



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

November 4, 2009

Mr. Larry Meyer
Site Vice President
NextEra Energy Point Beach, LLC
6610 Nuclear Road
Two Rivers, WI 54241-9516

SUBJECT: POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2 – ACCEPTANCE OF
REQUESTED LICENSING ACTION REGARDING EXTENDED POWER
UPRATE AMENDMENT (TAC NOS. ME1044 AND ME1045)

Dear Mr. Meyer:

By letter dated April 7, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML091250564), as supplemented by letters dated September 11 and October 9, 2009 (ADAMS Accession Nos. ML092570205 and ML092860098, respectively), FPL Energy Point Beach, LLC submitted a license amendment 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.

In a letter dated August 25, 2009 (ADAMS Accession No. ML092250008), the U.S. Nuclear Regulatory Commission (NRC) staff notified the licensee that the acceptance review for the Extended Power Uprate (EPU) would be contingent on: 1) the EPU submittal contains sufficient information in scope and depth to allow the NRC staff to complete its technical review per Office Instruction LIC-109; and 2) the responses to the outstanding requests for additional information (RAI) questions, at the time the letter was issued, for the Alternate Source Term (AST) amendment adequately address the NRC staff's concerns with the AST submittal.

The purpose of this letter is to provide the results of the NRC staff's acceptance review of this amendment request. 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 TSs) 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 has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment

in terms of regulatory requirements and the protection of public health and safety and the environment. The NRC staff has also concluded that the responses to the outstanding RAI questions, at the time the August 25, 2009, letter was issued for the AST amendment, adequately address the NRC staff's concerns with the AST submittal. Since the NRC staff has found both contingencies of the August 25, 2009, letter to be met, the NRC staff find the EPU acceptable to begin the technical review. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. You will be advised of any further information needed to support the NRC staff's detailed technical review by separate correspondence.

In the September 11, 2009, letter, the licensee requested that certain modifications in the EPU submittal be reviewed by the NRC staff in an expedited manner to support their installation during the spring 2010 outage. The NRC has reviewed this request and has decided that, while the NRC staff cannot guarantee approval or completion by spring 2010, it will review the requests on a schedule that will support the licensee's spring 2010 outage for the modifications as listed in the September 11, 2009, letter.

If you have any questions, please contact me at (301) 415-2048.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Poole', with a long horizontal flourish extending to the right.

Justin C. Poole, Project Manager
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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L. Meyer

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Sincerely,

/RA/

Justin C. Poole, Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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