



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

July 9, 1999

Mr. Thomas F. Plunkett  
President - Nuclear Division  
Florida Power and Light Company  
P.O. Box 14000  
Juno Beach, Florida 33408-0420

SUBJECT: TURKEY POINT UNITS 3 AND 4 - CONFIRMATORY ORDER MODIFYING  
LICENSES (TAC NOS. MA4495 AND MA4496)

Dear Mr. Plunkett:

The U.S. Nuclear Regulatory Commission (NRC) has issued the enclosed Confirmatory Order Modifying Licenses (Order) for Florida Power and Light Company's (FPL's) Turkey Point Nuclear Plant, Units 3 and 4. This Order confirms FPL's commitment, as stated in FPL's letter dated December 9, 1998, to complete implementation of Thermo-Lag 330-1 fire barriers corrective actions by December 31, 2001, with the following clarification that, "The resolution of any new Thermo-Lag corrective actions resulting from a potential Fire Protection Functional Inspection or the on-going Fire Protection Functional Inspection Self-Assessment at Turkey Point Units 3 and 4, are not considered part of this confirmatory order."

The commitment and the clarification were set out in your letter of consent dated February 8, 1999, as modified by FPL's letter dated May 27, 1999.

FPL should proceed with implementation of these corrective actions in accordance with its proposed schedule.

Your February 8, and May 27, 1999, letters express your position on two issues associated with your consent to the issuance of this Order and your waiver of your right to request a hearing on the Order. The first issue states your belief that if you request a hearing on an NRC staff denial of a showing of good cause for relaxation or rescission, the effectiveness of the Order ("commitment") will be suspended until the completion of the hearing. That is not correct. Absent relaxation as provided in the Order or a stay of the effectiveness of the Order, the Order would remain effective.

The second issue relates to your statements regarding what constitutes a showing of good cause that may impact the effectiveness of the Order ("commitment"). You provide some examples of a showing of good cause such as unforeseeable conditions (i.e., acts of God, labor difficulty, unavailability of materials, ...), and the possibility that significant safety work may have to take priority over the above-described Thermo-Lag 330-1 modifications due to

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T. F. Plunkett

- 2 -

July 9, 1999

budget, resource, or space constraints. At this time, the staff does not see the need to address these particular situations in this Order. In the event they occur, the staff will discuss the consequences with you at that time.

A copy of this Order is being filed with the Office of the Federal Register for publication.

Sincerely,

Original signed by:

Kahtan N. Jabbour, Senior Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

Enclosure: Order

cc w/encl: See next page

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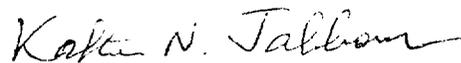
T. F. Plunkett

- 2 -

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Kahtan N. Jabbour, Senior Project Manager, Section 2  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

Enclosure: Order

cc w/encl: See next page

Mr. T. F. Plunkett  
Florida Power and Light Company

**TURKEY POINT PLANT**

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Vice President - Nuclear Engineering  
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Division of Emergency Preparedness  
Department of Community Affairs  
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Tallahassee, Florida 32399-2100

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
Florida Power and Light Company	)	Docket Nos. 50-250 and 50-251
	)	
Turkey Point Nuclear Plant, Units 3 and 4	)	

CONFIRMATORY ORDER MODIFYING LICENSE

EFFECTIVE IMMEDIATELY

I.

Florida Power and Light Company ( FPL or 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, located in Dade County, Florida.

II.

The staff of the U.S. Nuclear Regulatory Commission (NRC, the Commission) has been concerned that Thermo-Lag 330-1 fire barrier systems installed by licensees may not provide the level of fire endurance intended and that licensees that use Thermo-Lag 330-1 fire barriers may not be meeting regulatory requirements. During the 1992 to 1994 timeframe, the NRC staff issued Generic Letter 92-08, "Thermo-Lag 330-1 Fire Barriers" and subsequent requests for additional information that requested licensees to submit plans and schedules for resolving the Thermo-Lag issue. The NRC staff has obtained and reviewed all licensees' corrective plans and schedules. The staff is concerned that some licensees may not be making adequate progress toward resolving the plant-specific issues, and that some implementation schedules may be either too tenuous or too protracted. For example, several licensees informed the NRC

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staff that their completion dates had slipped by 6 months to as much as 3 years. For plants that have completion action scheduled beyond 1997, the NRC staff has met with these licensees to discuss the progress of the licensees' corrective actions and the extent of licensee management attention regarding completion of Thermo-Lag corrective actions. In addition, the NRC staff discussed with licensees the possibility of accelerating their completion schedules.

FPL was one of the licensees with which the NRC staff held meetings. Based on the information submitted by FPL in its December 9, 1998, letter, the NRC staff has concluded that the schedules presented by FPL are reasonable. This conclusion is based on (1) the amount of installed Thermo-Lag, (2) the complexity of the plant-specific fire barrier configurations and issues, (3) the need to perform certain plant modifications during outages as opposed to those that can be performed while the plant is at power, and (4) integration with other significant, but unrelated issues that FPL is addressing at its plant. In order to remove compensatory measures such as fire watches, it has been determined that resolution of the Thermo-Lag corrective actions by FPL must be completed in accordance with current FPL schedules. By letter dated January 29, 1999, the NRC staff notified FPL of its plan to incorporate FPL's schedule commitment into a requirement by issuance of an order and requested consent from the Licensee. By letter dated February 8, 1999, as modified by letter dated May 27, 1999, the Licensee provided its consent to issuance of a Confirmatory Order.

### III.

The Licensee's commitment as set forth in its letter of February 8, 1998, as modified by letter dated May 27, 1999, is acceptable and is necessary for the NRC to conclude that public health and safety are reasonably assured. To preclude any schedule slippage and to assure public health and safety, the NRC staff has determined that the Licensee's commitment in the February 8, 1999 letter, as modified by letter dated May 27, 1999, be confirmed by this Order.

The Licensee has agreed to this action by letter dated May 27, 1999. Based on the above, and the Licensee's consent, this Order is immediately effective upon issuance.

## IV.

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, IT IS HEREBY ORDERED, effective immediately, that:

FPL shall complete final implementation of Thermo-Lag 330-1 fire barrier corrective actions at Turkey Point Plant, Units 3 and 4, described in the FPL submittal to the NRC dated December 9, 1998, by December 31, 2001.

The resolution of any new Thermo-Lag corrective actions resulting from a potential Fire Protection Functional Inspection or the on-going Fire Protection Functional Inspection Self-Assessment at Turkey Point Units 3 and 4, are not considered part of this confirmatory order.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

## V.

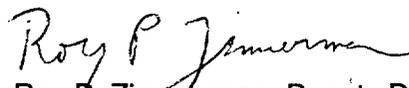
Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Chief, Rulemaking and Adjudications Staff, Washington, DC 20555. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the

Regional Administrator, NRC Region II, Atlanta Federal Center, M/S 23T85, 61 Forsyth Street, SW, Atlanta, GA 30303-3415 and to the Licensee. If such a person requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

FOR THE NUCLEAR REGULATORY COMMISSION



Roy P. Zimmerman, Deputy Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,  
this 9th day of July 1999

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The resolution of any new Thermo-Lag corrective actions resulting from a potential Fire Protection Functional Inspection or the on-going Fire Protection Functional Inspection Self-Assessment at Turkey Point Units 3 and 4, are not considered part of this confirmatory order.

The Director, Office of Nuclear Reactor Regulation, may relax or rescind, in writing, any provisions of this Confirmatory Order upon a showing by the Licensee of good cause.

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Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Chief, Rulemaking and Adjudications Staff, Washington, DC 20555. Copies of the hearing request shall also be sent to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the

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In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this Order.

FOR THE NUCLEAR REGULATORY COMMISSION



Roy P. Zimmerman, Deputy Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,  
this 9<sup>th</sup> day of July 1999