

July 18, 2005

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: MISCELLANEOUS CHANGES TO THE TECHNICAL SPECIFICATIONS
(TAC NO. MC1976)

Dear Mr. Warner:

The Commission has issued the enclosed Amendment No. 104 to Facility Operating License (FOL) No. NPF-86 for Seabrook Station, Unit No. 1, in response to your application dated February 4, 2004, as supplemented by letter dated March 16, 2005.

The amendment modifies the Seabrook Station Technical Specification (TS) Index; TS Table 3.3-10, "Accident Monitoring Instrumentation"; TS Table 4.4-2, "Steam Generator Tube Inspection"; TS 6.0, "Administrative Controls"; and Appendix B to FOL No. NPF-86, "Environmental Protection Plan".

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. 104 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.104
License No. NPF-86

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment filed by FPL Energy Seabrook, LLC, et al. (the licensee), dated February 4, 2004, as supplemented March 16, 2005, 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. 104, are hereby incorporated in the 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 90 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Darrell J. Roberts, 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: July 18, 2005

ATTACHMENT TO LICENSE AMENDMENT NO. 104

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 areas of change.

<u>Remove</u>	<u>Insert</u>
xiii	xiii
xiv	xiv
xv	xv
3/4 3-51	3/4 3-51
3/4 4-19	3/4 4-19
6-1	6-1
6-3	6-3
6-4	6-4
6-5	6-5
6-6	6-6
6-7	6-7
6-8	6-8
6-8A	----
6-8B	----
6-9	6-9
6-10	6-10
6-11	6-11
6-12	6-12
6-13	6-13
6-14	6-14
6-14A	----
6-14B	----
6-14C	----
6-14D	----
6-15	6-15
6-16	6-16
6-17	6-17
6-18	6-18
6-18A	----
6-18B	----
6-18C	----
6-18D	----
6-18E	----
6-19	6-19
6-20	6-20
6-21	6-21

Remove

6-22

6-23

6-24

Insert

6-22

Replace the following page of the Appendix B, Environmental Protection Plan, with the attached revised page as indicated. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove

2-1

Insert

2-1

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 104 TO FACILITY OPERATING LICENSE NO. NPF-86

FPL ENERGY SEABROOK, LLC

SEABROOK STATION, UNIT NO. 1

DOCKET NO. 50-443

1.0 INTRODUCTION

By letter dated February 4, 2004, as supplemented by letter dated March 16, 2005, FPL Energy Seabrook, LLC (FPLE or the licensee) submitted License Amendment Request (LAR) No. 03-03, requesting changes to the Technical Specifications (TSs) for Seabrook Station, Unit No. 1 (Seabrook). The supplement dated March 16, 2005, 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 March 2, 2004 (69 FR 9861).

The proposed changes would revise the Seabrook TS Index; TS Table 3.3-10, "Accident Monitoring Instrumentation"; TS Table 4.4-2, "Steam Generator Tube Inspection"; TS 6.0, "Administrative Controls"; and Appendix B to Facility Operating License No. NPF-86, "Environmental Protection Plan".

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. These TSs are derived from the plant safety analyses.

The Nuclear Regulatory Commission (NRC or the Commission) staff reviewed the proposed changes for compliance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.36 and general agreement with the precedent as established in NUREG-1431, "Westinghouse Standard Technical Specifications" (STS). In general, licensees cannot justify TS changes solely on the basis of adopting the STS. To ensure this, the NRC staff makes a determination that proposed changes maintain adequate safety. Changes that result in relaxation (less restrictive condition) of current TS requirements require a detailed justification.

Licensees may revise the TSs to adopt 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.

Section 50.36(c)(2)(ii)(C) of 10 CFR, Criterion 3, requires that the TSs include limiting conditions for operation for a structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a design-basis accident (DBA) or transient that either assumes the failure of, or presents a challenge to, the integrity of a fission product barrier.

Regulatory Guide (RG) 1.97, Revision 3, describes a method acceptable to the staff for complying with the regulations in 10 CFR to provide instrumentation for monitoring plant variables and systems during and after an accident. RG 1.97, Revision 3, recommends that Type-A instrumentation be provided for variables that provide primary information needed by the control room operating personnel to take the specified manual actions for which no automatic control is provided and that are required for safety systems to accomplish their safety functions for DBA events. RG 1.97 also recommends that Type-A instrumentation meet Category 1 criteria.

On January 23, 2001, the Commission effected a change to 10 CFR 50.72 and 10 CFR 50.73 (65 FR 63769). Among other changes, this rulemaking relocated the reporting requirements contained in 10 CFR 50.72(b)(2) to 10 CFR 50.72(b)(3). The pertinent change for this amendment request was relocating the requirements for notification of the condition of the nuclear power plant, including its principal safety barriers, being seriously degraded from Subsection (b)(2)(i) to (b)(3)(ii)(A). This change extends the maximum time allowed for reporting this condition from four hours to eight hours.

3.0 TECHNICAL EVALUATION

3.1 Index Pages

FPLE proposed to modify the Seabrook TS Index pages xii through xv to reflect the TS changes contained in LAR 03-03. The changes to the Index pages are editorial in nature, do not materially alter any requirements and are, therefore, acceptable.

3.2 Accident Monitoring Instrumentation

FPLE proposed to add "containment sump isolation valve position" to TS Table 3.3-10 in TS 3/4.3.3.6.

In its February 4, 2004 letter, FPLE stated that its review of emergency operating procedures (EOPs) had determined that the containment sump isolation valve "open" position indication of valves CBS-V8 and CBS-V14 should be classified as a Type-A variable in accordance with RG 1.97. This indication is relied on in the EOPs to verify initiation of the switch-over from the injection mode to the recirculation mode. Containment sump isolation valve position indication

is the primary indication that tells the operators to perform the manual actions needed to complete the transfer to recirculation, which are preplanned actions for which no automatic control is provided.

The switch-over from injection mode to recirculation mode is initiated automatically by the opening of containment sump isolation valves CBS-V8 and CBS-V14 when the refueling water storage tank (RWST) level reaches its low-low level set point. This aligns the suction of the residual heat removal (RHR) pumps to the containment recirculation sump. The RHR pumps continue to inject into the reactor coolant system during switch-over. The charging pumps and the safety injection pumps continue to take suction from the RWST until manual action is taken to align the suction of these pumps to the discharge of the RHR pumps.

RG 1.97, Revision 3, recommends that Type-A instrumentation meet the Category 1 criteria. The licensee's containment sump isolation valve position indication instrumentation meets the Category 1 criteria. Therefore, the classification of the containment sump isolation valve position indication instrumentation as Type-A instrumentation is acceptable to the NRC staff.

The licensee has proposed that the containment sump isolation valve position function be added to TS Table 3.3-10, in TS 3/4.3.3.6, with "2 (1 per valve)" as the total number of channels and "1" as the minimum channels operable. The licensee has also proposed that the containment sump isolation valve position have the same actions and surveillance requirements (SRs) as other accident monitoring instrumentation in TS 3/4.3.3.6. The proposed total number of channels, minimum channels operable, and SRs are the same as for accident monitoring isolation valves in NUREG-1431, and the proposed action statements are more restrictive than the action statements for accident monitoring isolation valves in NUREG-1431.

The NRC staff finds the proposed total number of channels, minimum channels operable, action statements, and SRs for containment sump isolation valve position are as restrictive or more restrictive than NUREG-1431. In addition, the proposed TSs are more restrictive than the current Seabrook TSs. The NRC staff, therefore, finds the addition of containment sump isolation valve position to TS 3/4.3.3.6 to be acceptable.

3.3 Steam Generator (SG) Tube Inspection

FPLE proposed to modify the reference to 10 CFR 50.72(b)(2) in Table 4.4-2, "Steam Generator Tube Inspection." The revision would change the reference to 10 CFR 50.72(b)(3). The purpose of this reference is to identify to the licensee that certain SG inspection results may require NRC notification. The category of reportable events that require reporting of defective SG tubes is serious degradation of a principal safety barrier. As discussed in Section 2.0 of this Safety Evaluation, the relocation of this category of reportable event extends the maximum time allowed for reporting such an event from four hours to eight. The evaluation of this extension is available in 65 FR 63769 of the *Federal Register*. Additionally, the plant is in a shutdown condition during SG inspections, with the SGs isolated from the reactor coolant and not providing any safety function, obviating the need for more prompt notification to the NRC.

Given that the extension of the time was evaluated and found acceptable by the NRC rulemaking process and the likely plant conditions during discovery of degraded SG tubes, the NRC staff finds modifying the Seabrook TSs to reflect the new regulation acceptable.

3.4 Administrative Controls

FPLE proposed to change the name for the offsite review committee in TS Section 6, "Administrative Controls," from the Nuclear Safety Review Committee (NSARC) to the Company Nuclear Review Board (CNRB). Additionally, the licensee proposed to remove blank and unused pages from this section. The change in name of the offsite review committee is necessary due to the change in ownership of Seabrook from North Atlantic Energy Service Corporation to FPLE. In its February 4, 2004 application, FPLE stated that the CNRB serves the same purpose as the NSARC. Given that the CNRB will continue to provide the function of an offsite review committee, the NRC staff finds this change to be acceptable.

The elimination of blank unused pages simply consolidates TS Section 6.0, enhancing its usability without materially changing any requirements. The change is, therefore, acceptable.

3.5 Environmental Protection Issues

FPLE proposed to modify the Seabrook Environmental Protection Plan, Section 2.0, "Environmental Protection Issues," to remove reference to the date of National Pollutant Discharge Elimination System (NPDES) Permit No. NH0020338. This permit places effluent limitations and monitoring requirements on Seabrook. Currently, FPLE is required to revise the license every time the NPDES permit is updated so that the latest version is reflected in the license. The proposed revision would change the issued date to "as amended," which would still refer to the most recently-issued permit while eliminating the burden of updating the license. Thus, the change is editorial in nature and does not materially alter any requirements. The NRC staff, therefore, finds the change to be 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

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 (69 FR 9861). 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.

Principal Contributors: P. Hearn
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Date: July 18, 2005