

May 21, 1998

Mr. John Paul Cowan, Vice President
Nuclear Operations (NA2E)
Florida Power Corporation
Crystal River Energy Complex
15760 W. Power Line Street
Crystal River, Florida 34428-6708

SUBJECT: CONFIRMATORY ORDER MODIFYING LICENSE

Dear Mr. Cowan:

The Commission has issued the enclosed Confirmatory Order Modifying License (Order) for the Florida Power Corporation's Crystal River Unit 3. This Order confirms Florida Power Corporation's commitment, as stated in your letter dated April 10, 1998, to complete implementation of Thermo-Lag 330-1 fire barriers corrective actions by June 30, 2000. This commitment was set out in your letter of consent dated May 6, 1998.

You should proceed with implementation of these corrective actions in accordance with your proposed schedule.

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

Sincerely,
/s/

Leonard A. Wiens, Senior Project Manager
Project Directorate II-3
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation

Docket No. 50-302

Enclosure: Order

cc w/encl: See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 21, 1998

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Nuclear Operations (NA2E)
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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 "L. A. Wiens".

Leonard A. Wiens, Senior Project Manager
Project Directorate II-3
Division of Reactor Projects I/II
Office of Nuclear Reactor Regulation

Docket No. 50-302

Enclosure: Order

cc w/encl: See next page

Mr. John Paul Cowan
Florida Power Corporation

CRYSTAL RIVER UNIT NO. 3

cc:

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Energy Supply
Florida Power Corporation
ATTN: Manager, Nuclear Licensing
Crystal River Energy Complex (SA2A)
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Crystal River, Florida 34428-6708

Chairman
Board of County Commissioners
Citrus County
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Iverness, Florida 34450-4245

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Corporate Counsel
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St. Petersburg, Florida 33733-4042

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Nuclear Regulatory Affairs (SA2A)
Florida Power Corporation
Crystal River Energy Complex
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Crystal River, Florida 34428-6708

Mr. Charles G. Pardee, Director
Nuclear Plant Operations (NA2C)
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Crystal River Energy Complex
15760 W. Power Line Street
Crystal River, Florida 34428-6708

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Crystal River Unit 3
U.S. Nuclear Regulatory Commission
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Rockville, Maryland 20852

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Florida Power Corporation
Crystal River Energy Complex
15760 W. Power Line Street
Crystal River, Florida 34428-6708

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Regional Administrator, Region II
U.S. Nuclear Regulatory Commission
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Atlanta, GA 30303-3415

Attorney General
Department of Legal Affairs
The Capitol
Tallahassee, Florida 32304

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Atlanta, GA 30303-3415

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

Florida Power Corporation

Crystal River Unit 3

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Docket No. 50-302

CONFIRMATORY ORDER MODIFYING LICENSE

EFFECTIVE IMMEDIATELY

I.

Florida Power Corporation, (FPC or the Licensee) is the holder of Facility Operating License No. DPR-72, which authorizes operation of Crystal River Unit 3 located in Citrus 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.

Crystal River Unit 3 was one of the plants that have completion action scheduled beyond 1997. Based on the information submitted by FPC in its April 10, 1998 submittal, the NRC staff has concluded that the schedule presented by FPC is 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 FPC 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 FPC must be completed in accordance with the current FPC schedule. By letter dated April 23, 1998, the NRC staff notified FPC of its plan to incorporate FPC's schedule commitment into a requirement by issuance of an order and requested consent from the Licensee. By letter dated May 6, 1998, the Licensee provided its consent to issuance of a Confirmatory Order.

III.

The Licensee's commitment as set forth in its letter of May 6, 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 commitment in its May 6, 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:

Florida Power Corporation shall complete final implementation of Thermo-Lag 330-1 fire barrier corrective actions at Crystal River Unit 3 described in the Florida Power Corporation submittal to the NRC dated April 10, 1998, by June 30, 2000.

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, 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 Counsel for Enforcement at the same address, to the Regional Administrator, NRC Region II, Atlanta Federal Center, 61 Forsyth Street, SW, Suite 23T85, Atlanta, GA 30303, 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


Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 21st day of May 1998

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

Original signed by
Samuel J. Collins

Samuel J. Collins, Director
 Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
 this 21st day of May 1998

Distribution: See ltr to John Paul Cowan

***SEE PREVIOUS CONCURRENCE**

OFC	PM:PDII-3	<i>bac 5/19/98</i> LA:PDII-3	PD:PDII-3	D:DRPE(A)*	OGC*
NAME	<i>[Signature]</i> LWIENS:cw	<i>[Signature]</i> BCLAYTON	<i>[Signature]</i> FHEBDON	JZWOLINSKI	HOEFLING
DATE	<i>5/19/98</i>	<i>5/19/98</i>	<i>5/19/98</i>	05/08/98	05/08/98

OFC	<i>[Signature]</i> ADPR(A)	<i>[Signature]</i> D.NRR
NAME	<i>[Signature]</i> BBoyer	<i>[Signature]</i> SCollins
DATE	<i>5/20/98</i>	<i>5/21/98</i>

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