

April 21, 2006

MEMORANDUM TO: Darrell J. Roberts, Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

FROM: Timothy J. Kobetz, Chief /RA/
Technical Specifications Branch
Division of Inspections and Regional Support
Office of Nuclear Reactor Regulation

SUBJECT: SEABROOK STATION- STAFF'S REVIEW OF CLIIP
AMENDMENT TO DELETE SECTION 2.G OF FACILITY
OPERATING LICENSE (TAC NO. MD0697)

By letter dated March 23, 2006 (ML060870115), FPL Energy Seabrook, LLC (the licensee) submitted a license amendment request (LAR) regarding the Seabrook Station Facility Operating License. The proposed amendment would delete Section 2.G of Facility Operating License No. NPF-86, which requires reporting of violations of the requirements of Section 2.C of the license. This operating license improvement was made available by the U.S. Nuclear Regulatory Commission on November 4, 2005, as part of the consolidated line item improvement process (CLIIP).

The staff of the Technical Specifications Branch (ITSB) of the Division of Inspections and Regional Support (DIRS) has completed its review of the LAR. The staff's review is enclosed.

Docket No.: 50-443

Enclosure:
As stated

CONTACT: Eric M. Thomas, ITSB/DIRS
301-415-6772

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STAFF SAFETY EVALUATION
SEABROOK STATION AMENDMENT TO FACILITY OPERATING LICENSE
DELETION OF SECTION 2.G
TAC NO. MD0697
DOCKET NO. 50-443

1.0 INTRODUCTION

By letter dated March 23, 2006, FPL Energy Seabrook, LLC (the licensee), proposed a license amendment to change the Facility Operating License for Seabrook Station (ADAMS Accession No. ML060870115). The proposed amendment would delete Section 2.G of the Facility Operating License, which requires reporting of violations of the requirements in Section 2.C of the Facility Operating License. A notice announcing the availability of this proposed change using the consolidated line item improvement process was published in the *Federal Register* on November 4, 2005 (70 FR 67202).

2.0 REGULATORY EVALUATION

A section or condition was included in the facility operating licenses issued to some nuclear power plants requiring the licensee to make reports to the Nuclear Regulatory Commission (NRC) regarding violations of other sections of the operating license (typically Section 2.C). In the case of Seabrook Station, Section 2.G of the Facility Operating License reads as follows:

Except as otherwise provided in the Technical Specifications of Environmental Protection Plan, FPL Energy Seabrook, LLC, shall report any violations of the requirements contained in Sections 2.C.(1) and 2.C.(2) of this license in the following manner: Initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System, with written followup within 30 days in accordance with the procedures described in 10 CFR Part 50.73(b), (c) and (e).

In addition to the information provided to support licensing decisions, the NRC obtains information about plant operation, licensee programs, and other matters using a combination of inspections and reporting requirements. Routine or scheduled reports that are required to be submitted to the NRC are defined in the related regulations, specific license condition, technical specification, or an NRC-approved program document. The reporting of emergencies, unplanned events or conditions, and other special cases may also be addressed within such documents by the inclusion of reporting thresholds and are also the focus of the reporting requirements in 10 CFR 50.72, "Immediate notification requirements for operating nuclear power reactors," and 10 CFR 50.73, "Licensee event report system." Changes to the reporting regulations in 10 CFR 50.72 and 50.73 became effective in January 2001 (see *Federal Register* notice on October 25, 2000 (65 FR 63769) and included extending the allowable reporting times for licensee event reports (LERs) from 30 days to 60 days.

The Administrative Section of the Technical Specifications (TS) for Seabrook Station also includes TS 6.5, "Reportable Event Action," which has a duplicative reporting requirement pursuant to 10 CFR 50.73, but which does not reflect subsequent changes in the regulation such as requiring LERs within 60 days instead of 30 days.

3.0 TECHNICAL EVALUATION

Section 2.G of the Seabrook Station Facility Operating License requires the licensee to report any violations of the requirements of Sections 2.C(1) and 2.C(2) of the Facility Operating License and defines the method and allowable time periods for such reports. The reporting threshold (i.e., a violation) for the conditions included in Sections 2.C(1) and 2.C(2) of the Facility Operating License duplicate those defined in 10 CFR 50.72 and 10 CFR 50.73. However, the requirements in the Facility Operating License have different deadlines than those defined in the regulations following a rule change in 2001. This difference in reporting requirements has led to variations in reporting since many facility operating licenses do not contain the subject condition. For those licensees with a 30-day reporting requirement in the Facility Operating License, the condition has decreased the benefits of the rulemaking. For those cases where the current Facility Operating License requirement to report violations is also reportable in accordance with the regulations defined in 10 CFR 50.72 and 10 CFR 50.73, the NRC staff finds that the regulations adequately address this issue and the elimination of the duplicative requirement in the Facility Operating License is acceptable.

Some of the conditions addressed in Section 2.[C] of a Facility Operating License may address the maintenance of particular programs, administrative requirements, or other matters where a violation of the requirement would not result in a report to the NRC in accordance with 10 CFR 50.72 or 10 CFR 50.73. In most cases, there are requirements for reports to the NRC related to these conditions in other regulations, the specific license condition or technical specification, or an NRC-approved program document. In other cases, there are reports to other agencies or news releases that would prompt a report to the NRC (in accordance with 10 CFR 50.72(b)(2)(xi)). The NRC staff also assessed violations of administrative requirements that could be reportable under the current License Condition but that may not have a duplicative requirement in a regulation or other regulatory requirement. The NRC staff finds that the requirements to report such problems within 24 hours with written reports to follow using the LER process is not needed. The NRC staff is confident that the information related to such violations that is actually important to the NRC's regulatory functions would come to light in a time frame comparable to the 60-day LER requirements. The information would become available to the appropriate NRC staff through the inspection program, updates to program documents, resultant licensing actions, public announcements, or some other reliable mechanism.

The NRC staff finds that the elimination of Section 2.G in the Seabrook Station Facility Operating License will not result in a loss of information to the NRC that would adversely affect either its goal to protect public health and safety or its ability to carry out its various other regulatory responsibilities. Therefore, the elimination of Section 2.G of the Facility Operating License is acceptable.

TS 6.5, "Reportable Event Action," for Seabrook Station requires that the NRC be notified pursuant to the requirements of 10 CFR 50.73 for any "REPORTABLE EVENTS," but does not reflect subsequent changes in the regulation such as requiring LERs within 60 days instead of 30 days. The NRC staff finds the elimination of TS 6.5 acceptable since the required report is defined in an established NRC regulation that is also applicable to this licensee.

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes recordkeeping, reporting, or administrative procedures or requirements. 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.

7.0 REFERENCE

1. NRC's model SE published in the *Federal Register* on August 29, 2005 (70 FR 51098).

Principal Contributor: E. Thomas

Date: April 17, 2006

Enclosure

