

50-335



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

WASHINGTON, D.C. 20555-0001

July 13, 1998

J. A. Stall, Site Vice President  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957

**SUBJECT: ST. LUCIE UNIT 1 - CONFIRMATORY ORDER MODIFYING LICENSE  
(TAC NO. M85608)**

Dear Mr. Stall:

The Commission has issued the enclosed Confirmatory Order Modifying License (Order) for Florida Power and Light's (FPL's) St. Lucie plant Unit 1. This Order confirms FPL's commitment, as stated in your letters dated March 17, 1997, and June 3, 1998, to complete final implementation of Thermo-Lag 330-1 fire barrier corrective actions by December 31, 1998, with the following three exceptions:

1. The proposed corrective action for the Thermo-Lag wall separating the St. Lucie Unit 1 cable spreading room and 'B' switchgear room will not be completed by December 31, 1998. As discussed in your letter dated June 3, 1998, identified as L-98-134, FPL will complete the implementation of the proposed corrective action by the completion of the St. Lucie Unit 1 1999 refueling outage.
2. Thermo-Lag ampacity derating methodology issues, which are still under NRC review, will likely not be resolved by December 31, 1998. Schedules for any corrective actions relating to ampacity derating will be determined separately and are not part of this order.
3. The resolution of any Thermo-Lag corrective actions resulting from the pilot fire protection functional inspection conducted at St. Lucie during March 1998 are not considered part of this confirming order since FPL has neither received nor responded to the inspection report. Such issues and any corrective actions will be scheduled and resolved as part of that inspection.

This commitment was set out in your letter of consent dated June 3, 1998. FPL should proceed with implementation of these corrective actions according to the proposed schedule.

Your June 3, 1998, letter expresses your position on a number of issues associated with your consent to the issuance of this Order and your waiver of your right to request a hearing on the Order. We do not agree with your position in a number of respects but do not believe it is necessary to resolve our differences at this time. One of your statements, however, warrants a specific response in order to emphasize clearly our position. You state your position 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.

9807240256 980713  
PDR ADDCK 05000335  
P PDR

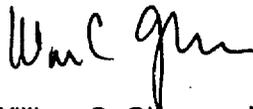
1/1  
DFD1

J. A. Stall

2

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

Sincerely,

A handwritten signature in black ink, appearing to read "W.C. Gleaves". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

William C. Gleaves, Project Manager  
Project Directorate II-3  
Division of Reactor Projects I/II  
Office of Nuclear Regulatory Commission

Docket No. 50-335

Enclosure: Order

cc w/encl: See next page

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

Sincerely,

/s/

William C. Gleaves, Project Manager  
Project Directorate II-3  
Division of Reactor Projects I/II  
Office of Nuclear Reactor Regulation

Docket No. 50-335

Enclosure: Order

cc w/encl: See next page

<u>DISTRIBUTION:</u>	MTschiltz	BBoger	LPlisco, RII	VDricks
Docket	OGC	JZwolinski	RSchin	
PUBLIC	GHill (2)	FHebdon	WGleaves	
PD II-3 Reading	ACRS	BClayton	SWest	
SCollins/FMirgalia	SECY	AKugler	JLieberman	

**\*SEE PREVIOUS CONCURRENCE**

OFC	PM:PDII-3	LA:PDII-3	PD:PDII-3	(A)D:DRPE	OGC*
NAME	<i>W</i> <i>WCG</i> WGleaves:cw	<i>B</i> BClayton	<i>F</i> FHebdon	<i>J</i> JZwolinski	Hoefling
DATE	6/30/98	6/29/98	6/30/98	6/8/98	6/29/98

OFC	ADPR(A)	PD:NRR
NAME	BBoger	SCollins
DATE	6/8/98	6/13/98

OFFICIAL RECORD COPY

G:\STLUCIE\M85608.ORD

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

**ST. LUCIE PLANT**

cc:

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

Regional Administrator  
Region II  
U.S. Nuclear Regulatory Commission  
61 Forsyth Street, SW., Suite 23T85  
Atlanta, GA 30303-3415

Joe Myers, Director  
Division of Emergency Preparedness  
Department of Community Affairs  
2740 Centerview Drive  
Tallahassee, Florida 32399-2100

H. N. Paduano, Manager  
Licensing & Special Programs  
Florida Power and Light Company  
P.O. Box 14000  
Juno Beach, Florida 33408-0420

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

J. A. Stall, Site Vice President  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957

John T. Butler, Esquire  
Steel, Hector and Davis  
4000 Southeast Financial Center  
Miami, Florida 33131-2398

Mr. J. Scarola  
Plant General Manager  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957

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

Mr. Robert P. Schin  
U.S. Nuclear Regulatory Commission  
61 Forsyth Street, SW., Suite 23T85  
Atlanta, GA 30303-3415

Mr. Bill Passetti  
Office of Radiation Control  
Department of Health and  
Rehabilitative Services  
1317 Winewood Blvd.  
Tallahassee, Florida 32399-0700

E. J. Weinkam  
Licensing Manager  
St. Lucie Nuclear Plant  
6351 South Ocean Drive  
Jensen Beach, Florida 34957

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
FLORIDA POWER AND LIGHT ) Docket No. 50-335  
 )  
(St. Lucie Unit 1) )

CONFIRMATORY ORDER MODIFYING LICENSE  
EFFECTIVE IMMEDIATELY

I.

Florida Power and Light, (FPL or the Licensee) is the holder of Facility Operating License No. 50-335, which authorizes operation of St. Lucie Plant, Unit 1, located in St. Lucie County, Florida.

II.

The staff of the U.S. Nuclear Regulatory Commission (NRC) 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 (GL) 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 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. At these meetings, the NRC staff reviewed with FPL the schedule of Thermo-Lag corrective actions described in FPL submittals to the NRC dated October 27, 1995, and August 27, 1996. Based on the information submitted by FPL as supplemented by letter dated June 3, 1998, the NRC staff has concluded that the schedules presented 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 May 1, 1998, 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 June 3, 1998, the Licensee provided its consent to issuance of a Confirmatory Order.

### III.

The Licensee's commitment as set forth in its letter of June 3, 1998 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 commitments in its June 3, 1998, letter be confirmed by this Order. The Licensee has agreed to this action. 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 St. Lucie Unit 1, as described in FPL letters L-97-19 dated March 17, 1997, and L-98-134 dated June 3, 1998, by December 31, 1998. There are three exceptions to this commitment as discussed in FPL letter L-98-134.

1. The proposed corrective action for the Thermo-Lag wall separating the St. Lucie Unit 1 cable spreading room and 'B' switchgear room will not be completed by December 31, 1998. As discussed in L-98-134, FPL will complete the implementation of this proposed corrective action by the completion of the St. Lucie Unit 1 1999 refueling outage (SL1-16).
2. Thermo-Lag ampacity derating methodology issues, which are still under NRC review, will likely not be resolved by December 31, 1998. Schedules for any corrective actions related to ampacity derating will be determined separately and are not part of this Order.
3. The resolution of any new Thermo-Lag corrective actions resulting from the pilot fire protection functional inspection (FPFI) conducted at St. Lucie during March 1998 are not considered part of this confirming order since FPL has neither received nor responded to the inspection report. Such issues and any corrective actions will be scheduled and resolved as part of that inspection.

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.

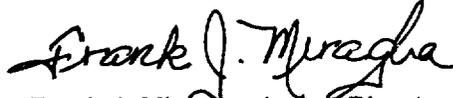
Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, 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 will be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attention: Rulemakings 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 Deputy Assistant General Council for 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 or 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

A handwritten signature in black ink that reads "Frank J. Miraglia". The signature is written in a cursive style with a large, stylized initial "F".

Frank J. Miraglia, Acting Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
this 13th day of July 1998

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

Frank J. Miraglia, Deputy Director  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
this day of July 1998

Distribution:  
See Transmittal Letter to J. A. Stall.

OFC	PM:PDII-3 <sup>6/18/98</sup> <i>WGS</i>	LA:PDII-3	PD:PDII-3 <sup>6/18/98</sup> <i>KPS</i>	(A)D:DRPE	OGC <i>RKH</i>
NAME	<del>W</del> Gleaves:w	BClaxton	FHebdon <i>H</i>	JZwolinski	<i>Hoettig</i>
DATE	6/18/98	6/18/98	6/18/98	7/1/98	6/29/98

*with changes*

OFC	ADPR(A) <i>SA</i>	D:NRR
NAME	BBoyer	SCollins
DATE	6/8/98	6/13/98

OFFICIAL RECORD COPY