permanent change contained in this NOED into the St. Lucie Unit 2 TS. We plan to complete our review and disposition of your followup license amendment by March 24, 2006.

On the basis of the staff's evaluation of your request, we have concluded that granting this NOED is consistent with the Enforcement Policy and staff guidance, and has no adverse impact on public health and safety or the environment. Therefore, it is our intention to exercise discretion to not enforce compliance with TS 3.6.1.7 Action c for the period from 3:00 p.m. on February 15, 2006, to March 24, 2006.

As stated in the Enforcement Policy, action will be taken, to the extent that violations were involved, for the root cause that led to the noncompliance for which this NOED was necessary.

Sincerely,

***/RA by Loren R. Plisco Acting For/***

William D. Travers  
Regional Administrator

Docket No.: 50-389  
License No.: NPF-16

cc: (See page 3)

## cc:

William Jefferson, Jr.  
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St. Lucie Nuclear Plant  
Florida Power & Light Company  
Electronic Mail Distribution

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Radiological Emergency  
Planning Administrator  
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Craig Fugate, Director  
Division of Emergency Preparedness  
Department of Community Affairs  
Electronic Mail Distribution

Letter to Mr. J.A. Stall from William D. Travers dated February 22, 2006

SUBJECT: NOTICE OF ENFORCEMENT DISCRETION (NOED) FOR FLORIDA POWER AND  
LIGHT REGARDING ST. LUCIE UNIT 2 [TAC NO MD0052, NOED NO. 06-02-01]

Distribution w/encl:

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Sincerely,

**/RA/ by Loren R. Plisco Acting For/**

William D. Travers  
Regional Administrator

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License No.: NPF-16

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PUBLICLY AVAILABLE     NON-PUBLICLY AVAILABLE     SENSITIVE     NON-SENSITIVE  
ADAMS:  Yes    ACCESSION NUMBER:

OFFICE	NRR	RII:DRP	RII:DRP	RII:ORA	RII:EICS
SIGNATURE	JTM for, by telephone	JTM	CAC1	LRP	CFE
NAME	CHaney	JMunday	CCasto	LPlisco	CEvans
DATE	02/22/06	02/22/06	02/23/06	02/22/06	02/22/06
E-MAIL COPY?	YES      NO	YES   NO	YES   NO	YES   NO	YES   NO