



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

August 31, 2009

Mr. Mano Nazar
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
ADOPTION OF TSTF-511, REV. 0, "ELIMINATE WORKING HOUR
RESTRICTIONS FROM TS 5.2.2 TO SUPPORT COMPLIANCE WITH 10 CFR
PART 26" (TAC NOS. ME1177 AND ME1178)

Dear Mr. Nazar:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 240 to Renewed Facility Operating License No. DPR-31 and Amendment No. 235 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 13, 2009.

The amendments revise the Turkey Point TSs to eliminate working-hour restrictions from TS 6.8.5 to support compliance with Title 10, Code of Federal Regulations, Part 26.

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,

A handwritten signature in cursive script that reads "Brenda Mozafari".

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. 240 to DPR-31
2. Amendment No. 235 to DPR-41
3. Safety Evaluation

cc w/enclosures: Distribution via ListServ



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

FLORIDA POWER AND LIGHT COMPANY

DOCKET NO. 50-250

TURKEY POINT PLANT, UNIT NO. 3

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 240
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 13, 2009, 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. 240 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 by October 1, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION



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: August 31, 2009



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

FLORIDA POWER AND LIGHT COMPANY

DOCKET NO. 50-251

TURKEY POINT PLANT UNIT NO. 4

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 235
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 13, 2009, 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. 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 by October 1, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION



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: August 31, 2009

ATTACHMENT TO LICENSE AMENDMENT

AMENDMENT NO. 240 RENEWED FACILITY OPERATING LICENSE NO. DPR-31

AMENDMENT NO. 235 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.

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

Remove Page
6-18b

Insert Page
6-18b

ADMINISTRATIVE CONTROLS

PROCEDURES AND PROGRAMS (Continued)

- d. Provisions for SG tube inspections. Periodic SG tube inspections shall be performed. The number and portions of the tubes inspected and methods of inspection shall be performed with the objective of detecting flaws of any type (e.g., volumetric flaws, axial and circumferential cracks) that may be present along the length of the tube, from the tube-to-tubesheet weld at the tube inlet to the tube-to-tubesheet weld at the tube outlet, and that may satisfy the applicable tube repair criteria. For Unit 3 during Refueling Outage 23 and the subsequent operating cycles until the next scheduled inspection, and for Unit 4 during Refueling Outage 23 and the subsequent operating cycles until the next scheduled inspection, the portion of the tube below 17 inches from the top of the hot leg tubesheet is excluded from inspection when the alternate tube repair criteria in Specification 6.8.4.j.c.1 is implemented. The tube-to-tubesheet weld is not part of the tube. In addition to meeting the requirements of d.1, d.2, and d.3 below, the inspection scope, inspection methods, and inspection intervals shall be such as to ensure that SG tube integrity is maintained until the next SG inspection. An assessment of degradation shall be performed to determine the type and location of flaws to which the tube may be susceptible and, based on this assessment, to determine which inspection methods need to be employed and at what locations.
1. Inspect 100% of the tubes in each SG during the first refueling outage following SG replacement.
 2. Inspect 100% of the tubes at sequential periods of 120, 90, and, thereafter, 60 effective full power months. The first sequential period shall be considered to begin after the first inservice inspection of the SGs. In addition, inspect 50% of the tubes by the refueling outage nearest the midpoint of the period and the remaining 50% by the refueling outages nearest the end of the period. No SG shall operate for more than 48 effective full power months or two refueling outages (whichever is less) without being inspected.
 3. If crack indications are found in any SG tube, then the next inspection for each SG for the degradation mechanism that caused the crack indication shall not exceed 24 effective full power months or one refueling outage (whichever is less). If definitive information, such as from examination of a pulled tube, diagnostic non-destructive testing, or engineering evaluation indicates that a crack-like indication is not associated with a crack(s), then the indication need not be treated as a crack.
- e. Provisions for monitoring operational primary-secondary leakage.

6.8.5 DELETED



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 240 TO

RENEWED FACILITY OPERATING LICENSE NO. DPR-31 AND

AMENDMENT NO. 235 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 13, 2009, the Florida Power and Light (FPL, the licensee) proposed an amendment to the Technical Specifications (TSs) for Turkey Point Plant, Units 3 and 4. The requested changes would eliminate working hour restrictions from TS 6.8.5 to support compliance with Title 10, Code of Federal Regulations (10 CFR), Part 26.

The request is submitted consistent with the guidance contained in the U.S. Nuclear Regulatory Commission (NRC) approved Technical Specifications Task Force Traveler 511 (TSTF-511). This TS improvement was made available by NRC on, December 30, 2008 (73 FR 79923) as part of the consolidated line item improvement process (CLIP).

Turkey Point is a custom TS plant, and as such, the work-hour requirements affected by this change are in TS 6.8.5 instead of TS 5.2.2.d as found in NUREG-1431, Revision 3.0, "Standard Technical Specifications Westinghouse Plants."

2.0 REGULATORY EVALUATION

The history of NRC regulations pertaining to prevention of worker impairment is summarized in the *Federal Register* notice containing the final rule that amended 10 CFR Part 26 (73 FR 16966, March 31, 2008). Title 10 CFR Part 26, Subpart I provides the regulatory requirements for managing worker fatigue at nuclear power plants.

The NRC's regulatory requirements related to the content of the TS are contained in 10 CFR Part 50.36. Pursuant to 10 CFR 50.36 it is required that the TS include items in the following categories: (1) safety limits, limiting safety systems settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) Surveillance Requirements (SR); (4) design features; and (5) administrative controls. The administrative controls are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner.

The NRC's guidance for the format and content of licensee TSs can be found in NUREG-1430, Revision 3.0, "Standard Technical Specifications Babcock and Wilcox Plants," NUREG-1431, Revision 3.0, "Standard Technical Specifications Westinghouse Plants," NUREG-1432, Revision 3.0, "Standard Technical Specifications Combustion Engineering Plants," NUREG-1433, Revision 3.0, "Standard Technical Specifications General Electric Plants, BWR/4," and NUREG-1434, Revision 3.0, "Standard Technical Specifications General Electric Plants, BWR/6," referred to as Standard Technical Specifications (STSs). Section 5 of STSs contains administrative controls. Paragraph d of Section 5.2.2 of STSs contains requirements for administrative procedures to limit the working hours of personnel who perform safety-related functions. This paragraph represents NRC's guidance on how licensee TS requirements should address work-hour controls. Licensees adhere to the guidance to varying degrees due to minor administrative differences and differences in each licensee's current licensing basis. The inconsistent level of adherence to NRC guidance has led to inconsistent TS interpretation and implementation. This has also made it difficult for NRC to enforce the requirements.

The new requirements of 10 CFR Part 26, Subpart I supersede TS requirements for limiting the working hours of personnel as described in Paragraph d of Section 5.2.2 of all STSs. Subpart I distinguishes between work-hour controls and fatigue management and strengthens the requirements for both. Subpart I requires nuclear power plant licensees to ensure against worker fatigue adversely affecting public health and safety and the common defense and security by establishing clear and enforceable requirements for the management of worker fatigue. Licensees are required to implement Subpart I by October 1, 2009, as announced in the Final rule that revised 10 CFR Part 26 (73 FR 16966, March 31, 2008). TSTF-511 proposed a change to STSs that would delete paragraph d of STS 5.2.2. This change was approved in *Federal Register* notice on December 30, 2008 (73 FR 79923).

2.1 Adoption of TSTF-511, Revision 0, by Turkey Point

Proper adoption of TSTF-511 and implementation of 10 CFR Part 26, Subpart I by Turkey Point will provide reasonable assurance that Turkey Point will maintain limits on the working hours of personnel who perform safety related functions. Turkey Point has committed to remove the plant-specific TS requirements concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.

3.0 TECHNICAL EVALUATION

Controls on work hours for personnel at nuclear power plants are necessary to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Work hour controls for Turkey Point are currently located in TS 6.8.5. When implemented, the regulatory requirements of 10 CFR Part 26, Subpart I replace the plant-specific TS requirements found Turkey Point's TS 6.8.5.

One minor deviation exists between this License Amendment and TSTF 511. Turkey Point is a custom TS plant, and as such, the work hour requirements affected by this change are in TS 6.8.5 instead of TS 5.2.2.d as found in NUREG-1431, Revision 3.0, "Standard Technical Specifications Westinghouse Plants."

The licensee proposed deleting TS 6.8.5. The licensee committed to implement the new requirements of 10 CFR Part 26, Subpart I concurrently with the deletion of the TS requirements on work-hour controls. The NRC staff finds that reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to the above regulatory commitment(s) are best provided by the licensee's administrative processes, including its commitment management program (see Regulatory Issue Summary 2000-017, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff"). The above regulatory commitments do not warrant the creation of regulatory requirements (items requiring prior NRC approval of subsequent changes).

The staff evaluated the licensee's proposed change against the applicable regulatory requirements listed in section 2. The staff also compared the proposed change to the change made to STSs by TSTF-511. The staff considered the licensee's commitment to implement 10 CFR Part 26, Subpart I concurrently with the deletion of TS work-hour control requirements in its evaluation of the proposed change. Given the licensee's commitment, there is reasonable assurance that the licensee will comply with the regulations for work-hour controls, either through TS requirements or through the requirements of 10 CFR Part 26, Subpart I, at all times at Turkey Point. Therefore, the licensee will continue to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Therefore, the staff finds the proposed change 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, NRC, the State of Florida does not desire notification of issuance of license amendments.

5.0 ENVIRONMENTAL CONSIDERATION

The 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 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 issued on June 30, 2009 (74 FR 31323). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). In addition, the amendment changes recordkeeping, reporting, or administrative procedures. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). 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 amendments will not be inimical to the common defense and security or to the health and safety of the public.

7.0 REFERENCES

1. Turkey Point License Amendment Request to adopt TSTF-511, April 13, 2009
Agencywide Documents Access and Management System Accession
No. ML091130227
2. *Federal Register* Notice, Notice of Availability published on December 30, 2008
(73 FR 79923).
3. TSTF-511 Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support
Compliance with 10 CFR Part 26."

Principal Contributors: Victor Cusumano
Aron Lewin

Date: August 31, 2009

August 31, 2009

Mr. Mano Nazar
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
ADOPTION OF TSTF-511, REV. 0, "ELIMINATE WORKING HOUR
RESTRICTIONS FROM TS 5.2.2 TO SUPPORT COMPLIANCE WITH 10 CFR
PART 26" (TAC NOS. ME1177 AND ME1178)

Dear Mr. Nazar:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 240 to Renewed Facility Operating License No. DPR-31 and Amendment No. 235 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 13, 2009.

The amendments revise the Turkey Point TSs to eliminate working-hour restrictions from TS 6.8.5 to support compliance with Title 10, Code of Federal Regulations, Part 26.

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. 240 to DPR-31
 2. Amendment No. 235 to DPR-41
 3. Safety Evaluation

cc w/enclosures: Distribution via ListServ

Distribution:

PUBLIC
RidsNrrLABClayton (Hard copy)
RidsNrrDirsltsb Resource
RidsNrrPMTurkeypoint

LPL2-2 R/F
RidsOgcRp Resource
RidsNrrDorIDpr Resource
VCusumano

RidsNrrDorLpl2-2
RidsAcrsAcnwMailCenter
RidsRgn2MailCenter
ALewin

ADAMS Accession No. ML092310431

NRR-058

OFFICE	LPL2-2/RE	LPL2-2/PM	LPL2-2/LA	ITSB/BC	OGC	LPL2-2/BC
NAME	JPaige	FSDaba for BMozafari	BClayton	RElliot by memo	EWilliams	TBoyce
DATE	08/20/09	08/20/09	08/20/09	06/12/09	08/24/09	08/31/09

OFFICIAL RECORD COPY