



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I**

2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

August 7, 2012

EA-12-093

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

**SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING WITH
ASSESSMENT FOLLOW-UP AND NOTICE OF VIOLATION [NRC INSPECTION
REPORT NO. 05000443/2012504] – SEABROOK STATION, UNIT 1**

Dear Mr. Walsh:

This letter provides you the final significance determination for the preliminary White finding involving the NextEra Energy, LLC (NextEra), Seabrook Station (Seabrook) discussed in the U.S. Nuclear Regulatory Commission (NRC) letter dated May 29, 2012, and enclosed Inspection Report No. 05000443/2012503 (ML12151A036).¹ This letter also transmits the follow-up NRC assessment of the performance of Seabrook Unit 1, which supplements the NRC annual assessment letter issued on March 5, 2012 (ML12061A239).

As described in the May 29, 2012, letter, the finding, which was identified by NRC staff during an emergency preparedness exercise inspection conducted from April 16 - 19, 2012, involved NextEra not identifying an exercise weakness during the post-exercise critique for an April 17, 2012, full-participation emergency exercise. The exercise weakness involved errors in developing, documenting, and communicating the protective action recommendation (PAR) immediately after a General Emergency (GE) was declared. As is the nature of training exercises, weaknesses may occur; however, it is required that these weaknesses are identified during the post-exercise critiques and corrected, so that such issues do not potentially impact response during an actual event.

In the inspection report, the NRC indicated that, per the exercise scenario, a radiological release was in progress at the time of the GE declaration, but the Emergency Offsite Facility (EOF) Coordinator did not recognize this condition. However, due to other errors in using available information, the EOF coordinator inadvertently developed a PAR that was appropriate for the exercise release conditions (i.e., a release in progress). The inspection report also states that when the EOF Coordinator prepared the PAR notification form that was to be used to communicate the PAR to the state agencies participating in the exercise, he erroneously documented on the form that a radiological release had not occurred. The inspection report further states that later in the exercise, the EOF Coordinator learned that a release had, in fact

¹ Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

occurred, and he appropriately corrected the notification that had been made to the state officials.

The NRC inspection report also documented that, during the post-exercise critique activities held between April 17 -19, 2012, NextEra staff concluded that the development and notification of the initial PAR following the GE declaration was successful, because the PAR that was communicated was correct for the release conditions that were actually occurring in the exercise. However, NextEra did not identify the errors made in the PAR development and notification form in its critique of the exercise.

The May 29, 2012, NRC letter transmitting the inspection report included an offer for NextEra to attend a regulatory conference or reply in writing to provide its position on the facts and assumptions the NRC used to arrive at the finding and its safety significance. In a letter dated June 21, 2012 (ML12205A034), NextEra provided a response to the NRC preliminary determination to clarify events surrounding the finding. In the response, NextEra indicated that it did not contest the finding. However, NextEra clarified the circumstances of the finding, which it had identified while performing a root cause evaluation of the issue. Specifically, NextEra identified that a radiological release was actually not in progress at the time of the initial PAR preparation and notification (it actually commenced one minute after the notification was made), and that, contrary to the description in the NRC inspection report, the initial PAR that was communicated to the states was actually incorrect for the release conditions occurring during the exercise. NextEra acknowledged that this error was not identified during the post-exercise critique.

The NRC considered the information developed during the inspection and the additional information provided in NextEra's June 21, 2012, letter, and agreed with NextEra's description of the events that occurred during the exercise. Although the specifics of what contributed to the weakness are different, the NRC has concluded that the inspection finding (failing to identify the weakness during the post-exercise critique) remains unchanged, and is of low to moderate safety significance, and is appropriately characterized as White. Specifically, this finding is characterized as White because an incorrect initial PAR was issued to the participating state agencies and the incorrect PAR was not identified during the post-exercise critique. However, the NRC acknowledges that approximately one minute following the incorrect PAR notification, an offsite release began, making the initial PAR notification correct. Therefore, had this been an actual event, the information provided to the States to assist with their protective action determinations would have become correct one minute following notification. We also recognize that the EOF Coordinator was prompt in identifying the change in release status and assuring that the existing PAR was correct for the new exercise conditions. Nonetheless, a failure during the post-exercise critique to identify a weakness involving a risk-significant planning standard had still occurred.

As a result of the NRC review of the performance at Seabrook Unit 1, including this White finding in the Emergency Preparedness Cornerstone, the NRC has assessed Seabrook Unit 1 to be in the Regulatory Response column of the NRC Action Matrix, retroactive to the second calendar quarter of 2012. Therefore, we plan to conduct a supplemental inspection using Inspection Procedure 95001, "Inspection for One or Two White Inputs in a Strategic Performance Area," when NextEra staff notify us of their readiness for this inspection. This inspection is conducted to provide assurance that the root cause and contributing causes of any

performance issues are understood, the extent of condition is identified, and the corrective actions are sufficient to prevent recurrence.

The NRC has also determined that the finding involved a violation of NRC regulations, as cited in the enclosed Notice of Violation (Notice). In accordance with the NRC Enforcement Policy, the Notice is considered an escalated enforcement action because it is associated with a White finding. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room located at NRC Headquarters in Rockville, MD, 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>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

William M. Dean
Regional Administrator

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

Enclosure:
Notice of Violation

cc w/encl: Distribution via ListServ

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Sincerely,
/RA/
 William M. Dean
 Regional Administrator

Docket No. 50-443
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Enclosure:
 Notice of Violation

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ENCLOSURE
NOTICE OF VIOLATION

NextEra Energy Seabrook, LLC.
Seabrook Station Unit 1

Docket No. 50-443
License No. NPF-86
EA-2012-093

During an NRC inspection conducted at the NextEra Energy, LLC (NextEra) Seabrook Station (Seabrook) Unit 1 from April 17-19, 2012, and for which an exit meeting was held on April 19, 2012, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the Code of Federal Regulations (CFR), Section 50.54(q)(2) requires that nuclear power reactor licensees shall follow and maintain the effectiveness of an emergency plan that meets the requirements in Appendix E to this part and the planning standards of §50.47(b).

10 CFR 50.47(b)(14) requires, in part, that periodic exercises be conducted to evaluate major portions of emergency response capabilities and that deficiencies identified as a result of exercises are corrected.

Section IV.F.2.g of Appendix E to 10 CFR Part 50 requires that all exercises, drills, and training that provide performance opportunities to develop, maintain, or demonstrate key skills must provide for formal critiques in order to identify weak or deficient areas that need correction. Any weaknesses or deficiencies that are identified in a critique of exercises, drills, or training must be corrected.

Contrary to the above, during the April 19, 2012, critique of the April 17, 2012, Seabrook biennial emergency preparedness exercise, NextEra failed to identify a performance weakness that was in need of correction. Specifically, NextEra did not identify as a weakness that an incorrect initial Protective Action Recommendation (PAR) had been developed and communicated to the state response organizations. The initial PAR was incorrect for the exercise actual condition (i.e., no release in progress).

This violation is associated with a White SDP finding.

Pursuant to the provisions of 10 CFR 2.201, NextEra is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406, and a copy to the NRC Resident Inspector at Seabrook, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-12-093" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or significance, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or

revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made 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>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, NextEra may be required to post this Notice within two working days of receipt.

Dated this 7th day of August, 2012.