FPL

APR 2 6 2007

L-2007-024
10 CFR 50.36
10 CFR 50.90

U. S. Nuclear Regulatory Commission
Attn.: Document Control Desk
Washington, D.C. 20555

Re: Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
License Amendment Request 189 (LAR 189)
Incorporation of New Technical Specification 3.0.6 Administrative Controls

In accordance with the provisions of 10 CFR 50.90, Florida Power and Light Company (FPL) requests that Appendix A of Facility Operating Licenses DPR-31 and DPR-41 for Turkey Point Units 3 and 4 be amended to administratively revise the Turkey Point Units 3 & 4 Technical Specifications (TS).

The purpose of this revision is to incorporate the administrative controls of a new Technical Specification 3.0.6, which is approved for use as TS 3.0.5 in NUREG 1431, "Standard Technical Specifications Westinghouse Plants," Revision 3.1, dated December 1, 2005. The proposed specification provides an exception to TS 3.0.1 and 3.0.2 to allow the performance of required testing to demonstrate the operability of the equipment being returned to service or the operability of other equipment.

The detailed description and justification of the proposed Technical Specification changes are provided in Enclosure 1. The Determination of No Significant Hazards Consideration and the Environmental Consideration are provided in Enclosures 2 and 3, respectively. Enclosures 4 and 5 provide the proposed Markups and Clean pages, respectively.

FPL has determined that the proposed Technical Specification changes do not involve a significant hazards consideration pursuant to 10 CFR 50.92. No new commitments are being made in this submittal.

The license amendments proposed by FPL have been reviewed by the Turkey Point Plant Nuclear Safety Committee and the FPL Company Nuclear Review Board. In accordance with 10 CFR 50.91(b)(1), a copy of these proposed license amendments is being forwarded to the State Designee for the State of Florida.

FPL requests Nuclear Regulatory Commission (NRC) review and approval in accordance with a normal NRC review schedule for this type of request. FPL requests a 60-day implementation period.

A001

Should there be any questions on this request, please contact James W. Connolly at (305) 246-6632.

I declare under penalty of perjury that the foregoing is true and correct.

Very truly yours,

4/26/07
Executed on

William Jefferson
Vice President
Turkey Point Nuclear Plant

SM

Enclosures

cc: Regional Administrator, Region II, USNRC
Senior Resident Inspector, USNRC, Turkey Point Plant
Florida Department of Health

TABLE OF CONTENTS

ENCLOSURES

ENCLOSURE 1

PROPOSED LICENSE AMENDMENTS

1.0 Summary of Proposed Changes

Florida Power and Light Company (FPL) requests that Appendix A of Facility Operating Licenses DPR-31 and DPR-41 for Turkey Point Units 3 and 4 be amended to administratively revise the Technical Specifications (TS). This revision incorporates the administrative controls of a new Technical Specification 3.0.6, which is approved for use as TS 3.0.5 in NUREG 1431, "Standard Technical Specifications Westinghouse Plants," Revision 3.1, dated December 1, 2005. The proposed Specification provides an exception to TS 3.0.1 and 3.0.2 to allow the performance of required testing to demonstrate the operability of the equipment being returned to service or the operability of other equipment.

2.0 Description and Bases of the Current Requirements

TS 3.0.1 requires compliance with the Limiting Condition for Operation during Operational Modes or other conditions specified in the specification; except that upon failure to meet the Limiting Condition for Operation, the associated Action requirements shall be met.

TS 3.0.2 specifies that noncompliance with a specification shall exist when the requirements of the Limiting Condition for Operation and associated Action requirements are not met within the specified time intervals. TS 3.0.2 also allows that, if the LCO is restored prior to expiration of the specified time intervals, completion of the Action requirements is not required.

3.0 Need for Revision

Compliance with the current Technical Specifications does not provide adequate operational flexibility during situations when equipment declared inoperable and placed in a specified condition required by ACTION requirements must be returned to service in order to perform testing/surveillance activities to demonstrate its OPERABILITY or the OPERABILITY of other equipment being returned to service.

4.0 Description of the Proposed Changes

Proposed Specifications to be revised are TS 3.0.1, 3.0.2 and to be included is the new TS 3.0.6.

The following INSERT A is incorporated as TS 3.0.6 :

"Equipment removed from service or declared inoperable to comply with ACTION requirements may be returned to service under administrative controls solely to perform testing required to demonstrate its OPERABILITY or the OPERABILITY of other equipment. This is an exception to LCO 3.0.1 and 3.0.2 for the system returned to service under administrative control to perform the testing required to demonstrate OPERABILITY."

The following INSERT B is added to TS 3.0.1 and TS 3.0.2 for consistency with TS 3.0.6:
"except as provided in Specification 3.0.6."

The Markups to the Technical Specification Pages are provided in Enclosure 4.

5.0 Bases for the Proposed Changes

The proposed TS 3.0.6 establishes the allowance for restoring equipment to service under administrative controls when equipment has been removed from service or declared inoperable to comply with a Technical Specification required action. The sole purpose of this specification is to provide an exception to TS 3.0.1 and 3.0.2 (i.e., to not comply with the applicable required action(s)) to allow the performance of required testing to demonstrate either:

- The operability of the equipment being returned to service; or
- The operability of other equipment.

Administrative Controls, such as test procedures, ensure the time the equipment is returned to service in conflict with the Action requirements is limited to the time absolutely necessary to perform the required testing to demonstrate operability. Specification 3.0.6 does not provide time to perform any other preventive or corrective maintenance.

An example of demonstrating the operability of the equipment being returned to service is reopening a containment isolation valve that was closed to comply with TS action requirements. The valve must be reopened to perform the testing required to demonstrate operability. Since the required testing would be performed after completing the corrective actions, the valve would be expected to be demonstrated operable. Therefore, it is not likely that returning the valve to service would adversely impact safe operation of the plant.

An example of demonstrating the operability of other equipment is taking an inoperable channel or trip system out of the tripped condition to prevent the trip function from occurring during the performance of required testing on another channel or trip system. A similar example is taking an inoperable channel or trip system out of the tripped

condition to permit the logic to function and indicate the appropriate response during the performance of required testing on another channel in the same trip system.

The potential impact of temporarily returning the equipment to service is considered to be insignificant since the equipment will either be expected to be able to perform its required safety function or sufficient redundancy will exist such that the required function would still occur. This is addressed in Generic Letter (GL) 87-09, "Sections 3.0 and 4.0 of the Standard Technical Specifications (STS) on the Applicability of Limiting conditions for Operation and Surveillance Requirements." GL 87-09 states, "It is overly conservative to assume that the systems or components are inoperable when a surveillance has not been performed because the vast majority of surveillances do in fact demonstrate that systems or components are operable."

Temporarily returning inoperable equipment to service for the purpose of confirming operability, places the plant in a condition which has been previously evaluated in the development of the current Technical Specifications and determined to be acceptable for short periods. Performance of the surveillance/testing is considered to be a confirmatory check of that capability which demonstrates that the equipment is indeed operable in most cases. For those times when equipment which may be temporarily returned to service under administrative controls is subsequently determined to remain inoperable, the resulting condition is comparable to the equipment having been determined to be inoperable during operation, with continued operation for a specified time allowed to complete required actions.

6.0 Safety Summary

The incorporation of TS 3.0.6 will allow inoperable equipment to be placed in service in a condition different from that required by the Action Statement to demonstrate the operability of that equipment, or other equipment. This provision is provided only to perform operability/surveillance testing, and not to provide time to perform any other preventive or corrective maintenance. The testing will be performed consistent with the current Technical Specification required Actions and will be limited to the necessary time. The proposed changes will have no adverse effect on plant operations. Therefore, there will be no adverse impact on public health and safety.

7.0 Licensing Precedents

The proposed changes are consistent with NUREG-1431. The proposed exceptions to TS 3.0.1 and 3.0.2 are equivalent to the exception allowed in TS 3.0.2 of NUREG 1431. Additionally, changes similar to those proposed for FPL's Turkey Point Units 3 and 4 were approved for Seabrook Station on June 16, 1998 in Amendment # 57 to Facility License # NPF-86 and Milstone Nuclear Power Station Unit 3 on April 17, 2000 in Amendment # 179 to Facility Operating License # NPF-49.

ENCLOSURE 2

DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION

The proposed license amendments to Facility Operating Licenses DPR-31 and DPR-41 for Turkey Point Units 3 and 4, respectively, will revise the Technical Specifications (TS) to incorporate TS 3.0.6 to allow equipment that was removed from service or declared inoperable to be returned to service under administrative controls solely to perform the testing required to demonstrate its operability or the operability of other equipment. TS 3.0.6 would incorporate the administrative controls currently approved for use as TS 3.0.5 in NUREG-1431, "Standard Technical Specifications Westinghouse Plants," Revision 3.1, dated December 1, 2005. FPL also proposes to revise TS 3.0.1 and 3.0.2 for consistency with the proposed TS 3.0.6.

Pursuant to 10 CFR 50.92, a determination may be made that the proposed license amendments involve no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Each consideration is discussed below.

1. **Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?**

   Response: No. The incorporation of Technical Specification 3.0.6 allows restoration of equipment to service under administrative controls when it has been removed from service or declared inoperable to comply with action requirements. The potential impact of temporarily returning the equipment to service is considered to be insignificant since the equipment has been restored to a condition which is expected to provide the required safety function. As stated in GL 87-09, "It is overly conservative to assume that the systems or components are inoperable when a surveillance has not been performed because the vast majority of surveillances do in fact demonstrate that systems or components are operable." Therefore, the proposed changes do not involve a significant increase in the probability of an accident previously evaluated.

   Since the equipment to be restored is already out of service, the availability of the equipment has been previously considered in the evaluation of consequences of an accident. Temporarily returning the equipment to service in a state which is expected to function as required to mitigate the consequences of a previously analyzed accident will promote timely restoration of the equipment and restore the capabilities of the equipment to mitigate the consequences of any event previously analyzed. Therefore, the proposed changes do not involve a significant increase in the consequences of an accident previously evaluated.

2. Does the proposed change create the probability of a new or different accident from any accident previously evaluated?

Response: No. The proposed changes do not introduce a new mode of plant operation and do not involve physical modification to the plant. Operation with the inoperable equipment temporarily restored to service is not considered a new mode of operation since existing procedures and administrative controls prevent the restoration of equipment to service until it is considered capable of providing the required safety functions.

Performance of the testing is considered to be a confirmatory check of that capability which demonstrates that the equipment is indeed operable in the majority of the cases. For those times when equipment which may be temporarily returned to service under administrative controls is subsequently determined to be inoperable, the resulting condition is comparable to the equipment having been determined to remain inoperable during operation, with continued operation for a specified time allowed to complete required actions. Since this condition has been previously evaluated in the development of the current Technical Specifications, the proposed changes do not create the probability of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No. Temporarily returning inoperable equipment to service for the purpose of confirming operability, places the plant in a condition which has been previously evaluated and determined to be acceptable for short periods. Additionally, the equipment has been determined to be in a condition which provides the margin of safety previously determined. The performance of the surveillance/testing simply confirms the expected result and capability of the equipment. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on the above, FPL concludes that the proposed amendments present no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of "no significant hazards consideration" is justified.

ENCLOSURE 3

ENVIRONMENTAL CONSIDERATION

The incorporation of Technical Specification 3.0.6 allows restoration of equipment to service under administrative controls when it has been removed from service or declared inoperable to comply with action requirements. The proposed license amendments involve no significant increase in the amounts and no significant change in the types of any effluents that may be released offsite, and no significant increase in individual or cumulative occupational radiation exposure. FPL concluded that the proposed amendments meet the criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9) and that, pursuant to 10 CFR 51.22(b), an environmental impact statement or environmental assessment need not be prepared in connection with issuance of the amendment.

ENCLOSURE 4

TECHNICAL SPECIFICATION PAGES: PROPOSED MARKUPS

3/4 0-1
3/4 0-2

INSERT A (TO TECHNICAL SPECIFICATION PAGE 3/4 0-2)

"3.0.6 Equipment removed from service or declared inoperable to comply with ACTION requirements may be returned to service under administrative controls solely to perform testing required to demonstrate its OPERABILITY or the OPERABILITY of other equipment. This is an exception to LCO 3.0.1 and 3.0.2 for the system returned to service under administrative control to perform the testing required to demonstrate OPERABILITY."

INSERT B (TO TECHNICAL SPECIFICATIONS 3.0.1 AND 3.0.2)

",except as provided in Specification 3.0.6."

3/4 LIMITING CONDITIONS FOR OPERATION AND SURVEILLANCE REQUIREMENTS

3/4.0 APPLICABILITY

LIMITING CONDITIONS FOR OPERATION

3 0 1 Compliance with the Limiting Conditions for Operation contained in the succeeding specifications is required during the OPERATIONAL MODES or other conditions specified therein; except that upon failure to meet the Limiting Conditions for Operation, the associated ACTION requirements shall be met. Add INSERT B

3 0 2 Noncompliance with a specification shall exist when the requirements of the Limiting Condition for Operation and associated ACTION requirements are not met within the specified time intervals. If the Limiting Condition for Operation is restored prior to expiration of the specified time intervals, completion of the ACTION requirements is not required Add INSERT B

3 0 3 When a Limiting Condition for Operation is not met, except as provided in the associated ACTION requirements, within 1 hour action shall be initiated to place the unit, as applicable, in:

a. At least HOT STANDBY within the next 6 hours,

b. At least HOT SHUTDOWN within the following 6 hours, and

c At least COLD SHUTDOWN within the subsequent 24 hours.

Where corrective measures are completed that permit operation under the ACTION requirements, the action may be taken in accordance with the specified time limits as measured from the time of failure to meet the Limiting Condition for Operation. Exceptions to these requirements are stated in the individual specifications.

This specification is not applicable in MODES 5 or 6.

3 0 4 Entry into an OPERATIONAL MODE or other specified condition shall not be made when the conditions for the Limiting Conditions for Operation are not met and the associated ACTION requires a shutdown if they are not met within a specified time interval. Entry into an OPERATIONAL MODE or specified condition may be made in accordance with ACTION requirements when conformance to them permits continued operation of the facility for an unlimited period of time. This provision shall not prevent passage through or to OPERATIONAL MODES as required to comply with ACTION requirements. Exceptions to these requirements are stated in the individual specifications.

ENCLOSURE 5

TECHNICAL SPECIFICATION PAGES: CLEAN PAGES

3/4 0-1
3/4 0-2

3/4 LIMITING CONDITIONS FOR OPERATION AND SURVEILLANCE REQUIREMENTS

3/4.0 APPLICABILITY

LIMITING CONDITIONS FOR OPERATION

3.0.1 Compliance with the Limiting Conditions for Operation contained in the succeeding specifications is required during the OPERATIONAL MODES or other conditions specified therein; except that upon failure to meet the Limiting Conditions for Operation, the associated ACTION requirements shall be met, except as provided in Specification 3.0.6.

3.0.2 Noncompliance with a specification shall exist when the requirements of the Limiting Condition for Operation and associated ACTION requirements are not met within the specified time intervals, except as provided in Specification 3.0.6. If the Limiting Condition for Operation is restored prior to expiration of the specified time intervals, completion of the ACTION requirements is not required.

3.0.3 When a Limiting Condition for Operation is not met, except as provided in the associated ACTION requirements, within 1 hour action shall be initiated to place the unit, as applicable, in:

a. At least HOT STANDBY within the next 6 hours,

b. At least HOT SHUTDOWN within the following 6 hours, and

c. At least COLD SHUTDOWN within the subsequent 24 hours.

Where corrective measures are completed that permit operation under the ACTION requirements, the action may be taken in accordance with the specified time limits as measured from the time of failure to meet the Limiting Condition for Operation. Exceptions to these requirements are stated in the individual specifications.

This specification is not applicable in MODES 5 or 6.

3.0.4 Entry into an OPERATIONAL MODE or other specified condition shall not be made when the conditions for the Limiting Conditions for Operation are not met and the associated ACTION requires a shutdown if they are not met within a specified time interval. Entry into an OPERATIONAL MODE or specified condition may be made in accordance with ACTION requirements when conformance to them permits continued operation of the facility for an unlimited period of time. This provision shall not prevent passage through or to OPERATIONAL MODES as required to comply with ACTION requirements. Exceptions to these requirements are stated in the individual specifications.

3.0.5 Limiting Conditions for Operation including the associated ACTION requirements shall apply to each unit individually unless otherwise indicated as follows:

a. Whenever the Limiting Conditions for Operation refers to systems or components which are shared by both units, the ACTION requirements will apply to both units simultaneously.

b. Whenever the Limiting Conditions for Operation applies to only one unit, this will be identified in the APPLICABILITY section of the specification; and

c. Whenever certain portions of a specification contain operating parameters, Setpoints, etc., which are different for each unit, this will be identified in parentheses, footnotes or body of the requirement.

3.0.6 Equipment removed from service or declared inoperable to comply with ACTION requirements may be returned to service under administrative controls solely to perform testing required to demonstrate its OPERABILITY or the OPERABILITY of other equipment. This is an exception to LCO 3.0.1 and 3.0.2 for the system returned to service under administrative control to perform the testing required to demonstrate OPERABILITY.