



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

January 11, 2011

EA-10-196

Mr. Paul Freeman
Site Vice President
Seabrook Nuclear Power Plant
NextEra Energy Seabrook, LLC.
c/o Mr. Michael O'Keefe
P.O. Box 300
Seabrook, NH 03874

SUBJECT: NRC INVESTIGATION REPORT NO. 1-2010-030

Dear Mr. Freeman:

This letter refers to the investigation by the U. S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) completed on September 22, 2010, at Seabrook Station (Seabrook). The purpose of the investigation was to determine whether a contract employee working for TSSD Services Inc (TSSD), 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 TSSD 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 Station 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 that may have had an impact on his trustworthiness or reliability, caused 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 involved willful aspects, the violation was evaluated under the NRC's traditional enforcement process as set forth in the NRC Enforcement Policy. The NRC determined that the violation was similar to Enforcement Policy violation example 6.11.c.7, "(a) reviewing official relies on a deliberate falsification of information to make an unescorted access (UA) or unescorted access authorization (UAA) determination," in that it involves the continuation of UAA based on a deliberate failure to provide information that could impact UAA. Although this type of violation would normally be assessed at Severity Level (SL) III, the NRC considered that the individual was not a licensee official or supervisor, and therefore, the regulatory significance of the

violation does not rise to a SL III. Accordingly, the NRC determined that the violation is appropriately classified as SL IV in accordance with the NRC Enforcement Policy. The current NRC Enforcement Policy can be found on the NRC's website at <http://www.nrc.gov>; by selecting "About NRC," "Regulation," "Enforcement," and finally, "Enforcement Policy."

The NRC considered issuance of a Notice of Violation for this issue. However, after considering the factors set forth in Section 2.3.2 of the NRC Enforcement Policy, the NRC determined that a non-cited violation (NCV) is appropriate in this case because: 1) the violation was identified by your staff; (2) the violation involved the acts of an individual who was not considered to be a licensee official within the context of the NRC Enforcement Policy; (3) the violation appeared to be the isolated actions of an employee without management involvement and was not caused by a lack of management oversight; (4) you revoked the individual's site access; and (5) you placed the issues into the corrective action program.

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,


James W. Clifford, Acting Director
Division of Reactor Projects

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/RA/

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• See previous sheet for concurrence

** concurred via email