



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 21, 2009

Mr. Gene F. St. Pierre
Site Vice President
c/o Michael O'Keefe
Seabrook Station
NextEra Energy Seabrook, LLC
P.O. Box 300
Seabrook, NH 03874

SUBJECT: SEABROOK STATION, UNIT NO. 1 - ISSUANCE OF AMENDMENT RE:
ELIMINATE WORKING HOUR RESTRICTIONS FROM TS 5.2.2 TO SUPPORT
COMPLIANCE WITH 10 CFR PART 26 (TAC NO. ME0732)

Dear Mr. St. Pierre:

The Commission has issued the enclosed Amendment No. 121 to Facility Operating License No. NPF-86 for the Seabrook Station, Unit No. 1 (Seabrook). This amendment consists of changes to the Technical Specifications (TSs) in response to your application dated February 18, 2009.

The amendment revises the Seabrook TSs to delete Working Hour Restrictions from TS 6.2.2 to support compliance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26.

A copy of our safety evaluation is also enclosed. Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

A handwritten signature in black ink, appearing to be "Dennis Egan", is written over a horizontal line.

Dennis Egan, P.E., Senior 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. 121 to NPF-86
2. Safety Evaluation

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

FPL ENERGY SEABROOK, LLC, ET AL.*

DOCKET NO. 50-443

SEABROOK STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No.121
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 18, 2009, 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.

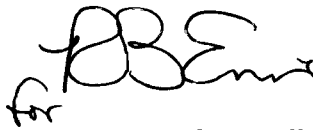
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. NPF-86 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No.121 , and the Environmental Protection Plan contained in Appendix B are incorporated into the Facility License No. NFP-86. FPL Energy Seabrook, LLC 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 by October 1, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "H. Chernoff", with a small "for" written below it.

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

Attachment: Changes to the License and
Technical Specifications

Date of Issuance: July 21, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 121

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. The revised page is identified by amendment number and contains a marginal line indicating the area of change.

Remove
3

Insert
3

Replace the following page of the Appendix A, Technical Specifications, 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
6-2

Insert
6-2

- (4) FPL Energy Seabrook, LLC, pursuant to the Act and 10 CFR 30, 40, and 70, to receive, possess, and use at any time any byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (5) FPL Energy Seabrook, LLC, pursuant to the Act and 10 CFR 30, 40, and 70, to receive, possess, and use in amounts as required any byproduct, source, or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components;
- (6) FPL Energy Seabrook, LLC, pursuant to the Act and 10 CFR 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility authorized herein; and
- (7) DELETED

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

FPL Energy Seabrook, LLC, is authorized to operate the facility at reactor core power levels not in excess of 3648 megawatts thermal (100% of rated power).

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No.121, and the Environmental Protection Plan contained in Appendix B are incorporated into the Facility License No. NPF-86. FPL Energy Seabrook, LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) License Transfer to FPL Energy Seabrook, LLC

- a. On the closing date(s) of the transfer of any ownership interests in Seabrook Station covered by the Order approving the transfer, FPL Energy Seabrook, LLC, shall obtain from each respective transferring owner all of the accumulated decommissioning trust funds for the facility, and ensure the deposit of such funds and additional funds, if necessary, into a decommissioning trust or trusts for Seabrook Station established by FPL Energy Seabrook, LLC, such that the amount of such funds deposited meets or exceeds the amount required under 10 CFR 50.75 with respect to the interest in Seabrook Station FPL Energy Seabrook, LLC, acquires on such dates(s).

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.



UNITED STATES
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WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 121 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 18, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML090550713), FPL Energy Seabrook, LLC (the licensee) submitted License Amendment Request (LAR) No. 09-01, requesting changes to the Technical Specifications (TSs) for Seabrook Station, Unit No. 1 (Seabrook). The requested change was to eliminate working hour restrictions from TS 6.2.2 to support compliance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 26, "Fitness for Duty Programs".

The request was submitted consistent with the guidance contained in NRC-approved 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." Seabrook has a custom TS format, accordingly, there is a minor difference with the TSTF-511 model and Seabrook TS. The equivalent Seabrook TS work hour restrictions are located in TS 6.2.2, Paragraph e instead of STS 5.2.2, Paragraph d as identified in TSTF-511. All administrative deviations from the model application were addressed by the licensee.

This technical specification improvement was made available by the U.S. Nuclear Regulatory Commission on December 30, 2008 (73 FR 79923), as part of the consolidated line item improvement process.

2.0 REGULATORY EVALUATION

The requirements for the content of plant TSs are contained in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.36. This regulation requires, in part, that the TSs include administrative controls. The administrative controls are the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner.

Seabrook Station TS 6.2.2, Paragraph e, "Station Staff," contains requirements for administrative procedures to limit the working hours of personnel who perform safety-related functions.

The new requirements of 10 CFR Part 26, Subpart I supersede the working hour restrictions found in TS 6.2.2, Paragraph e. Subpart I distinguishes between work hour controls and fatigue

management and strengthens the requirements for both. Subpart I requires nuclear power plant licensees to ensure against worker fatigue adversely affecting public health and safety and the common defense and security by establishing clear and enforceable requirements for the management of worker fatigue.

Licensees are required to implement Subpart I by October 1, 2009, as announced in the Final rule that revised 10 CFR Part 26 (73 FR 16966, March 31, 2008).

3.0 TECHNICAL EVALUATION

Controls on work hours for personnel at nuclear power plants are necessary to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Work hour controls for Seabrook are currently located in TS 6.2.2, Paragraph e, "Station Staff." When implemented, the regulatory requirements of 10 CFR 26, Subpart I replace the plant-specific TS requirements.

The licensee proposed deleting Paragraph e of TS 6.2.2. The licensee committed to implement the new requirements of 10 CFR Part 26, Subpart I concurrently with the deletion of the TS requirements on work hour controls.

The staff evaluated the licensee's proposed change against the applicable regulatory requirements listed in Section 2.0. The staff also compared the proposed change to the change made to STS by TSTF-511. There are minor administrative variations between the Seabrook TS 6.2.2 Paragraph e and TSTF-511. However, these differences are insignificant and since the intent of TSTF-511 is to delete TSs superseded by the revised regulations in 10 CFR Part 26, Subpart I, these minor variations are bounded by NRC Staff's model safety evaluation (73 FR 79923).

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 TSs. Upon implementation of the proposed amendment, federal regulations will govern the requirements associated with work hour controls and fatigue management at Seabrook rather than the TSs. As such, the NRC staff concludes that the proposed amendment is 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 provided no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The 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.

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 the 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: A. Marrero

Date: July 21, 2009

July 21, 2009

Mr. Gene F. St. Pierre
Site Vice President
c/o Michael O'Keefe
Seabrook Station
NextEra Energy Seabrook, LLC
P.O. Box 300
Seabrook, NH 03874

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Sincerely,

/ra/

Dennis Egan, P.E., Senior Project Manager
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Docket No. 50-443

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OFFICE	LPL1-2/PM	LPL1-2/LA	ITSB/BC	OGC	LPL1-2/BC
NAME	DEgan	ABaxter	RElliott (CSchulten for)	MSpencer	HChernoff (RBennis for)
DATE	7/8/09	7/8/09	7/20/09	7/21/09	7/21/09

Official Record Copy