

SAFEGUARDS INFORMATION

May 7, 2008

EA-08-144

Mr. J. A. Stall
Senior Vice President, Nuclear
and Chief Nuclear Officer
Florida Power and Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420

SUBJECT: ISSUANCE OF ORDER FOR IMPLEMENTATION OF ADDITIONAL SECURITY MEASURES AND FINGERPRINTING FOR UNESCORTED ACCESS FOR SEABROOK STATION INDEPENDENT SPENT FUEL STORAGE INSTALLATION

Dear Mr. Stall:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued the enclosed Order, which modifies the general license for your proposed independent spent fuel storage installation (ISFSI), to require compliance with the specified: (a) "Additional Security Measures (ASMs) for Physical Protection of Dry Independent Spent Fuel Storage Installations (ISFSIs)" (Attachment 1 to Enclosure 1); and (b) "Additional Security Measures for Access Authorization and Fingerprinting at Independent Spent Fuel Storage Installations" (Attachment 2 to Enclosure 1). Enclosure 2 is the "Guidance for Licensee's Evaluation of Access Authorization to Spent Fuel Storage Facilities with the Inclusion of Criminal History (Fingerprint) Records Checks." Enclosure 3 is the "Process to Challenge NRC Denials or Revocations of Unescorted Access to ISFSIs." Enclosure 4 is the "NRC Regulatory Information Summary on the NRC Threat Advisory and Protective Measures System for ISFSIs." Attachment 1 to Enclosure 1, and Enclosure 4 contain Safeguards Information (SGI).

The Commission has determined that the ASMs are required, since the events of September 11, 2001, and has concluded that the security measures should be embodied in an Order, consistent with the established regulatory framework. The requirements of the enclosed Order must be in place before the first day that spent fuel is initially placed in the ISFSI.

WARNING: Violation of Section 147 of the Atomic Energy Act, "Safeguards Information," is subject to Civil and Criminal penalties.

NOTICE: On removal of Attachment 1 to Enclosure 1 and Enclosure 4 to the letter, this document and the enclosed Order (Enclosure 1) are DECONTROLLED.

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The Order does not obviate the need for licensees to continue to meet and maintain the effectiveness of existing security measures taken in response to the events of September 11, 2001. The requirements will remain in effect until the Commission determines otherwise.

The enclosed Order calls for responses and actions within specified time frames. With respect to the notices and submission mandated by Sections III.B and III.C of the Order, for any requirement of the ASMs, that necessitates an analysis or is contingent on completion of another requirement of the ASMs, it will be a sufficient response if the licensee states, in its 20-day submission:

- (1) That completion of the requirement depends on completion of an analysis or other requirement;
- (2) The expected date of completion of the analysis or other requirement; and,
- (3) That on such completion, the licensee will promptly submit the results of such analysis, or inform NRC of the completion of the other requirement and the actions thereafter proposed, with respect to the requirement at issue, as well as the projected date of completion

If Florida Power and Light Company wishes to preserve its right to request a hearing on any requirement, contingent on completion of an analysis or other requirement, a request for an extension of time to ask for a hearing must be filed within 20 days of the date of this Order, in accordance with Section IV of the Order. Such a request may seek a reasonable period of time, to request a hearing, beyond the date that the staff informs the licensee whether the actions proposed and completion date for the requirement(s), contingent on an analysis or other requirement, are satisfactory.

Please note that answers to the Order should be addressed to: Secretary, Office of the Secretary of the Commission, Washington, DC 20555-0001. A copy of the answers to the Order and letters of response to Sections III.B and III.C should be addressed to ATTN: Document Control Desk, Director, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555-0001. Please reference the docket number for your facility in your response.

Please contact Paul J. Kelley, Jr., at 301-415-6101, for the ASM Order, in the Office of Nuclear Security and Incident Response; or Kevin M. Witt, at 301-492-3323, of my staff, to help resolve any issues related to compliance with the requirements in the enclosed Order, or to help answer any other questions you may have. The enclosed Order has been forwarded to the Office of the Federal Register, for publication.

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The material in Attachment 1 to Enclosure 1, and in Enclosure 4, contains SGI, as defined by 10 CFR 73.21, and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended. Therefore, those documents will not be made available for public inspection. However, Enclosure 1, without Attachment 1, will be made available electronically, for public inspection, in the NRC Public Document Room, or from NRC's Agencywide Documents Access and Management System, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Michael F. Weber, Director
Office of Nuclear Material Safety
and Safeguards

Docket No.: 72- 63

Enclosures:

1. "Order for Implementation of Additional Security Measures and Fingerprinting for Unescorted Access to Certain Spent Fuel Storage Licensees" [with Attachments 1 (**SGI**) and 2]
2. "Guidance for Licensee's Evaluation of Access Authorization to Spent Fuel Storage Facilities with the Inclusion of Criminal History (Fingerprint) Records Checks"
3. "Process to Challenge NRC Denials or Revocations of Unescorted Access to Independent Spent Fuel Storage Installations"
4. Regulatory Information Summary 2002-12D (**SGI**)

cc w/ Enclosures: Mr. James Tucker, Security Manager

cc w/o Enclosures: Service List

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Sincerely,

/RA/

Michael F. Weber, Director
Office of Nuclear Material Safety
and Safeguards

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cc w/ Enclosures: Mr. James Tucker, Security Manager

cc w/o Enclosures: Service List

DISTRIBUTION: (w/o enclosures)

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cc w/o Enclosures:
Florida Power and Light - Seabrook Station ISFSI
Docket No.: 72-63

Mr. Gene St. Pierre, Site Vice President
FPL Energy Seabrook, LLC
P. O. Box 300
Seabrook, NH 03874

Mr. Peter Brann
Assistant Attorney General
State House, Station #6
Augusta, ME 04333

Resident Inspector
U.S. Nuclear Regulatory Commission
Seabrook Nuclear Power Station
P.O. Box 1149
Seabrook, NH 03874

Town of Exeter
10 Front Street
Exeter, NH 03823

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Office of the Attorney General
One Ashburton Place, 20th Floor
Boston, MA 02108

Board of Selectmen
Town of Amesbury
Town Hall
Amesbury, MA 01913

Mr. Robert Poole
Federal Emergency Management Agency
Region I
99 High Street, 6th Floor
Boston, MA 02110

John Giarrusso
Massachusetts Emergency Management
Agency
400 Worcester Road
Framingham, MA 01702-5399

Ms. Kelly Ayotte, Attorney General
Mr. Orvil Fitch, Deputy Attorney General
33 Capitol Street
Concord, NH 03301

Mr. Christopher M. Pope, Director
Homeland Security & Emergency Mgmt.
New Hampshire Department of Safety
Bureau of Emergency Management
33 Hazen Drive
Concord, NH 03301

Mr. M. S. Ross, Managing Attorney
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. Rajiv S. Kundalkar
Vice President - Nuclear Technical Services
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

James M. Peschel
Regulatory Programs Manager
FPL Energy Seabrook, LLC
PO Box 300
Seabrook, NH 03874

Ms. Marjan Mashhadi
Senior Attorney
Florida Power & Light Company
801 Pennsylvania Ave., NW Suite 220
Washington, DC 20004

Mr. Mark E. Warner
Vice President, Nuclear Operations,
North Region
(Seabrook & Duane Arnold Plants)
Florida Power & Light Company
P.O. Box 14000
Juno Beach, FL 33408-0420

Mr. Michael W. Kiley
Plant General Manager
FPL Energy Seabrook, LLC
P.O. Box 300
Seabrook, NH 03874