



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

November 5, 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 - REQUEST FOR
ADDITIONAL INFORMATION FROM TECHNICAL SPECIFICATIONS BRANCH
RE: NON-CONSERVATIVE SETPOINT CHANGES (TAC NOS. ME1083 AND
ME1084)

Dear Mr. Meyer:

By letter to the U.S. Nuclear Regulatory Commission (NRC) dated April 7, 2009 (Agencywide Documents Access and Management System Accession No. ML091250564), FPL Energy Point Beach, LLC, submitted a request to change technical specifications due to correcting non-conservative setpoints. This was originally part of the extended power uprate request but was separated out by the NRC staff.

The NRC staff is reviewing your submittal and has determined that additional information is required to complete the review. The specific information requested is addressed in the enclosure to this letter. During a discussion with your staff on October 28, 2009, it was agreed that you would provide the additional information within 30 days of the date of this letter.

The NRC staff considers that timely responses to requests for additional information help ensure sufficient time is available for staff review and contribute toward the NRC's goal of efficient and effective use of staff resources. If circumstances result in the need to revise the requested response date, please contact me at (301) 415-2048.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Poole", is written over a horizontal line.

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

Enclosure:
Request for Additional Information

cc w/encl: Distribution via ListServ

REQUEST FOR ADDITIONAL INFORMATION

POINT BEACH NUCLEAR POWER PLANT, UNITS 1 AND 2

DOCKET NOS. 50-266 AND 50-301

1. Explain how the proposed use of the Limited Safety System Setting (LSSS) term in Technical Specification (TS) Table 3.3.1-1 and Table 3.3.2-1 is in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 50.36(c)(ii)(A), as well as existing TS actions.

Background: The license amendment request proposes to replace the term "Allowable Value" with the term "Limited Safety System Setting" in the columns for TS Table 3.3.1-1 (Reactor Protection System (RPS)) and Table 3.3.2-1 (Engineered Safety Feature Actuation System). As a result, the proposed LSSS column will contain allowable values (i.e. values that contain margin to account for uncertainties associated with trip settings).

Defining the LSSS as an allowable value as opposed to a trip setting is inconsistent with the definition of LSSS in 10 CFR 50.36(c)(ii)(A). The regulation at 10 CFR 50.36(c)(ii)(A) states "Limiting safety system settings for nuclear reactors are settings for automatic protective devices related to those variables having significant safety functions. Where a limiting safety system setting is specified for a variable on which a safety limit has been placed, the setting must be so chosen that automatic protective action will correct the abnormal situation before a safety limit is exceeded."

In addition, the proposal appears to conflict with the current actions in Note 3.b of Table 3.3.1-1 and Note 1.b of Table 3.3.2-1. The current Notes refer to the LSSS as being the trip setting.

Technical Specification Task Force (TSTF)-493, Revision 4, "Clarify Application of Setpoint Methodology for LSSS Functions," is currently being developed by the Owners Groups and is the result of a major joint effort between the industry and the Nuclear Regulatory Commission (NRC) in resolving instrument setpoint methodology and LSSS issues. The licensee's proposed definition of LSSS is also not in accordance with the joint industry/NRC efforts which reflect the NRC's position on 10 CFR 50.36(c)(ii)(A). Pertinent documents relevant to the development of TSTF-493, Revision 4, are:

- NRC Reply to Industry Plan to Resolve TSTF-493, "Clarify Application of Setpoint Methodology for LSSS Functions." March 9, 2009 (ML090560592).
- Industry Plan to Resolve TSTF-493, "Clarify Application of Setpoint Methodology for LSSS Functions." February 23, 2009 (ML090540849).
- NRC Issues with TSTF-493, Revision 3. November 4, 2008 (ML082800484).

- TSTF-493, Revision 3, "Clarify Application of Setpoint Methodology for LSSS Functions." January 18, 2008 (ML080180441).

It is unclear how the licensee's proposed use of the LSSS term is in accordance with 10 CFR 50.36(c)(ii)(A), current TS actions, or joint industry/NRC efforts.

2. Explain why the Underfrequency Bus A01 and A02 reactor trips are no longer proposed to be associated with the operability of the P-7 interlock.

Background: TS Table 3.3.1-1 (RPS) contains Function 17.b, "Reactor Trip System Interlock – Low Power Reactor Trips Block, P-7." The Bases provides a description of the reactor trips that the P-7 interlock automatically enables and disables. The Bases deletes the reference to the Underfrequency Bus A01 and A02 trips. However, no justification for this change appears to be provided in the submittal. In addition, the Bases for Function 12 "Underfrequency Bus A01 and A02," indicates that the P-7 interlock still automatically enables and disables this reactor trip function.

The regulation at 10 CFR 50.36(c)(ii)(A) states "Limiting safety system settings for nuclear reactors are settings for automatic protective devices related to those variables having significant safety functions. Where a LSSS is specified for a variable on which a safety limit has been placed, the setting must be so chosen that automatic protective action will correct the abnormal situation before a safety limit is exceeded."

It is unclear why the Underfrequency Bus A01 and A02 reactor trips are no longer proposed to be associated with the operability of the P-7 interlock.

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Sincerely,

/RA/

Justin C. Poole, Project Manager
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ADAMS Accession Number: ML093060331

*per memo dated June 12, 2009

OFFICE	LPL3-1/PM	LPL3-1/LA	NRR/SBPB/BC	LPL3-1/BC
NAME	JPoole	THarris	RElliott*	RPascarelli
DATE	11/05/09	11/05/09	6/12/09	11/05/09

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