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7590-01-P

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
FLORIDA POWER AND LIGHT COMPANY )  
 )  
 )  
(Turkey Point Units 3 and 4) )  
 )

Docket Nos. 50-250 and 50-251

EXEMPTION **NRC FILE CENTER COPY**

I.

Florida Power and Light Company (the licensee) is the holder of Facility Operating Licenses Nos. DPR-31 and DPR-41, which authorize operation of Turkey Point Units 3 and 4 (the facility), respectively, at a steady-state reactor power level not in excess of 2300 megawatts thermal. The facility is a pressurized-water reactor located at the licensee's site in Dade County, Florida. The licenses require among other things that the facility comply with all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

II.

In exemptions dated March 27, 1984, and August 12, 1987, concerning the requirements of Section III.G, Appendix R to 10 CFR Part 50, the staff approved the use of 1-hour-rated fire barriers in lieu of 3-hour barriers in certain outdoor areas at Turkey Point Units 3 and 4. In addition, the staff found that, for certain outdoor areas not protected by automatic fire detection and suppression systems, separation of cables and equipment and associated non-safety-

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related circuits of redundant trains by a horizontal distance of 20 feet free of intervening combustibles provided an acceptable level of fire safety.

On the basis of the results of the industry's Thermo-Lag fire endurance testing program, the licensee concluded that the outdoor Thermo-Lag fire barrier designs cannot achieve a 1-hour fire-resistive rating but can achieve a 30-minute fire-resistive rating when exposed to a test fire that follows the American Society for Testing and Materials E-119 standard time-temperature curve. Because of these test results, the licensee in a letter dated June 15, 1994, requested an exemption to use 30-minute fire barriers for outdoor applications in lieu of the 1-hour fire barriers previously approved; however, the exemption request was withdrawn by letter dated June 28, 1996.

In a letter dated December 12, 1996, the licensee requested an exemption from the requirements pertaining to the 3-hour fire barriers required by Section III.G.2.a, Appendix R to 10 CFR Part 50, for the outdoor areas, excluding the turbine building area. The licensee requested that the NRC approve the use of 25-minute raceway fire barriers for these outdoor applications in lieu of the 1-hour fire barriers that were previously approved (refer to safety evaluations dated March 27, 1984, and August 12, 1987).

By letter dated February 24, 1998, the NRC staff denied the licensee's request for exemption for fire zone 106R, the control building roof, based on the uncertainty of the roof's combustibility and fire classification. During a site visit, on September 14, 1998, the licensee informed the NRC staff that it had obtained additional information to support that the control building roofing composite was an equivalent Class A construction per American National Standard/Underwriters Laboratories, Inc. No. 790, "Tests for Fire Resistance of Roof Covering Materials, Seventh Edition." Subsequently, by letters dated November 2, 1998, and February 11, 1999, the licensee submitted additional information for staff review regarding the classification of the fire zone 106R roof construction.

## III.

The underlying purpose of Section III.G.2.a, Appendix R to 10 CFR Part 50, is to provide reasonable assurance that at least one means of achieving and maintaining safe shutdown conditions will remain available during and after any postulated fire in the plant.

On the basis of the staff's supporting safety evaluation of the licensee's submittals, the staff concludes that the exemption from the requirements of Section III.G.2.a of Appendix R, for fire zone 106R as requested by the licensee, provides an adequate level of fire safety, and presents no undue risk to public health and safety. In addition, the staff concludes the underlying purpose of the rule is achieved.

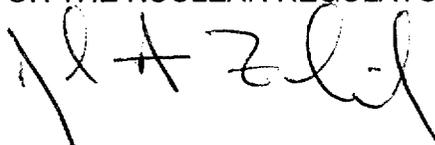
## IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. In addition, the Commission has determined that special circumstances are present in that application of the regulation in the particular circumstances here is not necessary to achieve the underlying purpose of the rule. Therefore, the Commission hereby grants Florida Power and Light Company an exemption from the requirements of Section III.G.2.a of Appendix R to 10 CFR Part 50, as requested in its above-referenced submittals, for fire zone 106R.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption for fire zone 106R will not have a significant effect on the quality of the human environment (64 FR 14276).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read 'John A. Zwolinski', written over the typed name below.

John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,  
this **4th** day of **May**, 1999

May 4, 1999

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption for fire zone 106R will not have a significant effect on the quality of the human environment (64 FR 14276).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

**Original signed by:**

John A. Zwolinski, Director  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,  
this **4th** day of **May** 1999

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May 4, 1999

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MEMORANDUM TO: Rules and Directives Branch  
Division of Administrative Services  
Office of Administration

FROM: Office of Nuclear Reactor Regulation

SUBJECT: **FLORIDA POWER AND LIGHT COMPANY**

One signed original of the *Federal Register* Notice identified below is attached for your transmittal to the Office of the Federal Register for publication. Additional conformed copies ( 5 ) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for submission of Views on Antitrust matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License. (Call with 30-day insert date).
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
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- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Receipt of Petition for Director's Decision Under 10 CFR 2.206.
- Issuance of Final Director's Decision Under 10 CFR 2.206.
- Other: \_\_\_\_\_

DOCKET NO. 50-250 and 50-251

Attachment(s): As stated

Contact: **B. Clayton**  
Telephone: **415-3475**

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