



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

August 25, 2009

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

SUBJECT: POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2 - EXENDED POWER
UPRATE (EPU) ACCEPTANCE REVIEW (TAC NOS. ME1044 AND ME1045)

Dear Mr. Meyer:

By letter dated April 7, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML 091250564), as supplemented by two letters dated July 17, 2009 (ADAMS Accession Nos. ML091690090 and ML091690087, respectively), 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.

In a letter dated June 29, 2009 (ADAMS Accession No. ML091760338), the U.S. Nuclear Regulatory Commission (NRC) staff notified the licensee that the submittal had been divided into three separate licensing actions with separate acceptance and technical review schedules (AFW modifications, setpoints for RPS and ESFAS, and EPU). Included in this letter were the acceptance for review of the AFW modifications and the setpoints for RPS and ESFAS. The letter also stated that the acceptance review for the EPU had been deferred until NRC staff can accurately assess the alternate source term (AST) amendment submittal and following the issuance of the last technical branch request for additional information (RAI), the staff would be able to determine the viability of the AST submittal.

On July 31, 2009 (ADAMS Accession No. ML092120049), the last of the first round RAIs for the AST were issued in draft form. During a public meeting with the NRC on August 6, 2009, the licensee outlined its approach to address some of the NRC staff concerns with the AST. Although the licensee stated that they had confidence in addressing the staff's concerns, the staff has determined that it is necessary to receive and review the RAI responses from the electrical engineering branch, accident dose branch, and the first and second round of RAIs from the containment and ventilation branch to determine that the staff's concerns with the AST will be successfully resolved.

However, the NRC staff will start the acceptance review of the EPU. Completion of the acceptance review and initiation of the staff's technical review is contingent on the following:

- 1) the EPU submittal contains sufficient information in scope and depth to allow the NRC staff to

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complete its detailed technical review per Office Instruction LIC-109; and 2) the responses to the outstanding RAI questions for the AST adequately address the NRC staff's concerns with the AST submittal. If these contingencies are met and the EPU is accepted for review, the staff will perform the EPU review on a schedule consistent with the performance goals discussed in Office Instruction LIC-112.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Lois M. James".

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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Sincerely,

/RA/

Lois M. James, Chief
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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