May 14, 2003

EA-03-045

Mr. Mark E. Warner
Site Vice President
c/o James M. Peschel
FPL Energy Seabrook, LLC
Seabrook Station
P.O. Box 300
Seabrook, NH 03874

SUBJECT: CORRECTION -
SEABROOK STATION - NOTICE OF VIOLATION
NRC OFFICE OF INVESTIGATIONS CASE NO. 1-2002-028

Dear Mr. Warner:

On May 9, 2003, Mr. James Peschel of your staff contacted Mr. Richard Crlenjak of my staff to discuss an NRC letter dated May 8, 2003, which forwarded a Notice of Violation to FPL Energy Seabrook, LLC, concerning an NRC Office of Investigations case at the Seabrook Station. Mr. Peschel pointed out a typographical error on page 2 of our letter wherein we referred to the dates of identification and correction of the issue as August 8, 2003, and August 12, 2003, respectively. We had intended to reflect the dates as August 8, 2002, and August 12, 2002. A corrected copy of page 2 of that letter is enclosed.

We apologize for any inconvenience this error may have caused. Questions concerning this matter may be addressed to Mr. Richard Crlenjak, Deputy Director, Division of Reactor Safety, at 610-337-5128.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room (PDR) or from the Publically Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

Sincerely,

/RA/ James T. Wiggins Acting For

Hubert J. Miller
Regional Administrator

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

Enclosure: Corrected Copy of Page 2 of Letter to FPL Energy Seabrook, LLC, dated May 8, 2003

cc w/encl:
J. A. Stall, FPL Senior Vice President, Nuclear & CNO
J. M. Peschel, Manager - Regulatory Programs
G. F. St. Pierre, Station Director - Seabrook Station
R. S. Kundalkar, FPL Vice President - Nuclear Engineering
D. G. Roy, Nuclear Training Manager - Seabrook Station
J. Devine, Polestar Applied Technology
D. Bliss, Director, New Hampshire Office of Emergency Management
D. McElhinney, RAC Chairman, FEMA RI, Boston, Mass
R. Backus, Esquire, Backus, Meyer and Solomon, New Hampshire
D. Brown-Couture, Director, Nuclear Safety, Massachusetts Emergency Management Agency
S. McGrail, Director, Massachusetts Emergency Management Agency
R. Hallisey, Director, Dept. of Public Health, Commonwealth of Massachusetts
M. Metcalf, Seacoast Anti-Pollution League
D. Tefft, Administrator, Bureau of Radiological Health, State of New Hampshire
S. Comley, Executive Director, We the People of the United States
W. Meinert, Nuclear Engineer, Massachusetts Municipal Wholesale Electric company
R. Shadis, New England Coalition Staff
P. Brann, Assistant Attorney General
M. S. Ross, Attorney, Florida Power & Light Company
Office of the Attorney General
Town of Exeter
Board of Selectmen

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BBeecher, OPA
HBell, OIG
PLohaus, OSTP
GCaputo, OI
LTremper, OC
TMcGinty, EDO Coordinator
GDentel, SRI - Seabrook
SRichards, NRR (ridsnrrdlpmlpdi)
JClifford, NRR
BSheron, NRR
MSykes, NRR
VNerses, PM, NRR
BMcDermott, DRP
BPlatchek/RJunod, DRP
LDudes, NRR
HMiller, RA/JWiggins, DRA
WLanning, DRS
RBlough, DRP
JWhite, DRS
DScrenci/NSheehan, PAO-RI
DHolody/RUrban, RI
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OFFICE	RI/ORA		RI/ORA		RI/DRS		RI/RA			
NAME	Rurban (RJU)		Dholody (DJH)		Rcrlenjak (RVC)		Hmiller (JTW for)			
DATE	5/13/03		5/14/03		5/14/03		5/14/03			

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The NRC evaluated this case against the criteria in Section VI.A.1 of the Enforcement Policy, and considered issuance of a non-cited violation because: (1) you restored compliance within a reasonable time after identification, i.e., you corrected the violation on August 12, 2002, after you identified it on August 8, 2002; (2) you placed the issue in your corrective action system and your corrective actions consisted of, but were not limited to, decertifying and disarming the security officer and currently requiring more than a single supervisor to witness physical fitness testing; (3) the issue was not repetitive nor identified by the NRC; and (4) although the violation was deliberate: (a) you identified the violation and notified the NRC; (b) the violation was isolated to the two individuals; and (c) you took significant remedial action which consisted of terminating the security sergeant's employment and you suspended the security officer pending an investigation and counseled him upon his return to work. However, because the violation was caused, in part, by the security sergeant, who was a first line supervisor, and therefore a licensee official as defined within the context of the NRC Enforcement Policy, the NRC has concluded that issuance of a non-cited violation is not appropriate.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket as summarized herein. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room (PDR) or from the Publically Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

Questions concerning this matter may be addressed to Mr. Richard Crlenjak, Deputy Director, Division of Reactor Safety, at 610-337-5128. We appreciate your prompt and comprehensive actions in this matter.

Sincerely,

/RA/ James T. Wiggins Acting For

Hubert J. Miller
Regional Administrator

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

Enclosures: (1) Notice of Violation
(2) Synopsis of NRC Investigation 1-2002-028