

December 23, 2004

Mr. Mark E. Warner
Site Vice President
c/o Mr. James M. Peschel
FPL Energy Seabrook, LLC
Seabrook Station
P.O. Box 300
Seabrook, NH 03874

SUBJECT: YOUR NOVEMBER 19, 2004 LETTER TO NRC AND YOUR REQUEST FOR
WITHHOLDING INFORMATION FROM PUBLIC DISCLOSURE

Dear Mr. Warner:

By letter dated November 19, 2004, FPL Energy Seabrook, LLC (Seabrook Station), responded to a request for information related to NRC's letter dated October 20, 2004, regarding the actions taken or planned to ensure that a finding by the U.S. Department of Labor's Occupational Safety & Health Administration (OSHA) of alleged discrimination against an employee of one your contractors did not have a chilling effect on other employees raising safety concerns. We have reviewed your response and determined that it is acceptable, and have no further questions.

Your letter had requested withholding from public disclosure pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section 2.390. However, your letter dated November 19, 2004, did not provide the basis for your non-disclosure request or affidavit as required by 10 CFR 2.390.

By letter dated December 20, 2004, you provided a redacted copy of your November 19, 2004 letter, and included an affidavit dated December 20, 2004, executed by you, requesting that certain information in your letter dated November 19, 2004, be withheld from public disclosure in accordance with 10 CFR 2.390. The December 20, 2004, affidavit stated that the confidential information should be considered exempt from mandatory public disclosure for the following reasons:

- (i) The information had been held in confidence by FPL Energy Seabrook and provided to others on a confidential basis.
- (ii) The information discussed personnel actions and contract terms and internal matters that are of the type customarily held in confidence and not customarily disclosed to the public.

- (iii) Its disclosure of the information would likely cause substantial harm to the competitive position of FPL Energy Seabrook, and to the privacy of the named employees of FPL and its contractor.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld contains propriety and confidential information and should be withheld from public disclosure.

Therefore, the version of the submitted information identified as confidential will be withheld from public disclosure pursuant to 10 CFR 2.390(b)(5). Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents.

If the basis for withholding this information from public inspection should change in the future, such that the information could then be made available to the public, you should promptly notify the NRC. You should also understand that the NRC may have cause to review this determination in the future, for example, if the scope of a Freedom of Information Act request includes your information. In all review situations, if the NRC makes a determination adverse to the above, you will be notified in advance of any public disclosure.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, as well as the redacted version of your November 19, 2004 letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html>.

If you have any questions regarding this matter, I may be reached at 610-337-5205.

Sincerely,

/RA/

Marie Miller, Chief
Projects Branch 6
Division of Reactor Projects

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

cc w/encl:

J. A. Stall, FPL Senior Vice President, Nuclear & CNO
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G. F. St. Pierre, Station Director - Seabrook Station
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P. Brann, Assistant Attorney General, State of Maine
M. S. Ross, Attorney, Florida Power & Light Company
R. Walker, Director, Dept. of Public Health, Commonwealth of Massachusetts
B. Cheney, Director, Bureau of Emergency Management
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Health Physicist, Office of Community & Public Health, State of New Hampshire
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W. Meinert, Nuclear Engineer, Massachusetts Municipal Wholesale Electric company
T. Crimmins, Polestar Applied Technology
R. Backus, Esquire, Backus, Meyer and Solomon, New Hampshire
Town of Exeter
Board of Selectmen
S. Comley, Executive Director, We the People of the United States
R. Shadis, New England Coalition Staff
M. Metcalf, Seacoast Anti-Pollution League

Mr. Mark E. Warner

4

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Region I Docket Room (with concurrences)

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SISP Review Complete: MTM (Reviewer's Initials)

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