



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

October 20, 2009

EA-09-196

Mr. Gene St. Pierre
Vice President, North Region
Seabrook Nuclear Power Plant
NextEra Energy Seabrook, LLC
P.O. Box 300
Seabrook, NH 03874

SUBJECT: NRC INVESTIGATION REPORT NO. 1-2009-027

Dear Mr. St. Pierre:

This letter refers to the investigation by the U. S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) completed on July 29, 2009, at Seabrook Station (Seabrook). The purpose of the investigation was to determine whether a contract employee working for Williams Plant Services (Williams), at Seabrook, deliberately failed to report an arrest in accordance with the Seabrook Physical Security Plan requirements.

As a result of the investigation, the NRC confirmed that the contract employee, who had unescorted access to vital areas of the plant, deliberately failed to report an arrest during his employment for Williams at Seabrook. The contract employee's actions caused NextEra Energy Seabrook, LLC (NextEra) to be in violation of NRC requirements, specifically License Condition 2.E of the Seabrook operating license, and Section 9.1 of the Seabrook Physical Security Plan which, in part, require individuals with unescorted access to report any arrest, criminal charges, convictions, or proceedings that may have impact upon the trustworthiness or reliability of the individual. The NRC determined that the contract employee's failure to report the arrest may have had an impact on his trustworthiness or reliability, thereby causing Seabrook to be in violation of its Security Plan.

Since the actions of the contractor were deliberate, he violated the NRC's deliberate misconduct rule (10 CFR 50.5) that prohibits employees from engaging in deliberate misconduct that would cause a licensee to be in violation of NRC requirements.

Because you are responsible for the actions of your employees, and because the violation was willful, the violation was evaluated under the NRC traditional enforcement process as set forth in Section IV.A.4 of the NRC Enforcement Policy. The NRC concluded that the failure to report an arrest, absent willfulness, would be considered a Severity Level IV violation. The current NRC Enforcement Policy is included on the NRC's website at <http://www.nrc.gov>; select **About NRC, Regulation, Enforcement**, then, **Enforcement Policy**.

The NRC considered issuance of a Notice of Violation for this issue. However, after considering the factors set forth in Section VI.A.1 of the NRC Enforcement Policy, the NRC determined that a non-cited violation (NCV) is appropriate in this case because: (1) the individual was a non-supervisory contract employee; (2) there were no subsequent actions identified that would

indicate a lack of trustworthiness and reliability; (3) the violation appeared to be an isolated action of the employee without management involvement and was not caused by a lack of management oversight; (4) the monetary advantage was to the individual alone and there was no monetary or other advantage to Seabrook.

A response to this letter is not required. However, if you contest this NCV or its significance, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN.: Document Control Desk, Washington, D.C. 20555-0001, with copies to the Regional Administrator, Region I; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001; and the NRC Resident Inspector at Seabrook Station, Unit No. 1.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS) accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response, if you choose to provide one, should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Should you have any questions regarding this letter, please contact Mr. Arthur Burritt at 610-337-5069.

Sincerely,

/RA/

James W. Clifford, Acting Director
Division of Reactor Projects

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James W. Clifford, Acting Director
Division of Reactor Projects

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