



FPL Energy
Seabrook Station

FPL Energy Seabrook Station
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February 18, 2009

SBK-L-09002
Docket No. 50-443

U. S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

Seabrook Station
License Amendment Request 09-01

License Amendment Request for Adoption of TSTF-511, Rev. 0, to Eliminate Working
Hour Restrictions from Technical Specification 6.2.2
to Support Compliance with 10 CFR Part 26

The proposed amendment would delete those portions of the technical specifications (TS) superseded by 10 CFR Part 26, Subpart I. This change is consistent with NRC approved Revision 0 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-511, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." Because FPL Energy Seabrook, LLC (FPL Energy Seabrook) has not converted to the Improved Standard TS, this license amendment request (LAR) proposes to eliminate Seabrook TS 6.2.2.e, which addresses the working hour restrictions, rather than TS 5.2.2 referenced in TSTF-511.

The availability of this TS improvement was announced in the Federal Register on December 30, 2008 (73 FR 79923) as part of the consolidated line item improvement process (CLIP).

Attachment 1 provides an evaluation of the proposed change. Attachment 2 provides the existing TS page marked up to show the proposed change. Attachment 3 provides the proposed TS changes in final typed format. Attachment 4 provides the regulatory commitment.

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FPL Energy Seabrook requests approval of the proposed license amendment by July 31, 2009, to support implementation of TS changes concurrent with implementation of the new 10 CFR 26, Subpart I requirements by October 1, 2009.

This letter contains one regulatory commitment as identified in Attachment 4.

In accordance with 10 CFR 50.91, a copy of this application, with attachments, is being provided to the designated New Hampshire Official.

If you should have any questions regarding this submittal, please contact Mr. Michael O'Keefe, Licensing Manager, at (603) 773-7745.

Very truly yours,

FPL Energy Seabrook, LLC.



Gene F. St. Pierre
Site Vice President

Attachments:

1. Evaluation of Proposed Change
2. Proposed Technical Specification Change (Mark-Up)
3. Proposed Technical Specification Change (Re-Typed)
4. List of Regulatory Commitments

cc: S. J. Collins, NRC Region I Administrator
D. Egan, NRC Project Manager, Project Directorate I-2
W. J. Raymond, NRC Senior Resident Inspector

Mr. Christopher M. Pope, Director Homeland Security and Emergency
Management
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FPL Energy

Seabrook Station

AFFIDAVIT

SEABROOK STATION UNIT 1

Facility Operating License NPF-86
Docket No. 50-443

License Amendment Request 09-01
License Amendment Request for Adoption of TSTF-511, Rev. 0, to Eliminate
Working Hour Restrictions from Technical Specification 6.2.2
to Support Compliance with 10 CFR Part 26

The following information is enclosed in support of this License Amendment Request:

- Enclosure FPL Energy Seabrook's Evaluation of the Proposed Change

I, Gene St. Pierre, Site Vice President of FPL Energy Seabrook, LLC hereby affirm that the information and statements contained within this License Amendment Request are based on facts and circumstances which are true and accurate to the best of my knowledge and belief.

Sworn and Subscribed
before me this

15th day of February, 2009

Michael O'Keefe
Notary Public

Gene St. Pierre
Gene St. Pierre
Site Vice President



Attachment 1

FPL Energy Seabrook's Evaluation of the Proposed Change

Subject: License Amendment Request for Adoption of TSTF-511, Rev. 0, to Eliminate Working Hour Restrictions from Technical Specification 6.2.2 to Support Compliance with 10 CFR Part 26

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 2. PROPOSED CHANGE
 3. BACKGROUND
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 - 5.1 No Significant Hazards Consideration
 - 5.2 Applicable Regulatory Requirements and Criteria
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1.0 DESCRIPTION

The proposed amendment would delete those portions of TS superseded by 10 CFR Part 26, Subpart I. This change is consistent with NRC approved Revision 0 to Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler, TSTF-511, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." Minor differences between the proposed plant specific TS changes, and the changes proposed by TSTF-511 are discussed in section 2.0. The availability of this TS improvement was announced in the Federal Register on December 30, 2008 (73 FR 79923) as part of the consolidated line item improvement process (CLIIP).

2.0 PROPOSED CHANGE

Consistent with the NRC approved Revision 0 of TSTF-511, the proposed TS changes delete those portions of TS superseded by 10 CFR Part 26, Subpart I. This application is being made in accordance with the CLIIP. FPL Energy Seabrook is not proposing variations or deviations from the TS changes described in TSTF-511, Revision 0, or the NRC staff's model safety evaluation (SE) published on December 30, 2008 (73 FR 79923) as part of the CLIIP Notice of Availability.

This application contains two administrative differences from TSTF-511. First, FPL Energy Seabrook has not converted to the Improved Standard TS on which TSTF-511 was modeled; therefore, the Seabrook Station TS to be deleted is TS 6.2.2.e rather than TS 5.2.2. Second, the proposed change marks TS 6.2.2.e "Deleted" and does not renumber the subsequent requirements. These differences are administrative and do not affect the applicability of the proposed changes.

3.0 BACKGROUND

The NRC issued a *Federal Register* notice (73 FR 16966, March 31, 2008) of the issuance of a final rule that amended 10 CFR Part 26. The revised regulations in 10 CFR Part 26, Subpart I supersede working hour restrictions contained in paragraph e of TS 6.2.2. The background for this application is adequately addressed by the NRC Notice of Availability published on December 30, 2008 (73 FR 79923).

4.0 TECHNICAL ANALYSIS

FPL Energy Seabrook has reviewed the SE published on December 30, 2008 (73 FR 79923) as part of the CLIIP Notice of Availability. FPL Energy Seabrook has concluded that the technical justifications presented in the SE prepared by the NRC staff are applicable to Seabrook Station. 10 CFR Part 26, Subpart I, supersedes existing worker fatigue guidance. 10 CFR Part 26, Subpart I, distinguishes between work hour controls and fatigue management and strengthens the requirements for both. Under the new rule,

work hour restrictions include not only work hour limitations for rolling 24- hour, 48- hour, and 7-day periods, but also include a required minimum break between work periods and varying required minimum days off. Additionally, Subpart I confines the use of waivers (deviations from restrictions) to situations where overtime is necessary to mitigate or prevent a condition adverse to safety or necessary to maintain the security of the facility. Subpart I also strengthens reporting requirements. Finally, the new rule's work hour control scope includes certain operating and maintenance personnel, as well as individuals directing those operating and maintenance personnel, health physics and chemistry personnel who are a part of the on-site emergency response organization minimum shift complement, the fire brigade member who is responsible for understanding the effects of fire and fire suppressants on safe shutdown capability, and certain security personnel.

The proposed change removes working hour limits imposed in the Technical Specifications in order to support compliance with 10 CFR Part 26, Subpart I. Work hour controls and fatigue management requirements have been incorporated into the NRC's regulations; therefore, it is unnecessary to have work hour control requirements in the Technical Specifications.

Removal of the Technical Specification requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I, requirements, even if the Technical Specification change is implemented prior to the October 1, 2009 deadline. Along with this LAR, FPL Energy Seabrook has submitted a commitment to comply with 10 CFR Part 26 concurrently with the implementation of the Technical Specification change.

5.0 REGULATORY ANALYSIS

5.1 Significant Hazards Consideration

FPL Energy Seabrook has reviewed the no significant hazards determination published on December 30, 2008 (73 FR 79923) as part of the CLIIP Notice of Availability. FPL Energy Seabrook has concluded that the determination presented in the notice is applicable to Seabrook Station. FPL Energy Seabrook has evaluated the proposed changes to the TS using the criteria in 10 CFR 50.92 and has determined that the proposed changes do not involve a significant hazards consideration. An analysis of the issue of no significant hazards consideration is presented below:

Criterion 1: The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change removes Technical Specification restrictions on working hours for personnel who perform safety related functions. The Technical Specification restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. Removal of the Technical Specification requirements will be

performed concurrently with the implementation of the 10 CFR Part 26, Subpart I, requirements. The proposed change does not impact the physical configuration or function of plant structures, systems, or components (SSCs) or the manner in which SSCs are operated, maintained, modified, tested, or inspected. Worker fatigue is not an initiator of any accident previously evaluated. Worker fatigue is not an assumption in the consequence mitigation of any accident previously evaluated.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2: The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change removes Technical Specification restrictions on working hours for personnel who perform safety related functions. The Technical Specification restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. Working hours will continue to be controlled in accordance with NRC requirements. The new rule allows for deviations from controls to mitigate or prevent a condition adverse to safety or as necessary to maintain the security of the facility. This ensures that the new rule will not unnecessarily restrict working hours and thereby create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not alter the plant configuration, require new plant equipment to be installed, alter accident analysis assumptions, add any accident initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3: The proposed change does not involve a significant reduction in a margin of safety.

The proposed change removes Technical Specification restrictions on working hours for personnel who perform safety related functions. The Technical Specification restrictions are superseded by the worker fatigue requirements in 10 CFR Part 26. The proposed change does not involve any physical changes to the plant or alter the manner in which plant systems are operated, maintained, modified, tested, or inspected. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by this change. The proposed change will not result in plant operation in a configuration outside the design basis. The proposed change does not adversely

affect systems that respond to safely shutdown the plant and to maintain the plant in a safe shutdown condition.

Removal of plant-specific Technical Specification administrative requirements will not reduce a margin of safety because the requirements in 10 CFR Part 26 are adequate to ensure that worker fatigue is managed.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, FPL Energy Seabrook concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.

5.2 Applicable Regulatory Requirements / Criteria

A description of the proposed TS change and its relationship to applicable regulatory requirements was provided in the NRC Notice of Availability published on December 30, 2008 (73 FR 79923). FPL Energy Seabrook has reviewed the NRC staff's model SE published on December 30, 2008 (73 FR 79923) as part of the CLIP Notice of Availability and concluded that the regulatory evaluation section is applicable to Seabrook Station.

The proposed change eliminates the plant-specific Technical Specification administrative controls on working hours. The Technical Specification guidance has been superseded by 10 CFR Part 26.

10 CFR Part 26, Subpart I, "Managing Fatigue," contains requirements for managing worker fatigue at operating nuclear power plants.

10 CFR 50.36 provides, among other things, the regulatory requirements for the content in the Administrative Controls section of the Technical Specifications. The inclusion of requirements to control working hours and manage fatigue is not required to be in the Administrative Controls by 10 CFR Part 50.36. Because the requirement to control working hours and manage fatigue is provided in 10 CFR Part 26, Subpart I, it is unnecessary for the Technical Specifications to contain similar controls.

6.0 ENVIRONMENTAL CONSIDERATION

FPL Energy Seabrook has reviewed the environmental evaluation included in the safety evaluation (SE) published on December 30, 2008 (73 FR 79923) as part of the CLIP Notice of Availability. FPL Energy Seabrook has concluded that the staff's findings presented in that evaluation are applicable to Seabrook Station.

The proposed amendment changes recordkeeping, reporting, or administrative procedures. 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 REFERENCES

1. NRC Generic Letter 82-12, "Nuclear Power Plant Staff Working Hours," June 15, 1982.
2. Federal Register Vol. 73, No. 62, Fitness for Duty Programs; Final Rule, March 31, 2008.
3. Staff Requirements Memorandum M070417B, April 17, 2007.

Attachment 2

Proposed Technical Specification Change (mark-up)

Refer to the attached markup of the proposed changes to the Technical Specifications. The attached markup reflects the currently issued version of the Technical Specifications. At the time of submittal, the Technical Specifications were revised through Amendment No. 119. Pending Technical Specifications or Technical Specification changes issued subsequent to this submittal are not reflected in the enclosed markup.

Listed below are the license amendment requests that are awaiting NRC approval and may impact the currently issued version of the Technical Specifications affected by this LAR.

<u>LAR</u>	<u>Title</u>	<u>FPL Energy Seabrook Letter</u>	<u>Date Submitted</u>
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None

The following Technical Specifications are included in the attached markup:

<u>Technical Specification</u>	<u>Title</u>	<u>Page</u>
6.2.2	Administrative Controls – Station Staff	6-2

6.0 ADMINISTRATIVE CONTROLS

6.2.2 STATION STAFF

- a. Each on-duty shift shall be composed of at least the minimum shift crew composition shown in Table 6.2-1;
- b. At least one licensed Operator shall be in the control room when fuel is in the reactor. In addition, while the unit is in MODE 1, 2, 3, or 4, at least one licensed Senior Operator shall be in the control room;
- c. A Health Physics Technician* shall be on site when fuel is in the reactor;
- d. All CORE ALTERATIONS shall be observed and directly supervised by either a licensed Senior Operator or licensed Senior Operator Limited to Fuel Handling who has no other concurrent responsibilities during this operation; and
- e. ~~Administrative procedures shall be developed and implemented to limit the working hours of station staff who perform safety-related functions, e.g., licensed Senior Operators, licensed Operators, health physicists, auxiliary operators, and key maintenance personnel. The amount of overtime worked by station staff members performing safety-related functions shall be limited in accordance with the NRC Policy Statement on working hours (Generic Letter No. 82-12).~~
- f. The Operations Manager shall have held a Senior Reactor Operator license for Seabrook Station prior to assuming the Operations Manager position.
- g. The Assistant Operations Manager shall hold a senior reactor operator license.

*The Health Physics Technician may be less than the minimum requirements for a period of time not to exceed 2 hours, in order to accommodate unexpected absence, provided immediate action is taken to fill the required positions.

Attachment 3

Proposed Technical Specification Change (re-typed page)

6.2.2 STATION STAFF

- a. Each on-duty shift shall be composed of at least the minimum shift crew composition shown in Table 6.2-1;
- b. At least one licensed Operator shall be in the control room when fuel is in the reactor. In addition, while the unit is in MODE 1, 2, 3, or 4, at least one licensed Senior Operator shall be in the control room;
- c. A Health Physics Technician* shall be on site when fuel is in the reactor;
- d. All CORE ALTERATIONS shall be observed and directly supervised by either a licensed Senior Operator or licensed Senior Operator Limited to Fuel Handling who has no other concurrent responsibilities during this operation; and
- e. Deleted
- f. The Operations Manager shall have held a Senior Reactor Operator license for Seabrook Station prior to assuming the Operations Manager position.
- g. The Assistant Operations Manager shall hold a senior reactor operator license.

*The Health Physics Technician may be less than the minimum requirements for a period of time not to exceed 2 hours, in order to accommodate unexpected absence, provided immediate action is taken to fill the required positions.

Attachment 4

List of Regulatory Commitments

Commitment

Removal of the plant-specific TS requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements. This commitment will be completed no later than October 1, 2009.