



SEP 11 2008

L-2008-179  
10 CFR 50.48

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

RE: Florida Power and Light Company  
St. Lucie Units 1 and 2, Docket Nos. 50-335 and 50-389  
Turkey Point Units 3 and 4, Docket Nos. 50-250 and 50-251

FPL Energy Point Beach, LLC  
Point Beach Units 1 and 2, Docket Nos. 50-266 and 50-301

Request for Extension of Enforcement Discretion and Revised Submittal Schedule for  
10 CFR 50.48(c) License Amendment Request

In accordance with the August 19, 2008, Nuclear Regulatory Commission (NRC) approval of the NRC Enforcement Policy change proposed by the staff in COMSECY-08-0022, Florida Power & Light Company (FPL), the licensee for Turkey Point Nuclear Plant, Units 3 and 4, and St. Lucie Nuclear Plant, Units 1 and 2, and FPL Energy Point Beach LLC, the licensee for Point Beach Nuclear Plant, Units 1 and 2, respectfully request that enforcement discretion and the due date for the 10 CFR 50.48(c) License Amendment Requests (LARs) be extended to six (6) months past the date of the safety evaluation approving the second pilot plant LAR review.

On November 15, 2005 (ML053290175) and December 22, 2005 (ML053640283), FPL submitted, to the Nuclear Regulatory Commission (NRC), letters of 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 Nuclear Plant and St. Lucie Nuclear Plant, respectively.

By letters dated December 29, 2005 (ML053480210) and February 14, 2006 (ML060310632), the NRC acknowledged receipt of the FPL letters of intent, but did not specifically grant a three year enforcement discretion period requested in the letter of intent. Effective April 18, 2006 the NRC revised the NRC "Interim Enforcement Policy Regarding Enforcement Discretion for Certain Fire Protection Issues," to extend the enforcement discretion period to 3 years for those licensees that commit to transition to 10 CFR 50.48(c), as described in Federal Register Notice 71 FR 19905, dated April 18, 2006. The NRC specifically granted a third year of enforcement discretion for Turkey Point Nuclear Plant and St. Lucie Nuclear Plant by letters dated September 18, 2006 (ML062020265 and ML062020289, respectively). In accordance with NRC Enforcement Policy, the enforcement discretion period will continue until the NRC completes its review of the license amendment request.

Nuclear Management Company, LLC (NMC) submitted a letter of intent to adopt NFPA 805 for Point Beach Nuclear Plant on November 30, 2005 (ML053460342) and a second letter on March 14, 2006 (ML060730265), that included a revised transition schedule for Point Beach Nuclear Plant. By letter dated September 7, 2006 (ML061500035), the NRC acknowledged receipt of the letter of intent and specifically granted a three year enforcement discretion period.

ADD  
NRR

As provided for in COMSECY-08-0022, FPL is requesting that enforcement discretion be extended for Turkey Point Units 3 and 4 and St. Lucie Units 1 and 2, and FPL Energy Point Beach is requesting that enforcement discretion be extended for Point Beach Units 1 and 2, until six (6) months after the date of the NRC safety evaluation approving the second pilot plant LAR review. In keeping with the assessment criteria outlined in COMSECY-08-0022, FPL and FPL Energy Point Beach base this request on the "substantial progress" that has been made on the NFPA transition tasks that are not resource-limited with respect to fire probabilistic risk assessment technical expertise. Substantial progress toward completion of NFPA 805 transition is discussed in the attachments to this letter. Attachment 1 provides the requested information for Turkey Point Nuclear Plant, Attachment 2 provides the requested information for St. Lucie Nuclear Plant, and Attachment 3 provides the requested information for Point Beach Nuclear Plant.

This letter contains no new commitments nor revises any previous commitments.

Please contact Vinny Rubano at (561) 691-7809, if there are questions associated with this submittal.

Sincerely yours,



Rajiv S. Kundalkar  
Vice President, Nuclear Power Uprate

- Attachments:
1. Turkey Point Nuclear Plant Related Information
  2. St. Lucie Nuclear Plant Related Information
  3. Point Beach Nuclear Plant Related Information

cc: Regional Administrator, Region II, USNRC  
Regional Administrator, Region III, USNRC  
Senior Resident Inspector, USNRC, Turkey Point  
Senior Resident Inspector, USNRC, St. Lucie  
Senior Resident Inspector, USNRC, Point Beach  
Director, Office of Enforcement

Turkey Point Nuclear Plant Related Information

**NFPA 805 Transition Progress**

COMSECY-08-0022 requested information from licensees on demonstrated progress toward completion of NFPA 805 transition, as a condition of granting an extension of enforcement discretion. FPL has made substantial progress in the Turkey Point Nuclear Plant NFPA 805 transition effort. FPL has participated in the NEI NFPA 805 Task Force, Fire PRA Task Forces, and the Frequently Asked Question (FAQ) process and has made significant efforts in performing work activities in an effective manner, while utilizing the lessons learned from the Pilot Plant process.

The following table represents the major work activities for Turkey Point Nuclear Plant associated with NFPA 805 Transition. The "LAR/TR Reference" column refers to the referenced section of the Pilot Plant NFPA 805 LAR/Transition Reports that document the results of the NFPA 805 Transition Reports. As shown in the table below, Turkey Point Nuclear Plant has demonstrated substantial progress in the NFPA 805 transition process.

LAR/TR Reference	Topic	Approximate % Complete	Current Milestone <sup>2</sup> Completion Schedule
N/A	Safe shutdown Analysis Update (pre-requisite task)	95%	September 2008
4.1 Attachment A	Fundamental FP Program Elements and Minimum Design Requirements (Table B-1)	100% <sup>1</sup>	
4.2.1 Attachment B	Nuclear Safety Capability Assessment – Methodology (Table B-2)	100% <sup>1</sup>	
Section 4.2.2 Attachment C	Nuclear Safety Capability Assessment – Fire Area-by-Fire Area Review (Table B-3)	94% <sup>1</sup>	September 2008
Section 4.3 Attachment D	Non Power Operational Modes (Table F-1)	65%	October 2008
Section 4.4 Attachment E	Radioactive Release (Table G-1)	95%	September 2008
4.5.1	Fire PRA Development	61%	November 2008

Note 1 – Completion of these tables contain open items that may require fire PRA to close (change evaluation)

Note 2 – Schedule dates are milestones and do not constitute commitments

Turkey Point Nuclear Plant Related Information

**Physical Modifications**

While physical modifications may be identified as part of the transition effort, no physical modifications have been performed to address any fire protection issues. Any modifications required will be identified in the LAR submittal letter and that letter will provide a schedule and commitments for any such modifications.

**NFPA 805 Monitoring Program**

COMSECY-08-0022 requested that as part of the status report for demonstrating substantial progress on the transition that the status of the NFPA 805 monitoring program be provided. The NFPA 805 monitoring program is highly dependent on fire PRA results as well as the traditional fire protection program issues. Therefore, the monitoring program is one of the last items to be completed during the transition effort. This is consistent with the manner in which both pilot plants are proceeding.

**Information Available On Site**

In addition to the information contained in this attachment, COMSECY-08-0022 required additional information to be compiled/documentated on site and available for inspection/audit.

All fire protection-related noncompliances have been entered into the site corrective action program and appropriate compensatory measures in accordance with the existing fire protection program have been implemented. This information is contained within the site's corrective action program and is available for review.

Unallowed Operator Manual Actions (those designated as bin H under NEI 04-02) are considered compensatory measures according to the fire protection program. The fire protection program requires that any such actions comply with RIS 2005-07. The feasibility of the Operator Manual Actions has been reviewed and any such action being considered as a compensatory measure is considered feasible. The feasibility review for these actions was done based on the existing safe shutdown analysis. Therefore, an existing feasibility determination may require modification and/or revision due to information generated by the NFPA 805 transition effort. This review can not be completed until most other transition efforts, including the fire PRA effort, are completed since the information generated during the transition effort may change which actions are required or the timing required for required actions. Therefore, the feasibility of some of these actions will be reviewed at the completion of the fire PRA effort. This approach is consistent with the pilot plants.

St. Lucie Nuclear Plant Related Information

**NFPA 805 Transition Progress**

COMSECY-08-0022 requested information from licensees on demonstrated progress toward completion of NFPA 805 transition, as a condition of granting an extension of enforcement discretion. FPL has made substantial progress in the St. Lucie Nuclear Plant NFPA 805 transition effort. FPL has participated in the NEI NFPA 805 Task Force, Fire PRA Task Forces, and the Frequently Asked Question (FAQ) process and has made significant efforts in performing work activities in an effective manner, while utilizing the lessons learned from the Pilot Plant process.

The following table represents the major work activities for St. Lucie Nuclear Plant associated with NFPA 805 Transition. The "LAR/TR Reference" column refers to the referenced section of the Pilot Plant NFPA 805 LAR/Transition Reports that document the results of the NFPA 805 Transition Reports. As shown in the table below, St. Lucie Nuclear Plant has demonstrated substantial progress in the NFPA 805 transition process.

LAR/TR Reference	Topic	Approximate % Complete	Current Milestone <sup>3</sup> Completion Schedule
N/A	Safe shutdown Analysis Update (pre-requisite task)	N/A	
4.1 Attachment A	Fundamental FP Program Elements and Minimum Design Requirements (Table B-1)	95% <sup>1</sup>	September 2008
4.2.1 Attachment B	Nuclear Safety Capability Assessment – Methodology (Table B-2)	80% <sup>1</sup>	October 2008
Section 4.2.2 Attachment C	Nuclear Safety Capability Assessment – Fire Area-by-Fire Area Review (Table B-3)	12% <sup>1,2</sup>	December 2008
Section 4.3 Attachment D	Non Power Operational Modes (Table F-1)	1%	April 2009
Section 4.4 Attachment E	Radioactive Release (Table G-1)	45%	November 2008
4:5.1	Fire PRA Development	35%	July 2009

Note 1 – Completion of these tables contain open items that may require fire PRA to close (change evaluation)

Note 2 – Based on the preliminary findings from the Nuclear Safety Capability Assessment – Methodology (Table B-2) no significant findings are expected from the fire area by fire area review that have not already been identified

Note 3 – Schedule dates are milestones and do not constitute commitments

St. Lucie Nuclear Plant Related Information

**Physical Modifications**

While physical modifications may be identified as part of the transition effort, no physical modifications have been performed to address any fire protection issues. Any modifications required will be identified in the LAR submittal letter and that letter will provide a schedule and commitments for any such modifications.

**NFPA 805 Monitoring Program**

COMSECY-08-0022 requested that as part of the status report for demonstrating substantial progress on the transition that the status of the NFPA 805 monitoring program be provided. The NFPA 805 monitoring program is highly dependent on fire PRA results as well as the traditional fire protection program issues. Therefore, the monitoring program is one of the last items to be completed during the transition effort. This is consistent with the manner in which both pilot plants are proceeding.

**Information Available On Site**

In addition to the information contained in this attachment, COMSECY-08-0022 required additional information to be compiled/documentated on site and available for inspection/audit.

All fire protection-related noncompliances have been entered into the site corrective action program and appropriate compensatory measures in accordance with the existing fire protection program have been implemented. This information is contained within the site's corrective action program and is available for review.

Unallowed Operator Manual Actions (those designated as bin H under NEI 04-02) are considered compensatory measures according to the fire protection program. The fire protection program requires that any such actions comply with RIS 2005-07. The feasibility of the Operator Manual Actions has been reviewed and any such action being considered as a compensatory measure is considered feasible. The feasibility review for these actions was done based on the existing safe shutdown analysis. Therefore, an existing feasibility determination may require modification and/or revision due to information generated by the NFPA 805 transition effort. This review can not be completed until most other transition efforts, including the fire PRA effort, are completed since the information generated during the transition effort may change which actions are required or the timing required for required actions. Therefore, the feasibility of some of these actions will be reviewed at the completion of the fire PRA effort. This approach is consistent with the pilot plants.

Point Beach Nuclear Plant Related Information

**NFPA 805 Transition Progress**

COMSECY-08-0022 requested information from licensees on demonstrated progress toward completion of NFPA 805 transition, as a condition of granting an extension of enforcement discretion. FPL Energy Point Beach has made substantial progress in the Point Beach Nuclear Plant NFPA 805 transition effort. FPL Energy Point Beach has participated in the NEI NFPA 805 Task Force, Fire PRA Task Forces, and the Frequently Asked Question (FAQ) process and has made significant efforts in performing work activities in an effective manner, while utilizing the lessons learned from the Pilot Plant process.

The following table represents the major work activities for Point Beach Nuclear Plant associated with NFPA 805 Transition. The "LAR/TR Reference" column refers to the referenced section of the Pilot Plant NFPA 805 LAR/Transition Reports that document the results of the NFPA 805 Transition Reports. As shown in the table below, Point Beach Nuclear Plant has demonstrated substantial progress in the NFPA 805 transition process.

LAR/TR Reference	Topic	Approximate % Complete	Current Milestone <sup>2</sup> Completion Schedule
N/A	Safe shutdown Analysis Update (pre-requisite task)	N/A	N/A
4.1 Attachment A	Fundament FP Program Elements and Minimum Design Requirements (Table B-1)	100% (Draft) <sup>1</sup>	
4.2.1 Attachment B	Nuclear Safety Capability Assessment – Methodology (Table B-2)	100% (Draft) <sup>1</sup>	
Section 4.2.2 Attachment C	Nuclear Safety Capability Assessment – Fire Area-by-Fire Area Review (Table B-3)	40% <sup>1</sup>	December 2008
Section 4.3 Attachment D	Non Power Operational Modes (Table F-1)	0%	December 2008
Section 4.4 Attachment E	Radioactive Release (Table G-1)	55%	October 2008
4.5.1	Fire PRA Development	39%	June 2009

Note 1 – Completion of these tables contain open items that may require fire PRA to close (change evaluation)

Note 2 – Schedule dates are milestones and do not constitute commitments

Point Beach Nuclear Plant Related Information

**Physical Modifications**

While physical modifications may be identified as part of the transition effort, no physical modifications have been performed to address any fire protection issues. Any modifications required will be identified in the LAR submittal letter and that letter will provide a schedule and commitments for any such modifications.

**NFPA 805 Monitoring Program**

COMSECY-08-0022 requested that as part of the status report for demonstrating substantial progress on the transition that the status of the NFPA 805 monitoring program be provided. The NFPA 805 monitoring program is highly dependent on fire PRA results as well as the traditional fire protection program issues. Therefore, the monitoring program is one of the last items to be completed during the transition effort. This is consistent with the manner in which both pilot plants are proceeding.

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