

June 6, 2003

Mr. Mark E. Warner, Site Vice President
c/o James M. Peschel
Seabrook Station
PO Box 300
Seabrook, NH 03874

SUBJECT: SEABROOK STATION, UNIT NO. 1 - ISSUANCE OF AMENDMENT
RE: ADMINISTRATIVE CHANGES TO TECHNICAL SPECIFICATION SECTION 6
(TAC NO. MB7160)

Dear Mr. Warner:

The Commission has issued the enclosed Amendment No. 88 to Facility Operating License No. NPF-86 for the Seabrook Station, Unit No 1, in response to your application dated December 23, 2002, as supplemented by letters dated January 24 and April 21, 2003.

The amendment revises the Technical Specifications (TS) Section 6, Administrative Controls, to: (1) relocate administrative requirements discussed in Administrative Letter (AL) 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," to the Operational Quality Assurance Program, (2) change the title of the senior onsite official, and (3) bring the TS into consistency with changes in 10 CFR 20.

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

Sincerely,

/RA/

Victor Nerses, Senior Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-443

Enclosures: 1. Amendment No. 88 to NPF-86
2. Safety Evaluation

cc w/encls: See next page

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FPL ENERGY SEABROOK, LLC, ET AL.*

DOCKET NO. 50-443

SEABROOK STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 88
License No. NPF-86

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment filed by the FPL Energy Seabrook, LLC, et al. (the licensee), dated December 23, 2002, as supplemented January 24 and April 21, 2003, 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.

*FPL Energy Seabrook, LLC (FPLE Seabrook), is authorized to act as agent for the: Hudson Light & Power Department, Massachusetts Municipal Wholesale Electric Company, and Taunton Municipal Light Plant and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-86 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 88, and the Environmental Protection Plan contained in Appendix B are incorporated into Facility License No. NPF-86. FPLE Seabrook 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 of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA JBoska for/

James W. Clifford, Chief, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the Technical
Specifications

Date of Issuance: June 6, 2003

ATTACHMENT TO LICENSE AMENDMENT NO. 88

FACILITY OPERATING LICENSE NO. NPF-86

DOCKET NO. 50-443

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

Remove

xiii
xiv
xv
6-1
6-5
6-6
6-7
6-8
6-8A
6-8B
6-11
6-12
6-14A
6-15
6-19
6-20
6-21
6-22

Insert

xiii
xiv
xv
6-1
6-5
6-6
6-7
6-8
6-8A
6-8B
6-11
6-12
6-14A
6-15
6-19
6-20
6-21
6-22

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 88 TO FACILITY OPERATING LICENSE NO. NPF-86

FPL ENERGY SEABROOK, LLC

SEABROOK STATION, UNIT NO. 1

DOCKET NO. 50-443

1.0 INTRODUCTION

By application dated December 23, 2002, as supplemented by letters dated January 24 and April 21, 2003, FPL Energy Seabrook, LLC (the licensee), requested changes to the Technical Specifications (TSs) for Seabrook Station, Unit No. 1 (Seabrook Station). The supplements dated January 24 and April 21, 2003, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on February 18, 2003 (68 FR 7817).

The proposed changes would revise TSs Section 6, Administrative Controls, to: (1) relocate administrative requirements discussed in Administrative Letter (AL) 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," to the Operational Quality Assurance Program (OQAP), (2) change the title of the senior onsite official, and (3) bring the TS into consistency with changes in 10 CFR 20. Specifically the proposed changes would relocate, intact, TS 6.2.3, "Independent Technical Reviews;" TS 6.4, "Review and Audit;" TS 6.7.2 through 6.7.5 (specific descriptions of the procedure review and approval process); and TS 6.9, "Records Retention" to the OQAP. The proposed changes also included a revision to TS 6.7.6.g, "Radioactive Effluent Control Program", as well as editorial changes that change the title of the senior onsite official from "Executive Vice President and Chief Nuclear Officer" to "Site Vice President," revise the 10 CFR 20 references in the TSs to bring them into consistency with 10 CFR 20.

2.0 REGULATORY EVALUATION

The staff finds that the licensee in Section I of its submittal identified the applicable regulatory requirements. The regulatory requirements for which the staff based its acceptance are discussed below.

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 Commission's regulatory requirements related to the content of TSs are set forth in 10 CFR 50.36. That regulation requires that the TS include items in five specific categories, including: (1) safety limits, limiting safety system settings and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TSs.

With respect to limiting conditions for operations (LCO), 10 CFR 50.36 provides four criteria to be used in determining whether particular safety functions are required to be included in the TS. While the four criteria specifically apply to LCOs, in adopting the revision to the rule the Commission indicated that the intent of these criteria can be utilized to identify the optimum set of administrative controls in the TS (60 FR 36957). Addressing the administrative controls, 10 CFR 50.36(c)(5) states that they “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 specific content of the administrative controls section of the TS is, therefore, that information that the Commission deems essential for the safe operation of the facility that is not already adequately covered by other regulations. Accordingly, the staff has determined that requirements that are not specifically required under 10 CFR 50.36(c)(5) and which are not otherwise necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety, can be removed from the administrative controls section of the TS. Existing TS requirements, therefore, may be relocated to more appropriate documents (e.g., Security Plan, Quality Assurance Plan, and Emergency Plan) and controlled by the applicable regulatory requirement. Similarly, while the required content of the TS administrative controls is specified in 10 CFR 50.36(c)(5), particular details of administrative controls may be relocated to licensee-controlled documents where they are adequately covered by other regulations such as 10 CFR 50.54 and 10 CFR 50.59.

On December 12, 1995, the NRC issued AL 95-06, which provided guidance for relocating TS administrative requirements. AL 95-06 specifically addressed the acceptability of relocating requirements related to the independent safety engineering group, review and audits, procedure review process, and records and records retention, from the TS to the OQAP.

3.0 TECHNICAL EVALUATION

The staff has reviewed the licensee’s regulatory and technical analyses in support of its proposed license amendment which are described in Section I of the licensee’s submittal. The 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 Changes to Section 6.0, “Administrative Controls”

The licensee has proposed relocating the following TS requirements, intact, from Section 6.0, “Administrative Controls,” to the OQAP: (1) TS 6.2.3, “Independent Technical Reviews;” (2) TS 6.4, “Review and Audit;” (3) TS 6.7.2 through 6.7.5 (specific descriptions of the procedure review and approval process); and TS 6.9, “Records Retention” to the OQAP. The OQAP is incorporated into the Updated Final Safety Analysis Report (UFSAR) Chapter 17. Changes to the UFSAR are controlled in accordance with requirements of 10 CFR 50.59 and 10 CFR 50.71(e). The OQAP change control process is contained in 10 CFR 50.54(a).

Also, the licensee proposed editorial changes that would change the title of the senior onsite official from “Executive Vice President and Chief Nuclear Officer” to “Site Vice President.” This change would not affect the onsite reporting responsibility, chain of command, or responsibility

of this individual. Other editorial changes would revise the 10 CFR 20 references in TS, Section 6.0, to bring them into consistency with 10 CFR 20.

The licensee's approach is consistent with AL 95-06, which provides guidance for relocating TS administrative requirements. Following this guidance, the licensee proposed to transfer requirements from the TS to the Operational Quality Assurance Program (OQAP). Since the OQAP is incorporated into the Updated Final Safety Analysis Report (UFSAR) Chapter 17, changes to the UFSAR are controlled in accordance with the requirements of 10 CFR 50.59 and 10 CFR 50.71(e). Also the OQAP change control process is contained in 10 CFR 50.54(a). Hence, this approach would also result in an acceptable level of authority while providing for a more appropriate change control process. On this basis, the staff has concluded that the independent technical review, review and audit, procedure review and approval process, and the records retention functions identified above are not required to be included in the TS to protect the public health and safety, and may be relocated to the OQAP.

In conclusion, the above relocated requirements relating to administrative controls are not required to be in the TS under 10 CFR 50.36 or Section 182.a of the Act, and are not required to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety. In addition, the staff finds that the resulting new administrative controls provide all of the requirements needed to satisfy 10 CFR 50.36(c)(5), and sufficient regulatory controls exist under 10 CFR 50.59 and 50.54(a), or other applicable regulations to assure continued protection of the public health and safety. Accordingly, the staff has concluded that these requirements may be relocated from the TS to the OQAP. Further, the staff has concluded that the above proposed editorial changes are administrative in nature and do not affect or endanger the health and safety of the public.

3.2 Changes to TS 6.7.6.g, "Radioactive Effluent Controls Program"

In addition to the changes noted above, the licensee has proposed to change item 2 of TS 6.7.6.g, "Radioactive Effluent Controls Program", to allow the limitation on the concentrations of radioactive material released in liquid effluents to unrestricted areas, to be 10 times the concentration values in 10 CFR 20, Appendix B, Table 2, Column 2.

The proposed changes maintain the same overall level of radioactive effluent control while retaining the operational flexibility that existed with the TS under the previous 10 CFR Part 20. This limitation (i.e., less than 10 times the concentration values) provides reasonable assurance that the levels of radioactive materials in bodies of water in Unrestricted Areas will result in radiation doses to members of the public within (1) the Section II.A design objectives of Appendix I to 10 CFR Part 50 and (2) restrictions authorized by 10 CFR 20.1301(e). These changes are intended to eliminate possible confusion or improper implementation of the revised 10 CFR Part 20 requirements.

The proposed changes are consistent with the guidance in NUREG-1431 and satisfy the requirements of 10.CFR Part 20. Therefore the staff considers the proposed changes are acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New Hampshire and Massachusetts State officials were notified of the proposed issuance of the amendment. The State officials had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

This amendment changes recordkeeping, reporting, or administrative procedures or requirements. 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 (68 FR 7817). 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 amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: D. Starkey
V. Nerses

Date: June 6, 2003