

September 5, 2007

Mr. J. A. Stall
Senior Vice President, Nuclear and
Chief Nuclear Officer
Florida Power and Light Company
P.O. Box 14000
Juno Beach, Florida 33408-0420

SUBJECT: TURKEY POINT UNITS 3 AND 4 - ISSUANCE OF AMENDMENTS
REGARDING ADDITION OF A NEW TECHNICAL SPECIFICATION 3.0.6
(TAC NOS. MD5583 AND MD5584)

Dear Mr. Stall:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 235 to Renewed Facility Operating License No. DPR-31 and Amendment No. 230 to Renewed Facility Operating License No. DPR-41 for the Turkey Point Plant, Units Nos. 3 and 4, respectively. The amendments consist of changes to the Technical Specifications (TSs) in response to your application dated April 26, 2007.

This amendment would revise the TSs to add new Limiting Condition for Operation 3.0.6.

A copy of the Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/RA/

Brenda L. Mozafari, Senior Project Manager
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-250 and 50-251

Enclosures: 1. Amendment No. 235 to DPR-31
2. Amendment No. 230 to DPR-41
3. Safety Evaluation

cc w/enclosures: See next page

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This amendment would revise the TSs to add new Limiting Condition for Operation 3.0.6.

A copy of the Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

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FLORIDA POWER AND LIGHT COMPANY

TURKEY POINT PLANT, UNIT NO. 3

DOCKET NO. 50-250

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 235
Renewed License No. DPR-31

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Florida Power and Light Company (the licensee) dated April 26, 2007, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 3.B of Renewed Facility Operating License No. DPR-31 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 235 are hereby incorporated into this renewed license. The Environmental Protection Plan contained in Appendix B is hereby incorporated into this renewed license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days within issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA Evangelos C. Marinos for/

Thomas H. Boyce, Chief
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Operating License
and Technical Specifications

Date of Issuance: September 5, 2007

FLORIDA POWER AND LIGHT COMPANY

TURKEY POINT PLANT, UNIT NO. 4

DOCKET NO. 50-251

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 230
Renewed License No. DPR-41

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Florida Power and Light Company (the licensee) dated April 26, 2007, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 3.B of Renewed Facility Operating License No. DPR-41 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 230 are hereby incorporated into this renewed license. The Environmental Protection Plan contained in Appendix B is hereby incorporated into this renewed license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of its date of issuance and shall be implemented within 60 days within issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

RA Evangelos C. Marinos for/

Thomas H. Boyce, Chief
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Operating License
and Technical Specifications

Date of Issuance: September 5, 2007

ATTACHMENT TO LICENSE AMENDMENT

AMENDMENT NO. 235 RENEWED FACILITY OPERATING LICENSE NO. DPR-31

AMENDMENT NO. 230 RENEWED FACILITY OPERATING LICENSE NO. DPR-41

DOCKET NOS. 50-250 AND 50-251

Replace Page 3 of Renewed Operating License DPR-31 with the attached Page 3.

Replace Page 3 of Renewed Operating License DPR-41 with the attached Page 3.

Revise the Appendix A Technical Specifications by removing the pages identified below and inserting the attached pages. The revised pages are identified by the captioned amendment number and contain marginal lines indicating the area of change.

REMOVE

3/4 0-1
3/4 0-2

INSERT

3/4 0-1
3/4 0-2

- E. Pursuant to the Act and 10 CFR Parts 40 and 70 to receive, possess, and use at any time 100 milligrams each of any source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactively contaminated apparatus;
 - F. Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of Turkey Point Units Nos. 3 and 4.
3. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations: 10 CFR Part 20, Section 30.34 of 10 CFR Part 30, Section 40.41 of 10 CFR Part 40, Sections 50.54 and 50.59 of 10 CFR Part 50, and Section 70.32 of 10 CFR Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:
- A. Maximum Power Level

The applicant is authorized to operate the facility at reactor core power levels not in excess of 2300 megawatts (thermal).
 - B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 235 are hereby incorporated into this renewed license. The Environmental Protection Plan contained in Appendix B is hereby incorporated into this renewed license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.
 - (C) Final Safety Analysis Report

The licensee's Final Safety Analysis Report supplement submitted pursuant to 10 CFR 54.21(d), as revised on November 1, 2001, describes certain future inspection activities to be completed before the period of extended operation. The licensee shall complete these activities no later than July 19, 2012.

The Final Safety Analysis Report supplement as revised on November 1, 2001, described above, shall be included in the next scheduled update to the Final Safety Analysis Report required by 10 CFR 50.71(e)(4), following the issuance of this renewed license. Until that update is complete, the licensee may make changes to the programs described in such supplement without prior Commission approval, provided that the licensee evaluates each such change pursuant to the criteria set forth in 10 CFR 50.59 and otherwise complies with the requirements in that section.

- E. Pursuant to the Act and 10 CFR Parts 40 and 70 to receive, possess, and use at any time 100 milligrams each of any source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactively contaminated apparatus;
 - F. Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of Turkey Point Units Nos. 3 and 4.
3. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations: 10 CFR Part 20, Section 30.34 of 10 CFR Part 30, Section 40.41 of 10 CFR Part 40, Sections 50.54 and 50.59 of 10 CFR Part 50, and Section 70.32 of 10 CFR Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:
- A. Maximum Power Level

The applicant is authorized to operate the facility at reactor core power levels not in excess of 2300 megawatts (thermal).
 - B. Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 230 are hereby incorporated into this renewed license. The Environmental Protection Plan contained in Appendix B is hereby incorporated into this renewed license. The licensee shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.
 - C. Final Safety Analysis Report

The licensee's Final Safety Analysis Report supplement submitted pursuant to 10 CFR 54.21(d), as revised on November 1, 2001, describes certain future inspection activities to be completed before the period of extended operation. The licensee shall complete these activities no later than April 10, 2013.

The Final Safety Analysis Report supplement as revised on November 1, 2001, described above, shall be included in the next scheduled update to the Final Safety Analysis Report required by 10 CFR 50.71(e)(4), following the issuance of this renewed license. Until that update is complete, the licensee may make changes to the programs described in such supplement without prior Commission approval, provided that the licensee evaluates each such change pursuant to the criteria set forth in 10 CFR 50.59 and otherwise complies with the requirements in that section.

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 235 TO
RENEWED FACILITY OPERATING LICENSE NO. DPR-31 AND
AMENDMENT NO. 230 TO RENEWED FACILITY OPERATING LICENSE NO. DPR-41
FLORIDA POWER AND LIGHT COMPANY
TURKEY POINT PLANT, UNIT NOS. 3 AND 4
DOCKET NOS. 50-250 AND 50-251

1.0 INTRODUCTION

By application dated April 26, 2007 Florida Power and Light Company (FPL, the licensee) requested changes to the Technical Specifications (TSs) for Turkey Point Plant, Units 3 and 4 (Reference 7.1). The staff's proposed no significant hazards consideration determination was published in the *Federal Register* on July 3, 2007 (72 FR 36522).

The proposed changes would add limiting condition for operation (LCO) 3.0.6 to allow temporary exceptions to TS Actions that require equipment to be taken out of service. The LCO 3.0.6 exception allows equipment to be temporarily returned to service under administrative controls for the purpose of operability testing.

2.0 REGULATORY EVALUATION

Section 182a of the Atomic Energy Act (the "Act") requires applicants for nuclear power plant operating licenses to include TSs as part of the license. The TSs ensure the operational capability of structures, systems, and components that are required to protect the health and safety of the public. The Commission's regulatory requirements related to the content of the TSs are contained in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.36. This regulation requires that the TSs include items in the following categories: (1) Safety limits, limiting safety system settings, and limiting control settings (50.36(c)(1)); (2) Limiting conditions for operation (50.36(c)(2)); (3) Surveillance requirements (50.36(c)(3)); (4) Design features (50.36(c)(4)); and (5) Administrative controls (50.36(c)(5)).

In general there are two classes of changes to TSs: (1) Changes needed to reflect modifications to the design basis (TSs are derived from the design basis), and (2) voluntary changes to take advantage of the evolution in policy and guidance as to the required content and preferred format of TSs over time. This amendment deals with the second class of changes. In determining the acceptability of adding LCO 3.0.6, the staff used the accumulation

of generically approved guidance in NUREG-1431, Revision 3, "Standard Technical Specifications for Westinghouse Plants."

Section LCO 3.0, "Limiting Condition for Operation Applicability" of the TSs establishes general requirements applicable to all TSs unless otherwise stated. In general, these requirements state the relationships between testing, equipment operability, and operational modes.

On August 28, 1990, TS amendments were issued for Turkey Point that approved the use of the standard TS format (Unit 3 Amendment No.137, Unit 4 Amendment 132). Since that time the applicable standard TSs have been improved in response to the evolution of policy and preferred format under NUREG-1431, "Standard Technical Specifications for Westinghouse Plants."

The proposed amendment is a request to adopt the improvements provided by NUREG-1431 LCO 3.0.5 to allow equipment that has been removed from service due to TS required ACTIONS to be tested. The sole purpose of this exception is to allow equipment to be returned to service under administrative controls for the purpose of performing testing to demonstrate operability for that or other equipment.

This amendment is consistent with NUREG-1431, and two amendments approved for other plants. Similar changes have been approved on June 16, 1998, for Seabrook Station (Ref. 7.2), and on April 17, 2000, for Milestone Unit 3 (Ref 7.3).

3.0 TECHNICAL EVALUATION

The Turkey Point TS ACTIONS require certain types of equipment to be taken out of service if that or other equipment does not meet operability requirements. TS Actions may require equipment to be de-energized, isolated, locked out, etc. It may be necessary to place that equipment back in service to perform operability testing. NUREG-1431 Revision 3, resolves this issue with LCO 3.0.5, which is a temporary relaxation of the TSs to allow equipment to be returned to service for the purpose of operability testing.

The licensee's amendment adds new LCO 3.0.6 that is equivalent to LCO 3.0.5 in the current revision of the Standard Westinghouse TSs. Several minor changes were made to incorporate the new limiting condition into the Turkey Point TS. The new LCO 3.0.6 states:

Equipment removed from service or declared inoperable to comply with ACTION requirements may be returned to service under administrative controls solely to perform testing required to demonstrate its OPERABILITY or the OPERABILITY of other equipment. This is an exception to LCO 3.0.1 and 3.0.2 for the system returned to service under administrative control to perform the testing required to demonstrate OPERABILITY.

References to the new testing exception in LCO 3.0.6 are also made in LCOs 3.0.1 and 3.0.2 as part of this amendment.

The new LCO 3.0.6 is consistent with the current version of Westinghouse Standard TSs, NUREG-1431 Revision 3, and may enhance overall safety by returning systems or components to operable status in a more timely manner. It also has the potential to reduce the regulatory

burden associated with seeking case by case approval to perform appropriate testing not allowed by the current TS. Therefore, the proposed changes are acceptable.

4.0 STATE CONSULTATION

Based upon a letter dated May 2, 2003, from Michael N. Stephens of the Florida Department of Health, Bureau of Radiation Control, to Brenda L. Mozafari, Senior Project Manager, U.S. Nuclear Regulatory Commission, the State of Florida does not desire notification of issuance of license amendments.

5.0 ENVIRONMENTAL CONSIDERATION

This amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that this amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding (72 FR 36522). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

7.0 REFERENCES

- 7.1 Licensee submittal to incorporate new LCO 3.0.6 Requirements, April 26, 2007 (Agencywide Document Access and Management System (ADAMS) Accession No. ML071280265)
- 7.2 Safety Evaluation for Amendment No.57, Seabrook Station, June 16, 1998 (ADAMS Accession No. ML011840185)
- 7.3 Safety Evaluation for Amendment No.179, Millstone Unit 3, April 17, 2000 (ADAMS Accession No. ML003709001)

Principal Contributor: William Cartwright

Date: September 5, 2007
Florida Power and Light Company

TURKEY POINT PLANT

cc:

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