

September 18, 2006

Mr. Gordon L. Johnston  
Site Vice President  
St. Lucie Nuclear Plant  
Florida Power and Light Company  
6351 S. Ocean Drive  
Jensen Beach, FL 34957

SUBJECT: PERIOD OF ENFORCEMENT DISCRETION DURING IMPLEMENTATION OF  
NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 805, ST. LUCIE  
NUCLEAR PLANT, UNITS 1 AND 2.

Dear Mr. Johnston:

In a letter dated February 14, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML060310632), the U.S. Nuclear Regulatory Commission (NRC) acknowledged your letter of December 22, 2005 (ADAMS No. ML053640283), in which you stated that Florida Power and Light Company intended to adopt the National Fire Protection Association (NFPA) Standard 805, "NFPA 805, Performance-Based Standard for Fire Protection for Light-Water Reactor Electric Generating Plants," 2001 Edition, pursuant to Section 50.48(c) of Part 50 of Title 10 of the *Code of Federal Regulations*, at St. Lucie Nuclear Plant, Units 1 and 2.

In your letter, you requested enforcement discretion for a period of 42 months for existing identified incidents of noncompliances, in accordance with the NRC's Interim Enforcement Policy. In our February 14, 2006, letter, the NRC granted a 2-year enforcement discretion period for St. Lucie Nuclear Plant, Units 1 and 2. However, we noted that the NRC is considering your request for extended discretion and would contact you when we have reached a decision.

On the basis of a revision to the Enforcement Policy (71 *Federal Register* 19905), I am now informing you that a 3-year enforcement discretion period is granted. Currently, the NRC is not granting additional extensions to the existing approved enforcement discretion policy. Therefore, the NRC considers the discretion period for St. Lucie Nuclear Plant, Units 1 and 2, which began on December 22, 2005, to expire on December 22, 2008.

As you are aware, in order to receive enforcement discretion, you must: (a) evaluate the risk significance of all noncompliances to assure that they do not constitute "Red" (or Severity Level I) findings under the Reactor Oversight Process, (b) enter them into your corrective action program, and (c) implement and maintain appropriate compensatory measures until you complete your corrective actions, or until the NRC staff approves your license amendment request and issues its safety evaluation. You should refer to NRC Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements," for additional NRC staff guidance on appropriate compensatory measures.

G. Johnston

- 2 -

If you have any questions regarding this matter, please contact Brendan T. Moroney, Project Manager, at 301-415-3974 or [BTM3@nrc.gov](mailto:BTM3@nrc.gov).

Sincerely,

**/RA/**

Catherine Haney, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-335 and 50-389

cc: Those on the attached list

G. Johnston

- 2 -

If you have any questions regarding this matter, please contact Brendan T. Moroney, Project Manager, at 301-415-3974 or [BTM3@nrc.gov](mailto:BTM3@nrc.gov).

Sincerely,

**/RA/**

Catherine Haney, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-335 and 50-389

cc: Those on the attached list

DISTRIBUTION:

PUBLIC

ADRA Reading File

RidsNrrDorl

RidsNrrDra

RidsNrrDir

RidsNrrDorLpl1-1

BMoroney

RidsNrrDraAfpb

P. Lain

RidsNrrDirslrib

RidsOeMailCenter

RidsRgn2MailCenter

RidsNrrDorLpl4

P. Koltay

T. Dinh

Q. Nguyen

ADAMS Accession No.: ML062020289

NRR-106

Office	LPLII:PM	DRA/FPB:BC	DRIS/IRIB:BC	OE
Name	BMoroney	SWeerakkody	RGibbs	DSolorio
Date	8/8/06	8/15/06	8/18/06	9/13/06
Office	R-II/DRS/EB2:BC	NRR/DRA:D	DORL:D	
Name	CPayne	JLyons	CHaney	
Date	9/19/06	9/14/06	9/18/06	

**OFFICIAL RECORD COPY**

Letter to Mr. Gordon L. Johnson from Cathrine Haney, dated

SUBJECT: PERIOD OF ENFORCEMENT DISCRETION DURING IMPLEMENTATION OF  
NATIONAL FIRE PROTECTION ASSOCIATION STANDARD 805, ST. LUCIE  
NUCLEAR PLANT, UNITS 1 AND 2.

cc:

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

Senior Resident Inspector  
St. Lucie Plant  
U.S. Nuclear Regulatory Commission  
P.O. Box 6090  
Jensen Beach, FL 34957

Craig Fugate, Director  
Division of Emergency Preparedness  
Department of Community Affairs  
2740 Centerview Drive  
Tallahassee, FL 32399-2100

M. S. Ross, Managing Attorney  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Marjan Mashhadi, Senior Attorney  
Florida Power & Light Company  
801 Pennsylvania Avenue, NW.  
Suite 220  
Washington, DC 20004

Mr. Douglas Anderson  
County Administrator  
St. Lucie County  
2300 Virginia Avenue  
Fort Pierce, Florida 34982

Mr. William A. Passetti, Chief  
Department of Health  
Bureau of Radiation Control  
2020 Capital Circle, SE, Bin #C21  
Tallahassee, Florida 32399-1741

Mr. C. R. Costanzo  
Acting Plant General Manager  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, FL 34957

Mr. Terry L. Patterson  
Licensing Manager  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, FL 34957

Mark Warner, Vice President  
Nuclear Operations Support  
Florida Power and Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Mr. Rajiv S. Kundalkar  
Vice President - Nuclear Engineering  
Florida Power & Light Company  
P.O. Box 14000  
Juno Beach, FL 33408-0420

Mr. J. Kammel  
Radiological Emergency  
Planning Administrator  
Department of Public Safety  
6000 Southeast Tower Drive  
Stuart, Florida 34997