

November 16, 2007

James H. McCarthy
Site Vice President
FPLE-Point Beach
6610 Nuclear Road
Two Rivers, WI 54241

SUBJECT: POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2 - ISSUANCE OF AMENDMENTS RE: TSTF-491, REVISION 2, "REMOVAL OF MAIN STEAM AND FEEDWATER VALVE ISOLATION TIMES" TECHNICAL SPECIFICATION 3.7.2 (TAC NOS. MD6079 AND MD6080)

Dear Mr. McCarthy:

The Commission has issued the enclosed Amendment No. 230 to Renewed Facility Operating License No. DPR-24 and Amendment No. 235 to Renewed Facility Operating License No. DPR-27 for the Point Beach Nuclear Plant, Units 1 and 2 (PBNP), respectively. The amendments consist of changes to the Technical Specifications (TSs) in response to your application dated June 29, 2007, (Agencywide Document and Management System (ADAMS) Accession No. ML071800512).

These amendments requested a partial adoption of TSTF-491, Revision 2, "Removal of Main Steam and Feedwater Valve Isolation Times" which was proposed by the Technical Specification Task Force (TSTF) by letter on May 18, 2006. The proposed changes only revise TS 3.7.2 "Main Steam Valves Closure Times" by relocating the isolation valve closure times to a licensee-controlled document identified as a bases reference. The proposed amendments deviate from TSTF-491 in that the current PBNP TS 3.7.3, and associated surveillance requirements do not include the main feedwater valve closure times, and thus, TSTF-491 changes to TS 3.7.3 are not applicable to the PBNP TSs.

A copy of our related safety evaluation is also enclosed. The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/RA/

Jack Cushing, Senior Project Manager
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-266 and 50-301

Enclosures:

1. Amendment No. 230 to DPR-24
2. Amendment No. 235 to DPR-27
3. Safety Evaluation

cc w/encls: See next page

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DATE	10/16/07	10/16/07	8/8 /07	10/22/07	11/16/07

OFFICIAL RECORD COPY

Point Beach Nuclear Plant, Units 1 and 2

cc:

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Two Rivers, WI 54241

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Town Chairman
Town of Two Creeks
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Juno Beach, FL 33408-0420

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nuclear Management Company, LLC (the licensee), dated June 29, 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 4.B of Renewed Facility Operating License No. DPR-24 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 230, are hereby incorporated in the renewed operating license. FPLE Point Beach shall operate the facility in accordance with Technical Specifications.

3. This license amendment is effective as of the date of issuance and shall be implemented within 90 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA Peter S. Tam for/

Clifford Munson, Acting Chief
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical Specifications
and Facility Operating License

Date of issuance: November 16, 2007

FPL ENERGY POINT BEACH, LLC

DOCKET NO. 50-301

POINT BEACH NUCLEAR PLANT, UNIT 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No.235
License No. DPR-27

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nuclear Management Company, LLC (the licensee), dated June 29, 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-27 is hereby amended to read as follows:

B. Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 235, are hereby incorporated in the renewed operating license. FPLE Point Beach shall operate the facility in accordance with Technical Specifications.

3. This license amendment is effective as of the date of issuance and shall be implemented within 90 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/Peter S. Tam for/

Clifford Munson, Acting Chief
Plant Licensing Branch III-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical Specifications
and Facility Operating License

Date of issuance: November 16, 2007

ATTACHMENT TO LICENSE AMENDMENT NO. 230
TO RENEWED FACILITY OPERATING LICENSE NO. DPR-24
AND LICENSE AMENDMENT NO. 235
TO RENEWED FACILITY OPERATING LICENSE NO. DPR-27
DOCKET NOS. 50-266 AND 50-301

Replace the following pages of the Facility Operating Licenses and Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

REMOVE

Unit 1 License Page 3
Unit 2 License Page 3
Units 1 and 2 Page 3.7.2-2

INSERT

Unit 1 License Page 3
Unit 2 License Page 3
Units 1 and 2 Page 3.7.2-2

- D. Pursuant to the Act and 10 CFR Parts 30, 40 and 70, FPLE Point Beach to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
 - E. Pursuant to the Act and 10 CFR Parts 30 and 70, FPLE Point Beach to possess such byproduct and special nuclear materials as may be produced by the operation of the facility, but not to separate such materials retained within the fuel cladding.
4. 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 Levels

FPLE Point Beach is authorized to operate the facility at reactor core power levels not in excess of 1540 megawatts thermal.
 - B. Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 230, are hereby incorporated in the renewed operating license. FPLE Point Beach shall operate the facility in accordance with Technical Specifications.
 - C. Spent Fuel Pool Modification

The licensee is authorized to modify the spent fuel storage pool to increase its storage capacity from 351 to 1502 assemblies as described in licensee's application dated March 21, 1978, as supplemented and amended. In the event that the on-site verification check for poison material in the poison assemblies discloses any missing boron plates, the NRC shall be notified and an on-site test on every poison assembly shall be performed.

- C. Pursuant to the Act and 10 CFR Parts 30, 40 and 70, FPLE Point Beach to receive, possess and use at any time any byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed source for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
 - D. Pursuant to the Act and 10 CFR Parts 30, 40 and 70, FPLE Point Beach to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
 - E. Pursuant to the Act and 10 CFR Parts 30 and 70, FPLE Point Beach to possess such byproduct and special nuclear materials as may be produced by the operation of the facility, but not to separate such materials retained within the fuel cladding.
4. 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 Levels

FPLE Point Beach is authorized to operate the facility at reactor core power levels not in excess of 1540 megawatts thermal.
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The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 235, are hereby incorporated in the renewed operating license. FPLE Point Beach shall operate the facility in accordance with Technical Specifications.
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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 230 TO RENEWED FACILITY
OPERATING LICENSE NO. DPR-24
AND AMENDMENT NO. 235 TO RENEWED FACILITY
OPERATING LICENSE NO. DPR-27
FPL ENERGY POINT BEACH, LLC
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2
DOCKET NOS. 50-266 AND 50-301

1.0 INTRODUCTION

By letter dated June 29, 2007, (Agencywide Document and Management System (ADAMS) Accession No. ML071800512), Nuclear Management Company, LLC (NMC), (the licensee), proposed changes to the technical specifications (TS) for Point Beach Nuclear Plant, Units 1 and 2. The requested changes are a partial adoption of the May 18, 2006, letter for the proposed Technical Specification Task Force Change Traveler No. 491 (TSTF-491), Revision 2, "Removal of Main Steam and Feedwater Valve Isolation Times." The proposed changes only revise TS 3.7.2 "Main Steam Valves Closure Times" by relocating the isolation valve closure times to a licensee controlled document identified as a Bases reference. TSTF-491, Revision 2, was announced for availability in the Federal Register on December 29, 2006, as part of the consolidated line item improvement process (CLIP).

FPL Energy Point Beach, LLC has since this application was submitted, become the current licensee, following a license transfer that occurred on August 28, 2007. Therefore, from hereon in this safety evaluation any correspondence from NMC will be referred to as correspondence from the licensee.

2.0 REGULATORY EVALUATION

Section 182(a) of the Atomic Energy Act (the "Act") requires applicants for nuclear power plant operating licenses to include TS as part of the license. The TS 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 TS are contained in 10 CFR Section 50.36. That regulation requires that the TS include items in the following specific categories: (1) Safety limits, limiting safety systems settings, and limiting control settings (50.36(d)(1)); (2) Limiting conditions for operation (50.36(d)(2)); (3) Surveillance requirements (50.36(d)(3)); (4) Design features (50.36(d)(4)); and (5) Administrative controls (50.36(d)(5)).

In general, there are two classes of changes to TS: (1) changes needed to reflect modifications to the design basis (TS 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 TS over time. This amendment deals with the second class of changes. In determining the acceptability of revising STS 3.7.2, the staff used the accumulation of generically approved guidance in NUREG-1431, Revision 3, "Standard Technical Specifications, Westinghouse Plants," dated June, 2004. Licensees may revise the TS to adopt current improved STS format and content provided that plant-specific review supports a finding of continued adequate safety because: (1) The change is editorial, administrative or provides clarification (i.e., no requirements are materially altered), (2) the change is more restrictive than the licensee's current requirement, or (3) the change is less restrictive than the licensee's current requirement, but nonetheless still affords adequate assurance of safety when judged against current regulatory standards. The detailed application of this general framework, and additional specialized guidance, are discussed in Section 3.0 in the context of specific proposed changes. Nomenclature specific to the Westinghouse Plants is used in the following Technical Evaluation.

The Commission's regulatory requirements regarding codes and standards are specified in 10 CFR 50.55a, which incorporates portions of industry codes and standards, such as the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, into the regulations and the associated requirements for Inservice Testing (IST). Much of the information associated with a licensee's implementation of the testing and surveillance requirements in 10 CFR 50.55a, is contained in their IST Program. The 10 CFR 50.59 criteria provide adequate assurance that prior staff review and approval will be requested by the licensee for changes to the Bases or Licensee Controlled Document (LCD) requirements with the potential to affect the safe operation of the plant.

3.0 TECHNICAL EVALUATION

The NRC staff has reviewed the justification for the proposed TSTF as described in the September 13, 2005, submittal. The licensee stated in their application dated June 29, 2007, that the justifications presented in the TSTF-491 proposal and the model SE prepared by the NRC staff are applicable to PBNP, Units 1 and 2, for the incorporation of the changes to PBNP TS 3.7.2. The detailed evaluation below will support the conclusion 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 amendment will not be inimical to the common defense and security or to the health and safety of the public.

3.1 Main Steam Isolation Valves (MSIV)

One MSIV is located in each main steam line outside of the containment. Closing the MSIVs isolates each steam generator from the others and isolates the turbine, steam bypass system and other auxiliary steam supplies from the steam generator. By isolating the steam flow from the secondary side of the steam generator the MSIVs prevent over cooling the reactor core following a high energy line break (HELB). By preventing core overcooling the MSIVs protect the reactor core from being damaged. TSTF-491 is proposing to relocate the required closure times for the MSIVs to the LCD, "TRM 4.7 Inservice Testing Program," that is referenced in the Bases. Changes to the LCD are subject to the 10 CFR 50.59 process. The 10 CFR 50.59

criteria provide adequate assurance that prior staff review and approval will be requested by the licensee for changes to the Bases or LCD requirements with the potential to affect the safe operation of the plant. Furthermore, the MSIVs are subject to periodic testing and acceptance criteria in accordance with the IST Program. Compliance with the IST Program is required by Section 5.5.7 of the Standard Technical Specifications (STS) and 10 CFR 50.55a. The IST Program includes specific reference value baseline operating times for valves that are not subject to arbitrary changes. 10 CFR 50.36 requires the inclusion of the periodic testing of the MSIVs in the Surveillance Requirements not the actual closure time of the valves. TSTF-491 change maintains the periodic testing requirements for MSIVs in accordance with 10 CFR 50.36. Based on the requirements of 10 CFR 50.36, 10 CFR 50.59 and IST Program, the staff concludes that relocating the MSIV closure time to the LCD as referenced in the Bases is acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Wisconsin State official was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendments change a requirement with respect to the installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20 or change a surveillance requirement. The staff has determined that the 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 amendment involves no significant hazards consideration and there has been no public comment on such finding published September 11, 2007 (72 FR 51865). Accordingly, the amendment meets 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 amendment.

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 amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principle Contributor: A. J. Lising, NRR

Date: November 16, 2007