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10 CFR 50.90
L-2009-200
September 1, 2009

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

Re: Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
License Amendment Request No. 201
Implementation Date Change for License Amendments 234 and 229

Pursuant to 10 CFR 50.90 and 10 CFR 50.91(a)(1), Florida Power and Light Company (FPL) requests approval of a change to the implementation date for Turkey Point Units 3 and 4 Renewed Facility Operating Licenses DPR-31 and DPR-41, Amendments 234 and 229, respectively.

The proposed change has been evaluated in accordance with 10 CFR 50.91(a)(1) using criteria in 10 CFR 50.92(c) and it has been determined that this change involves no significant hazards considerations. The bases for these determinations are included in the attachment.

The Turkey Point Plant Nuclear Safety Committee reviewed and approved the proposed amendment.

In accordance with 10 CFR 50.91(b)(1), a copy of the proposed amendment is being forwarded to the State Designee for the State of Florida.

One commitment, associated with the change in implementation date, is being made as a result of this request. The proposed change is neither exigent nor emergency. Once approved, the new implementation date for License Amendments 234 and 229 will be no later than September 30, 2012.

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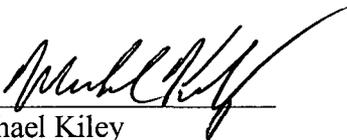
L-2009-200

If you have any questions or require additional information, please contact Robert Tomonto at 305-246-7327.

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

Very truly yours,

9/1/09
Executed on



Michael Kiley
Vice President – Turkey Point Nuclear Plant

Attachment: Analysis of Proposed Implementation Date Change for License Amendments 234 and 229

cc: Regional Administrator, Region II, USNRC
Senior Resident Inspector, USNRC, Turkey Point Nuclear Plant
USNRC Project Manager for Turkey Point
Mr. William Passetti, Florida Department of Health

Attachment

**Florida Power and Light Company
Turkey Point Units 3 and 4
License Amendment Request No. 201
Florida Power & Light Company Letter L-2009-200**

**Application to Revise the Implementation Date for Units 3 and 4 License Amendments 234
and 229, Respectively**

Analysis of Proposed Implementation Date Change

1.0 Description of Proposed Change

Florida Power and Light Company (FPL) requests approval of a license amendment to delay the date specified in License Amendments 234 and 229 for the implementation of the Boraflex[®] Remedy in the Turkey Point Units 3 and 4 spent fuel pools (SFP) respectively.

2.0 Proposed Change

FPL requests the NRC to issue license amendments for Turkey Point Nuclear Plant Units 3 and 4 to permit a delay in the implementation of the SFP storage rack Boraflex[®] Remedy as provided by License Amendments 234 and 229 for Units 3 and 4 respectively.

The current implementation date specified in United States Nuclear Regulatory Commission (NRC) letter of July 17, 2007, approving License Amendments 234 and 229 for Turkey Point Nuclear Plant Units 3 and 4, respectively is:

“This license amendment is effective as of its date of issuance and shall be implemented prior to the end of Turkey Point Unit 4 Cycle 24.”

FPL is requesting that the implementation date be revised to the following:

“This license amendment is effective as of its date of issuance and shall be implemented by no later than September 30, 2012.”

3.0 Background

FPL requested NRC approval, via letter L-2005-247 dated January 27, 2006, to implement a Boraflex[®] Remedy in the Units 3 and 4 SFPs through the use of Metamic[®] inserts along with Rod Cluster Control Assemblies (RCCAs) and enhanced administrative controls related to positioning of fuel assemblies within the SFP storage racks. The license amendments, incorporating both welded and formed Metamic[®] inserts and designs combining these two features, were approved by the NRC July 17, 2007 with a scheduled implementation due date prior to the end of Unit 4 Cycle 24. Currently, Unit 4 Cycle 24 is scheduled to end in October 2009.

While every effort has been (and is continuing to be) made to implement the Boraflex[®] Remedy by the scheduled implementation date, our vendor's inability to successfully

fabricate the Metamic[®] inserts to the design requirements for insertion has resulted in FPL's inability to implement the amendments by the scheduled date.

4.0 Regulatory Analysis

In License Amendments 234 and 229 FPL obtained NRC approval to implement a Boraflex[®] Remedy in the Units 3 and 4 SFPs through the use of Metamic[®] inserts along with Rod Cluster Control Assemblies (RCCAs) and enhanced administrative controls related to positioning of fuel assemblies within the SFP storage racks. The license amendments, incorporating both welded and formed Metamic[®] inserts and designs combining these two features, was approved by the NRC July 17, 2007 with a scheduled implementation due date prior to the end of Unit 4 Cycle 24. Currently, Unit 4 Cycle 24 is scheduled to end in October 2009.

While every effort has been (and is continuing to be) made to implement the Boraflex[®] Remedy by the scheduled implementation date, our vendor's inability to successfully fabricate the Metamic[®] inserts to the design requirements for insertion has resulted in FPL's inability to implement the amendments by the scheduled date. Therefore, we will continue to work to implement the approved amendments until both SFPs are configured in accordance with the approved amendments but no later than September 30, 2012. No other changes are requested by FPL. The September 2012 date reflects the possibility that use of Metamic[®] inserts may be limited and that reliance on transfer of spent fuel to dry storage, beyond that anticipated when FPL initiated the dry storage project, may be needed to ensure implementation.

5.0 Technical Analysis

During this extension period, FPL will continue to rely on the current Turkey Point licensing basis, including the presence of Boraflex[®], the continuation of existing administrative controls, and our currently approved monitoring and surveillance program until such time that the Boraflex[®] Remedy license amendments are fully implemented.

6.0 Determination of No Significant Hazards Consideration

FPL has evaluated whether or not a significant hazards consideration is involved with the proposed amendments by focusing on the three standards set forth in 10 CFR 50.92, Issuance of Amendment, as discussed below:

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

Response: No.

The proposed license amendments extend the implementation period specified in License Amendments 234 and 229. The delay will allow FPL to continue to work with our vendor to successfully fabricate the Metamic[®] inserts to the design requirements for insertion until both SFPs are configured in accordance with the previously approved Boraflex[®] Remedy license amendments.

During this extension period, FPL will continue to rely on the current Turkey Point licensing basis, including the presence of Boraflex[®], the continuation of existing administrative controls, and our currently approved monitoring and surveillance program until such time that the Boraflex[®] Remedy license amendments are fully implemented. These measures will continue to ensure required margins to criticality are maintained such that the consequences of an accident are not increased. As the delay in implementation of the Boraflex[®] Remedy does not affect any accident initiation sequences, the probability of occurrence on an accident in the SFPs is not increased by delay in implementation of License Amendment Nos. 234 and 229. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

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

Response: No.

The proposed license amendments extend the implementation period specified in License Amendments 234 and 229. The delay will allow FPL to continue to work with our vendor to successfully fabricate the Metamic[®] inserts to the design requirements for insertion until both SFPs are configured in accordance with the previously approved Boraflex[®] Remedy license amendments.

During this extension period, FPL will continue to rely on the current Turkey Point licensing basis, including the presence of Boraflex[®], the continuation of existing administrative controls, and our currently approved monitoring and surveillance program until such time that the Boraflex[®] Remedy license amendments are fully implemented. As no unapproved physical changes to the spent fuel storage cells are involved with this delay in implementation of the Boraflex[®] Remedy, no new failure modes are created by an extended implementation date. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

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

Response: No.

The proposed license amendments extend the implementation period specified in License Amendments 234 and 229. The delay will allow FPL to continue to work with our vendor to successfully fabricate the Metamic[®] inserts to the design requirements for insertion until both SFPs are configured in accordance with the previously approved Boraflex[®] Remedy license amendments.

During this extension period, FPL will continue to rely on the current Turkey Point licensing basis, including the presence of Boraflex[®], the continuation of existing administrative controls, and our currently approved monitoring and surveillance program until such time that the Boraflex[®] Remedy license amendments are fully implemented. These measures will continue to ensure required margins to criticality are maintained. As no unapproved physical changes to the spent fuel storage cells are involved with this delay in implementation of the Boraflex[®] Remedy and since Boraflex[®] degradation will continue to be closely monitored to ensure acceptable margins to criticality are maintained, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, FPL concludes that the proposed amendment presents 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.

7.0 Environmental Considerations

The proposed amendments are administrative in nature and do not involve (i) a significant hazards consideration, (ii) a significant change in the types or significant

increase in the amounts of any effluent that may be released offsite, or (iii) a significant increase in individual or cumulative occupational radiation exposure. Accordingly, the proposed amendments meet the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendments.

8.0 References

Letter from B. L. Mozafari (USNRC) to J. A. Stall (FPL), "Turkey Point Plant Units 3 and 4 - Issuance of Amendments Regarding Spent Fuel Boraflex Remedy (TAC No. MC9740 and MC9741)," July 17, 2007.