

9906030191

MAY 27 1999

L-99-116



Mr. Samuel J. Collins, Director  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 33408-0420

*Modification to  
original consent  
dated 2-8-99*

**Subject: Turkey Point Units 3 and 4  
Docket Nos. 50-250 and 50-251  
Revised Consent to Confirmatory Order  
Modifying License on Thermo-Lag Commitments**

By letter L-99-031, dated February 8, 1999, Florida Power and Light Company (FPL) provided its response to J. A. Zwolinski's letter dated January 29, 1999, consenting to a confirmatory order modifying the License with respect to Turkey Point Units 3 and 4. The purpose of this letter is to modify FPL's consent to a confirmatory order to reflect the resolution of the four issues identified as pending in L-99-031.

Florida Power and Light Company will comply with the following commitment with respect to Turkey Point Units 3 and 4 (reproduced in the attachment):

Florida Power and Light Company (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 U.S. Nuclear Regulatory Commission (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 above properly reflects FPL's commitments to implement Thermo-Lag 330-1 fire barrier corrective actions at Turkey Point Units 3 and 4.

FPL agrees to the incorporation of the above commitment in a confirmatory order modifying the Turkey Point Unit 3 license (DPR-31) and the Turkey Point Unit 4 license (DPR-41) that will be effective immediately upon issuance. FPL also recognizes that by signing below, FPL consents to the issuance of an immediately effective confirmatory order for Turkey Point Units 3 and 4 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 Turkey Point Units 3 and 4 Confirmatory Order. However, it is FPL's position that this waiver of a right to a hearing is limited to the issuance of the specific Turkey Point Units 3 and 4 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 Turkey Point Units 3 and 4 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.

9906030191 990527  
PDR ADOCK 05000250  
PDR

*A0291/1*

I, Thomas F. Plunkett, President, Nuclear Division, Florida Power and Light Company, hereby agree on behalf of Florida Power and Light Company that Florida Power and Light Company will comply with the following commitment:

Florida Power and Light Company (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 U.S. Nuclear Regulatory Commission (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.

FPL also agrees to incorporate this commitment into a Confirmatory Order Modifying License (Order) that will be effective immediately upon issuance. I recognize that by signing below, FPL 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), FPL will not have the right to request a hearing on all or any part of this Order.

Thomas F. Plunkett  
Thomas F. Plunkett, President Nuclear Division  
Florida Power and Light Company

5/27/99  
Date