



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

January 25, 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: CORRECTION TO NRC LETTER DATED JANUARY 11, 2011, RE NRC
INVESTIGATION REPORT NO. 1-2010-030

Dear Mr. Freeman:

On January 11, 2011, the NRC issued you a letter documenting the results of an investigation conducted by the U. S. Nuclear Regulatory Commission's (NRC's) Office of Investigations (OI) 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 (PSP) requirements. The January 11, 2011, letter stated that the contract employee deliberately failed to report an arrest during his employment for TSSD at Seabrook when, in fact, the employee did report the arrest, although he failed to do so until approximately four months after it occurred. As indicated in our January 11, 2011, letter, the NRC concluded that the contract employee deliberately violated NRC requirements and Seabrook's operating license and PSP by not reporting the arrest in a timely manner. A Seabrook PSP implementing procedure, AI-014, Rev. 4, "Arrest Reporting," required immediate notification of any legal action such as an arrest, criminal charges, criminal convictions or proceedings to Seabrook Nuclear Security.

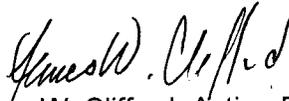
Please replace the first page of the January 11, 2011, letter with the enclosed corrected copy of that page. We apologize for any inconvenience this may have caused you. Should you have any questions regarding this letter, please contact Mr. Arthur Burritt, Chief Division of Reactor Projects Branch 3, NRC Region I, at 610-337-5069.

P. Freeman

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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>.

Sincerely,



James W. Clifford, Acting Director
Division of Reactor Projects
NRC Region I

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

Enclosure:
As stated

cc: Distribution via ListServ

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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>.

Sincerely,

/RA/

James W. Clifford, Acting Director
 Division of Reactor Projects
 NRC Region I

Docket No. 50-443
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cc: Distribution via ListServ

SUNSI Review Complete: MMM (Reviewer's Initials)

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| OFFICE | RI/ORA | RI/DRP | RI/ORA | RI/ORA | OE |
| NAME | M McLaughlin/ MMM* | A Burritt/ALB* | K Farrar/ KLF* | D Holody/ DJH* | D Furst via email** |
| DATE | 01/20/11 | 01/21/11 | 01/21/11 | 01/24/11 | 01/24/11 |
| OFFICE | RI/DRP | | | | |
| NAME | J Clifford/JWC | | | | |
| DATE | 01/24/11 | | | | |

• See previous sheet for concurrence

** concurred via email

ENCLOSURE



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 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 until approximately four months after it occurred. The contract employee's actions caused NextEra Energy Seabrook, LLC (NextEra) to be in violation of License Condition 2.E of the Seabrook operating license, Section 9.1 of the Seabrook Station Physical Security Plan (SSPSP), and SSPSP implementing procedure AI-014, Rev. 4, "Arrest Reporting." Specifically, the contract employee was required to make immediate notification of any legal action such as an arrest, criminal charges, criminal convictions or proceedings to Seabrook Nuclear Security that may have impact upon the trustworthiness or reliability of the individual. The NRC determined that the contract employee's failure to timely 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