

9806090141



Florida Power & Light Company, 6351 S. Ocean Drive, Jensen Beach, FL 34957

June 3, 1998

L-98-134  
10 CFR 50.4

Mr. Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

RE: St. Lucie Unit 1  
Docket No. 50-335  
Consent to Confirmatory Order  
Modifying License on Thermo-Lag Commitments

Dear Mr. Collins:

In response to J. A. Zwolinski's letter dated May 1, 1998, Florida Power & Light Company (FPL) will comply with the following commitment with respect to St. Lucie Unit 1 (reproduced in the attachment):

FPL shall complete final implementation of the 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.

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The above properly reflects FPL's commitments to implement Thermo-Lag 330-1 fire barrier corrective actions at St. Lucie Unit 1. These differ from the commitment proposed in Mr. Zwolinski's May 1, 1998 letter because a number of the submittals referenced in his letter do not reflect the St. Lucie Unit 1 final commitment as discussed below.

FPL letter L-94-104 dated April 29, 1994, proposed a performance-based approach for resolving Thermo-Lag fire barrier issues. NRC notified FPL that the staff would not review the FPL proposed approach by letter dated August 11, 1994. FPL letter L-94-104 did not, therefore, contain any Thermo-Lag 330-1 fire barrier corrective action commitments.

FPL letter L-96-28 dated February 12, 1996, responded to a NRC request for additional information (RAI) concerning Thermo-Lag fire barrier ampacity derating issues. The FPL ampacity derating methodology is still under NRC review. FPL is also currently in the process of responding to an additional NRC RAI concerning Thermo-Lag fire barrier ampacity derating dated April 23, 1998. Therefore, any order confirming commitments for the Thermo-Lag ampacity derating corrective actions would be premature at this time.

FPL letters L-93-96 dated April 16, 1993, L-94-33 dated February 11, 1994, L-94-275 dated November 4, 1994, L-95-101 dated March 28, 1995, L-95-286 dated October 27, 1995, and L-96-211 dated August 27, 1996, submitted in response to Generic Letter 92-08 and NRC RAIs described the FPL program to resolve Thermo-Lag 330-1 issues at St. Lucie Units 1 and 2. These commitments have been superseded by FPL letter L-97-19 dated March 17, 1997, and this letter, L-98-134.

As a result of NRC issues raised during the pilot fire protection functional inspection (FPFI) conducted at St. Lucie during March 1998, FPL has reevaluated the planned corrective action for the Thermo-Lag wall separating the St. Lucie Unit 1 cable spreading room and 'B' switchgear room. FPL had originally intended to upgrade this wall utilizing Thermo-Lag fire barrier material. However, concerns over the fire rating of the proposed Thermo-Lag wall upgrade raised during the FPFI have caused FPL to revise its planned corrective action. FPL now intends to replace the existing Thermo-Lag wall separating the St. Lucie Unit 1 cable spreading room and 'B' switchgear room with a non-Thermo-Lag 3-hour rated fire barrier. The proposed wall replacement creates interferences with existing plant structures and protected circuits required for alternate shutdown. FPL has determined that circuit rerouting combined with the wall replacement is the preferred option. However, the circuit modifications will require a unit outage for implementation. FPL intends to complete the implementation of the proposed wall replacement by the end of the St. Lucie Unit 1 1999 refueling outage (SL1-16). This is consistent with the contingency specified in FPL letter L-97-19 dated March 17, 1997.

FPL agrees to the incorporation of the above commitment in a confirmatory order modifying the St. Lucie Unit 1 Operating License DPR-67 (St. Lucie Unit 1 Order) that will be effective immediately upon issuance. FPL also recognizes that by signing below, FPL consents to the issuance of an immediately effective St. Lucie Unit 1 Order incorporating the above commitment for St. Lucie Unit 1 and, by doing so, pursuant to 10 CFR § 2.202(a)(3), FPL will not have a right to request a hearing on all or any part of the St. Lucie Unit 1 Order. However, it is FPL's position that this waiver of a right to a hearing is limited to the issuance of the specific St. Lucie Unit 1 Order and does not extend to any future right to a hearing or to any other legal process that FPL might have concerning any other order, issuance or determination by the NRC, including, for example, any NRC determination that good cause has not been shown for the relaxation or rescission of the St. Lucie Unit 1 Order. Moreover, it is FPL's position that, in the event FPL requests a hearing on the NRC's denial of a showing of good cause, the effectiveness of the above commitment will be suspended until the completion of the hearing.

Additionally, consistent with the confirmatory order issued to Washington Public Power Supply System concerning Nuclear Project No. 2 dated March 25, 1998, as well as confirmatory orders issued to other licensees, FPL's acceptance is based on the premise that the St. Lucie Unit 1 Order will expressly provide that "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." By way of example, and not by way of limitation, FPL considers a showing of good cause to include delays or disruptions which directly affect FPL's ability to satisfy the St. Lucie Unit 1 Order and which result from unforeseeable conditions beyond the control of FPL, including, but not limited to, acts of God, labor difficulty, unavailability of materials, embargoes, or acts of governmental authorities, including changes in laws, regulations, licenses, or orders. Further, FPL believes that a showing of good cause would include such matters as the need to revise the completion date of the above commitment in order to perform other work because FPL determines that the safety significance of such work takes precedence over the above-described Thermo-Lag 330-1 modifications. In that case, FPL recognizes that the showing of good cause should also demonstrate that the new work cannot be performed at the same time as the Thermo-Lag 330-1 modifications due to budget, resource, or space constraints.

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In a phone call on May 11, 1998, the NRC Project Manager for St. Lucie, W. C. Gleaves, extended the due date for the response to Mr. Zwolinski's May 1, 1998, letter to 15 business days after FPL received the letter. FPL received Mr. Zwolinski's letter on May 13, 1998, making the response due by June 3, 1998.

Please contact us if there are any questions about this consent letter.

Very truly yours,



J. A. Stall  
Vice President  
St. Lucie Plant

Attachment

JAS/GRM

cc: Document Control Desk, Washington, D. C.  
Regional Administrator, Region II, USNRC  
Senior Resident Inspector, USNRC, St. Lucie Plant


St. Lucie Unit 1  
Docket No. 50-335  
L-98-134 Attachment

I, Mr. J. A. Stall, Site Vice President, St. Lucie Nuclear Plant, Florida Power & Light Company, hereby agree on behalf of Florida Power & Light Company that Florida Power & Light Company will comply with the following commitment for St. Lucie Unit 1:

FPL shall complete final implementation of the 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).
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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.

Florida Power & Light Company also agrees to incorporating this commitment into a Confirmatory Order Modifying License (Order) that will be effective immediately upon issuance. I recognize that by signing below, Florida Power & Light Company consents to the issuance of an immediately effective Order incorporating the above commitment and, by doing so, pursuant to 10 CFR 2.202(a)(3), Florida Power & Light Company will not have a right to request a hearing on all or any part of this Order.

  
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J. A. Stall, Site Vice President  
St. Lucie Nuclear Power Plant  
Florida Power & Light Company

6/3/98  
\_\_\_\_\_  
Date