

OFFICE OF NUCLEAR REACTOR REGULATION

NOTIFICATION OF SIGNIFICANT LICENSING ACTION

LICENSEE: FPL Energy Point Beach, LLC
Point Beach Nuclear Plant Unit 1
Docket No. 50-266

SUBJECT: PROPOSED ISSUANCE OF A FINAL NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND LICENSE AMENDMENT
FOR WHICH A HEARING HAS BEEN REQUESTED (TAC NO. MD8800)

This is to inform the Commission that a final no significant hazards consideration determination and license amendment will be issued on or about October 5, 2008, to FPL Energy Point Beach, LLC. This action is being taken in response to the licensee's amendment application dated May 28, 2008 (Agencywide Document Access and Management System (ADAMS) Accession No. ML081560178), and July 18, 2008 (ADAMS Accession No. ML082040226), and will modify Renewed Facility Operating License No. DPR-24 for Point Beach Nuclear Plant Unit 1 by a one cycle revision to the Point Beach Nuclear Plant (PBNP) Unit 1 technical specifications (TS). Specifically, TS 5.5.8, "Steam Generator (SG) Program," and TS 5.6.8, "Steam Generator Tube Inspection Report," will be revised to incorporate an interim alternate repair criterion into the provisions for SG tube repair for use during the Unit 1 2008 fall refueling outage and the subsequent operating cycle.

The Office of the Secretary received via E-Filing a petition to intervene and request for hearing submitted by Saporito Energy Consultants, dated August 20, 2008. The request was submitted in response to a notice issued by the U.S. Nuclear Regulatory Commission staff that provided an opportunity for a hearing on the license amendment for the PBNP Unit 1. The notice was published in the *Federal Register* at 73 FR 45479 thru 45481 (August 5, 2008). The request can be found in ADAMS under Accession No. ML082340924 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 FR 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 timely filed, by the Applicant and the Staff on or before September 22, 2008. Saporito Energy Consultants replied within 7 days and the Board will usually have 45 days thereafter to issue a decision.

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The State of Wisconsin will be notified.

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