

29 August 2008

Office of the Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Adjudications Staff

RE: Request for Hearing and Leave to Intervene
FPL Energy Seabrook, Docket No. 50-443
Seabrook Station Unit No. 1

Saporito Energy Consultants ("SEC") by and through its undersigned President Thomas Saporito, (hereinafter Petitioners) pursuant to 10 CFR 2.309 (d) and (f), hereby submits this Request for Hearing and Leave to Intervene with respect to Federal Register/ Vol. 73, No. 166/Tuesday, August 26, 2008/Notices.

Standing

10 CFR 2.309 (d)(i), The name, address and telephone number of the requestor or petitioner.

Thomas Saporito, President
Saporito Energy Consultants
1030 Military Tr. #25
Jupiter, Florida 33458
Voice: (561) 283-0613
Fax: (561) 952-4810
Email: saporito3@gmail.com

Please provide copies of all documents to the mailing address shown immediately below:

Mailing Address:

Thomas Saporito, President
Saporito Energy Consultants
Post Office Box 8413
Jupiter, Florida 33468-8413
Voice: (561) 283-0613
Fax: (561) 952-4810
Email: saporito3@gmail.com
<http://saporitoenergyconsultants.com>

10 CFR 2.309 (d)(ii), The nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding.

Thomas Saporito is a U.S. Citizen and therefore has an inherent right under the Act to be made a party to the proceeding. Thomas Saporito is the President of Saporito Energy Consultants ("SEC") and therefore SEC has a right under the Act to be made a party to the proceeding.

10 CFR 2.309 (d)(iii), The nature and extent of the requestor's/petitioner's property, financial or other interest in the proceeding.

Thomas Saporito and SEC have real property and personal property and financial interests through their prospective business partners and clients of which can be adversely affected should operations at the Florida Power & Light Company ("FPL") or licensee's, Seabrook Nuclear Plant cause a release of radioactive particles into the environment. Moreover, such an event could render the Petitioners' prospective business partners and clients' homes and property unavailable for human contact or use for many years or forever. Additionally, such an event could forever compromise the environment where the Petitioners prospective business partners and clients reside, live, and do business and therefore economically harm Petitioners.

10 CFR 2.309 (d)(iv), The possible effect of any decision or order that may be issued in the proceeding on the Petitioners' interest.

The possible effect of any decision or order that may be issued in the proceeding could substantially protect the interests of the Petitioners' prospective business partners and clients' environment, property, and economic viability and therefore Petitioners' economic interests.

Contentions

10 CFR 2.309 (f)(1), A request for hearing or petition for leave to intervene must set forth with particularity the contentions sought to be raised.

1. Petitioners contend here that the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed amendment to the technical specifications removes the surveillance requirement related to post-maintenance testing of containment isolation valves (CIVs). Deletion of these surveillance requirements could lead to an accident; and consequently, the proposed change significantly increases the probability of an accident previously evaluated. The proposed change alters the reliability of operability of CIVs, and continued testing may not confirm the operability of these valves following maintenance activities to the extent required to ensure for the health and safety of the public. The CIVs may not continue to be tested in a manner and at a frequency that demonstrates they remain capable of performing their intended safety function to the extent prior to the proposed amendment change. As a result, the proposed amendment significantly affects the consequences of an accident previously evaluated. Therefore, the proposed change involves a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change appears to create the possibility of a new or different kind of accident from any previously evaluated. The proposed change appears to introduce new accident scenarios, failure mechanisms, or single failures. The change does not add new equipment to the plant, but does modify or remove existing equipment reliability, and therefore could significantly change the operation of the plant. The ability of any operable equipment to perform its specified safety function may be adversely affected by this change. Therefore, the proposed change appears to create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change involves a significant reduction in the margin of safety. The proposed change appears to alter the initial conditions or results of any accident analyses. The operability requirements, performance, and design of the CIVs may not remain unchanged with this proposed change. The CIVs may not continue to meet the design bases for the containment isolation system as described in the Seabrook Station [updated final safety analysis report]. The proposed amendment will not minimize unnecessary testing of CIVs because the testing should continue

unabated. Therefore, the proposed change involves a significant reduction in the margin of safety.

Respectfully submitted,



Thomas Saporito, President
Saporito Energy Consultants
Post Office Box 8413
Jupiter, Florida 33468-8413
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Email: saporito3@gmail.com
<http://.saporitoenergyconsultants.com>