

October 17, 2006

Mr. Gene F. St. Pierre, Site Vice President
c/o James M. Peschel
Seabrook Station
FPL Energy Seabrook, LLC
PO Box 300
Seabrook, NH 03874

SUBJECT: SEABROOK STATION, UNIT NO. 1 - ISSUANCE OF AMENDMENT RE:
REMOVAL OF LICENSE CONDITION 2.G (TAC NO. MD0697)

Dear Mr. St. Pierre:

The Commission has issued the enclosed Amendment No. 113 to Facility Operating License No. NPF-86 for the Seabrook Station, Unit No. 1, in response to your application dated March 23, 2006.

The requested changes delete License Condition 2.G, "Reporting to the Commission," as described in the Notice of Availability published in the *Federal Register* on April 25, 2006 (71 FR 23955). The change was requested as part of the consolidated line item improvement process and consistent with the model safety evaluation published in the *Federal Register* on November 4, 2005 (70 FR 67202).

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/

G. Edward Miller, Project Manager
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-443

Enclosures:

1. Amendment No. 113 to NPF-86
2. Safety Evaluation

cc w/encls: See next page

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DATE	10/2/06	10/11/06	4/21/06	10/16/06

OFFICIAL RECORD COPY

FPL ENERGY SEABROOK, LLC, ET AL.*

DOCKET NO. 50-443

SEABROOK STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 113
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 March 23, 2006, 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: 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 license and 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. 113 , 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/

Harold K. Chernoff, Chief
Plant Licensing Branch I-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Facility Operating License
and Technical Specifications

Date of Issuance: October 17, 2006

ATTACHMENT TO LICENSE AMENDMENT NO. 113

FACILITY OPERATING LICENSE NO. NPF-86

DOCKET NO. 50-443

Replace the following page of Facility Operating License No. NPF-86, with the attached revised page as indicated. The revised page is identified by amendment number and contains marginal lines indicating the area of change.

Remove
6

Insert
6

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.

Remove
xiv
6-4

Insert
xiv
6-4

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 113 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 March 23, 2006, FPL Energy Seabrook, LLC (FPLE or the licensee) submitted License Amendment Request No. 06-01, requesting changes to the Facility Operating License for Seabrook Station, Unit No. 1 (Seabrook). The requested changes would delete License Condition 2.G, "Reporting to the Commission," as described in the Notice of Availability published in the *Federal Register* on April 25, 2006 (71 FR 23955). The change was requested as part of the consolidated line item improvement process and consistent with the model safety evaluation 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 or the Commission) regarding violations of other sections of the operating license (typically as License Condition 2.C). In the case of Seabrook, it was included as License Condition 2.G and reads as follows:

Except as otherwise provided in the Technical Specifications or 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 follow-up within 30 days in accordance with the procedures described in 10 CFR [Title 10 of the *Code of Federal Regulations* (10 CFR)] [Sections] 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 conditions, technical specifications (TSs), 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 Sections 50.72 and 50.73 became effective in January 2001 (see *Federal Register* notice dated 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 TSs for Seabrook also include TS 6.5, "Reportable Event Action," which has a duplicative reporting requirements pursuant to 10 CFR 50.73, but which does not reflect the aforementioned changes in the regulation, such as extending the allowable reporting times for LERs from 30 days to 60 days.

3.0 TECHNICAL EVALUATION

Section 2.G of the Seabrook Facility Operating License requires FPLE 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 their 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.G of the 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 TS, 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 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 elimination of Section 2.G from the Seabrook 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, elimination of Section 2.G of the Seabrook Facility Operating License is acceptable.

TS 6.5, "Reportable Event Action," for Seabrook 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 continues to be applicable to the licensee.

5.0 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.

6.0 ENVIRONMENTAL CONSIDERATION

The amendment relates to changes in 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.

7.0 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: E. Thomas

Date: October 17, 2006