



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I**
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

June 1, 2012

EA-12-024

Mr. Kevin Walsh
Site Vice President
NextEra Energy Seabrook, LLC.
c/o Mr. Michael O'Keefe
P.O. Box 300
Seabrook, NH 03874

SUBJECT: NRC INVESTIGATION REPORT NO. 1-2011-038

Dear Mr. Walsh:

This letter refers to the investigation by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) conducted at NextEra Energy Seabrook, LLC's (NextEra's) Seabrook Station (Seabrook), which was completed on January 26, 2012. The investigation was conducted to determine whether a contractor electrician working at Seabrook deliberately entered a high radiation area (HRA) without first receiving a health physics (HP) briefing in accordance with site procedures required by Seabrook's operating license. The OI investigation was initiated after NextEra identified this issue, entered it into its Corrective Action Program (CAP), and notified the NRC resident inspectors at Seabrook.

Based on the evidence gathered during the OI investigation, the NRC has concluded that on April 6, 2011, the contractor electrician, who had been assigned to conduct work within an HRA, deliberately entered the HRA without first receiving the HP briefing on the current radiological conditions. Specifically, the contractor electrician had been instructed to wait outside of the HRA boundary until an HP technician (HPT) knowledgeable on the current radiological conditions in the HRA could be located to provide the briefing. However, the contractor electrician crossed the HRA boundary and remained within the HRA for several minutes before the HPT arrived.

The contractor electrician's actions caused NextEra to be in violation of its operating license. Specifically, Seabrook License Condition 2.C(2) requires NextEra to operate Seabrook in accordance with its Technical Specifications (TS). TS 6.10.1 states, in part, that procedures for personnel radiation protection shall be adhered to for all operations involving personnel radiation exposure. NextEra implementing procedure HN0958.25, "High Radiation Controls," Revision 33, dated March 30, 2011, Section 4.1 requires, in part, that workers are briefed on the radiological conditions in the work area prior to being permitted access to an HRA.

Because the violation was caused by the deliberate action of the contractor electrician, it was evaluated under the NRC's traditional enforcement process as set forth in the NRC Enforcement Policy. After careful consideration, the NRC concluded that this violation should be classified at Severity Level IV. Specifically, the NRC considered the significance of the underlying violation, and that under the Reactor Oversight Process, this improper HRA entry

be classified at Severity Level IV. Specifically, the NRC considered the significance of the underlying violation, and that under the Reactor Oversight Process, this improper HRA entry would have been evaluated as having very low safety significance (i.e., green) because, although the issue involved an individual bypassing physical controls to enter an HRA, it: a) was not related to NextEra's program to keep occupational radiological exposure As Low as Reasonably Achievable, b) did not result in an overexposure or involve a substantial potential for overexposure, and c) did not impact NextEra's ability to assess dose. Although the violation was willful, the NRC decided, after considering the factors set forth in the NRC Enforcement Policy, to not increase the significance of this violation since, in part, the contractor electrician was neither a licensee official nor a supervisor.

In addition, 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 the appropriate action for this violation because: 1) NextEra placed the issue into its CAP (CR No. 01638564); 2) NextEra identified the issue and immediately conducted an investigation to ensure compliance had been restored; 3) the violation was not repetitive as a result of inadequate corrective action; and, 4) although the violation was willful, (a) NextEra identified the violation, notified the NRC, and took significant remedial action (revoking the contractor electrician's site access); and, (b) the violation involved the isolated action of an individual who was not considered to be a licensee official or supervisor within the context of the NRC Enforcement Policy, occurred without management involvement, and was not caused by a lack of management oversight.

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, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001; and the NRC Resident Inspector at Seabrook.

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 and from the NRC's Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

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

Sincerely,

/RA/

Darrell J. Roberts, Director
Division of Reactor Projects

Docket No. 50-443
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