July 9, 2003

IA-03-016

Mr. Edward Villegas
HOME ADDRESS DELETED
UNDER 10 CFR 2.790

SUBJECT: NOTICE OF VIOLATION
(NRC Office of Investigations Report 1-2002-028)

Dear Mr. Villegas:

This letter refers to our previous letter sent to you via certified mail dated May 8, 2003, concerning the results of an investigation conducted by the NRC's Office of Investigations (OI), Region I, regarding your activities at the Seabrook Station. In that letter, the NRC informed you that, based on the OI investigation, the NRC concluded that you had deliberately falsified a record for a security officer who failed to complete a portion of a physical fitness requalification test on November 15, 2001. As such, you were in violation of the NRC's rule prohibiting deliberate misconduct, 10 CFR 50.5(a)(1).

The violation, as described in a Notice of Violation attached to our letter dated May 8, 2003, required you to provide the NRC a response within 30 days. The NRC letter also informed you that a copy of the letter and your response would be made publicly available in 45 days unless your response provided sufficient basis to withdraw the violation. In addition, we informed you that the NRC would use your response, in part, to determine whether further enforcement action would be necessary to ensure compliance with regulatory requirements.

As of this date, the NRC has not received a response from you. Mr. Anthony Dimitriadis of the NRC was not able to reach you by telephone at the number you had provided. However, the NRC did receive a signed receipt indicating that our May 8, 2003 certified letter was accepted at your home address. Based on this information, it is our belief that you will not be providing a response to the NRC concerning this matter. The NRC required a response, pursuant to 10 CFR 2.201, to determine whether further enforcement action was necessary at this time, and to understand why, in light of your actions in November 2001, the NRC should have confidence that you would adhere to NRC requirements should you be employed in the nuclear industry in the future. In addition, providing a response to the NRC has the benefit of presenting your perspective on the facts and circumstances surrounding this issue. Your views of the issue would be available to members of the public that may be reading publicly available records in ADAMS, such as yours. If you decide to provide a response to the NRC in the future, we will place it into ADAMS.

Certified Mail
Return Receipt Requested

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, this letter and the May 8, 2003, letter will be made publicly available in the NRC Public Document Room (ADAMS). ADAMS is accessible from the NRC web site at http://www.nrc.gov/reading-rm/adams.html. In addition, the NRC has concluded that no further enforcement action against you for this issue is necessary at this time. However, should you become involved in NRC regulated activities in the future, you will need to provide a response to the NRC within 30 days of such employment, or the NRC may choose to pursue additional enforcement actions against you. Please feel free to contact Mr. Richard Crlenjak, Deputy Director, Division of Reactor Safety, of my staff if you have any questions. Mr. Crlenjak can be contacted at 610-337-5128.

Sincerely,

/RA/ James T. Wiggins Acting For

Hubert J. Miller
Regional Administrator

cc:
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

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