

Security Related Information  
Withhold From Public Disclosure  
Under 10 CFR 2.390



October 29, 2010

U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

10 CFR 72.7  
10 CFR 73.5  
Docket No. 50-443  
SBK-L-10102

Seabrook Station

Request for Partial Exemption from Search Requirements  
For Entry into Dry Fuel Storage Area

In accordance with 10 CFR 72.7, Specific Exemptions, and 10 CFR 73.5, Specific Exemptions, NextEra Energy Seabrook, LLC (NextEra), is hereby requesting a partial exemption from the search requirements of the following requirements for the Seabrook Station Dry Fuel Storage facility in anticipation of the 2013 cask loading campaign:

- 10 CFR 72.212(b)(5) (iii) For purposes of this general license, searches required by § 73.55(h) of this chapter before admission to a new protected area may be performed by physical pat-down searches of persons in lieu of firearms and explosives detection equipment.”
- 10 CFR 73.55(h) *Search Programs*. (1) The objective of the search program is to detect, deter, and prevent the introduction of firearms, explosives, incendiary devices, or other items which could be used to commit radiological sabotage. To accomplish this the licensee shall search individuals, vehicles, and materials consistent with the physical protection program design requirements in paragraph (b) of this section, and the function to be performed at each access control point or portal before granting access.
  - (3) Protected area searches. Licensees shall search all personnel, vehicles, and materials requesting access to protected areas.
    - (i) The search for firearms, explosives, incendiary devices, or other items which could be used to commit radiological sabotage shall be accomplished through the use of equipment capable of detecting these items, or through visual and physical searches, or both, to ensure that all items are clearly identified before granting access to protected areas. The licensee shall subject all persons except official Federal, state, and local law enforcement personnel on official duty to these searches upon entry to the protected area. Armed security officers who are on duty and have exited the protected area may re-enter the protected area without being searched for firearms.
    - (ii) Whenever search equipment is out of service, is not operating satisfactorily, or cannot be used effectively to search individuals, vehicles, or materials, a visual and physical search shall be conducted.

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On July 28, 2008, NextEra activated its Dry Fuel Storage (DFS) Facility under its general license. The last dry fuel storage canister of the initial phase was loaded into its horizontal storage module (HSM) September 4, 2008.

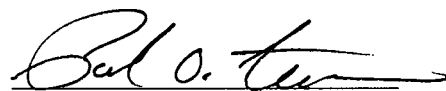
NextEra anticipates its next loading campaign will take place in the summer of 2013. This process will entail substantial construction activity inside the DFS Facility, with contract personnel entering, exiting and re-entering the facility several times each day. NextEra is requesting a partial exemption from the physical search requirements to conduct a visual search only of individuals entering the DFS Facility. Application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. Visual search can provide an equivalent level of protection as individuals would not be able to carry sufficient material to challenge the integrity of the DFS Facility. In addition, compliance would result in costs that are significantly in excess of those contemplated when the regulation was adopted. On-site dry storage of used fuel was not anticipated when the rule was adopted. Finally, visual search only is allowed by regulation at stand-alone ISFSIs with specific licenses in accordance with 10 CFR 73.51(d)(9). NextEra respectfully requests approval of this exemption request by August 31, 2011, to support construction of the HSMs in 2012 and other activities in preparation for the next loading campaign in 2013.

Attachment 1 to this letter provides further details and justification for the exemption request. Attachment 2 is the related environmental assessment.

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

Sincerely,

NextEra Energy Seabrook, LLC



Paul O. Freeman  
Site Vice President

cc: Regional Administrator, Region I  
USNRC Project Manager, Seabrook Station  
Senior Resident Inspector, USNRC, Seabrook Station

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