



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 29, 2009

Mr. Larry Meyer
Site Vice President
NextEra Energy Point Beach, LLC
6610 Nuclear Road
Two Rivers, WI 54241

SUBJECT: DEFERRAL OF THE EXENDED POWER UPRATE ACCEPTANCE REVIEW AND ACCEPTANCE REVIEW OF THE AUXILIARY FEEDWATER MODIFICATIONS AND NON CONSERVATIVE SETPOINT TECHNICAL SPECIFICATIONS (TAC NOS. ME1044, ME1045, ME1081, ME1082, ME1083, AND ME1084)

Dear Mr. Meyer:

By letter dated April 7, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091250564), FPL Energy Point Beach, LLC (the licensee), submitted a license amendment request for Point Beach Nuclear Plant, Units 1 and 2. The proposed amendment would increase each unit's licensed core power level from 1540 megawatts thermal (MWt) to 1800 MWt reactor core power, and revise the technical specifications (TS) to support operation at this increased core thermal power level. Included within the submittal are changes to the auxiliary feedwater (AFW) system and revised setpoints for the reactor protection system (RPS) instrumentation and the engineered safety feature actuation system (ESFAS) instrumentation to close out outstanding commitments on non-conservative TS. The modifications to the AFW system and the revised setpoints require Nuclear Regulator Commission (NRC) approval. The purpose of this letter is to inform the licensee about the NRC staff's plan for processing the April 7, 2009, letter.

The NRC staff has divided the April 7, 2009, submittal into three separate licensing actions with separate acceptance and technical review schedules:

- AFW modifications,
- setpoints for RPS and ESFAS, and
- extended power uprate (EPU).

The AFW modifications and the revised setpoints have a clear nexus to safety and, as such, the NRC staff began an acceptance review per LIC-109 upon receipt of the application. One purpose of this letter is to provide the results of the NRC staff's acceptance review of these (AFW and revised setpoints) amendment requests. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Consistent with Section 50.90 of Title 10 of the *Code of Federal Regulations* (10 CFR), an amendment to the license (including the technical specifications) must fully describe the changes requested, and following as far as applicable, the form prescribed for original

applications. Section 50.34 of 10 CFR addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations.

The NRC staff reviewed your application for the AFW modifications and revised setpoints and found that supplemental information was needed to complete the acceptance review for the AFW modification. By letters dated June 17, 2009 (ADAMS Accession Nos. ML091690090 and ML091690087), you provided the supplemental information.

The NRC staff has reviewed your application for the AFW modifications and revised setpoints and concluded that they do provide technical information in sufficient detail to enable the staff to proceed with its detailed technical review and make an independent assessment regarding the acceptability of these proposed amendments in terms of regulatory requirements and the protection of public health and safety and the environment. While the staff determined that technical information in sufficient detail was provided to enable the staff to begin the detailed technical review, the staff has already determined that additional information will be needed for the staff to complete its technical review. A request for this supporting documentation will be handled by separate correspondence.

This letter is not giving NRC acceptance of the EPU portion of the application for review. Review of the EPU is being deferred until NRC staff can accurately assess the alternate source term (AST) amendment submittal. Given the complexity of the AST submittal, specifically crediting of non-safety systems and manual actions, and the licensee's previous AST submittals which were withdrawn, the NRC staff requires sufficient time to review the AST submittal in order to fully understand the scope and quality of the licensee's request. The staff's review of the AST submittal requires coordination of several technical branches such that some of those reviews cannot be performed in parallel. The last technical branch request for additional information (RAI) is scheduled to be issued by the end of July 2009. Upon issuance of the last technical branch RAIs, NRC staff will be able to determine the viability of the AST submittal. If this determination is positive, the acceptance review of the EPU submittal will commence.

If you have any questions, please contact the Project Manager, Justin Poole, at (301) 415-2048.

Sincerely,



Lois M. James, Chief
Plant Licensing Branch III-4
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos.: 50-266 and 50-301

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Sincerely,

/RA/ Peter S. Tam for
Lois M. James, Chief
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos.: 50-266 and 50-301

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