

OFFICE OF NUCLEAR REACTOR REGULATION

NOTIFICATION OF SIGNIFICANT LICENSING ACTION

LICENSEE: Florida Power & Light Company
Turkey Point Nuclear Plant, Units 3 and 4
Docket Nos. 50-250 and 50-251

SUBJECT: PROPOSED ISSUANCE OF A FINAL NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND LICENSE AMENDMENT FOR
WHICH A HEARING HAS BEEN REQUESTED (TAC NOS. MD9229/MD9230)

This is to inform the Commission that a final no significant hazards consideration determination and license amendment will be issued on or about September 29, 2008, to Florida Power & Light Company (FPL). This action is being taken in response to the licensee's amendment application dated September 5, 2007 [Agencywide Document Access and Management System (ADAMS) Accession No. ML072600150], as supplemented by letter dated September 8, 2008, and will modify Renewed Facility Operating License Nos. DPR-31 and DPR-41 for Turkey Point Nuclear Plant (TP), Units 3 and 4. Specifically, these amendments remove the notes associated with License Amendment No. 221 regarding the inoperability of the Unit 4 Rod Position Indication (RPI) system for control rod F-8 in Shutdown Bank B and the notes associated with Amendment No. 230 regarding the inoperability of the Unit 3 RPI system for control rod M-6 in Control Bank C. The RPI system for control rod F-8 was repaired during the Unit 4 Cycle 22 refueling outage in spring 2005; thus, the associated License Amendment No. 221 revisions are no longer required. Similarly, the RPI system for control rod M-6 was repaired in June 2007; thus, the associated License Amendment No. 230 revisions are no longer required.

The Office of the Secretary received via E-Filing a petition to intervene and request for hearing submitted by Saporito Energy Consultants, dated August 18, 2008. The request was submitted in response to a notice issued by the NRC staff that provided an opportunity for a hearing on the license amendment for the TP Units 3 and 4. The notice was published in the *Federal Register* at 73 FR 43956 (July 29, 2008). The request can be found in ADAMS under accession number ML082320066 and on the Electronic Hearing Docket. If granted, a hearing will not be completed prior to the issuance of the amendment.

Pursuant to the delegation by the Commission dated December 29, 1972, published in the *Federal Register*, 37 F 28,710 (1972), and the Commission's regulations, see 10 C.F.R. §§ 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice was given that an Atomic Safety and Licensing Board (Board) was established to preside over the proceeding. Answers in response to the petition to intervene and request for hearing were filed by the Applicant (ADAMS ML082550413) and the NRC staff (ADAMS ML082550741) on September 11, 2008. Saporito Energy Consultants replied to the NRC staff's and the Applicant's response on September 16, 2008 (ADAMS ML082600769). The Board usually has 45 days after the petitioner's response to issue a decision.

Based upon a letter dated May 2, 2003, from Michael N. Stephens of the Florida Department of Health, Bureau of Radiation Control, to Brenda L. Mozafari, Senior Project Manager, U.S. Nuclear Regulatory Commission, the State of Florida does not desire notification of issuance of license amendments.

CONTACT: Tracy Orf, PM, NRR
415-2788