

**Constellation  
Nuclear**

**Nine Mile Point  
Nuclear Station**

*A Member of the  
Constellation Energy Group*

March 18, 2002  
NMP1L 1654

U. S. Nuclear Regulatory Commission  
Washington, DC 20555

**ATTENTION:** Mr. Samuel J. Collins, Director, Office of Nuclear Reactor Regulation

**SUBJECT:** Nine Mile Point Unit Nos. 1 and 2  
Docket Nos. 50-220 & 50-410  
Facility Operating License Nos. DPR-63 and NPF-69  
Request for Extension of Time to Submit an Answer and Request a Hearing

Section IV of the Nuclear Regulatory Commission's (NRC) February 25, 2002 Order Modifying Licenses (Order) states that, in accordance with 10 CFR 2.202, a Licensee must submit an answer to the Order and may request an extension of time in which to submit an answer or to request a hearing on the Order within 20 days of the date of the Order. In addition, the Order states, "[w]here good cause is shown, consideration will be given to extending the time to request a hearing."

For the following reasons, Nine Mile Point Nuclear Station, LLC (NMPNS), hereby requests an extension of time to supplement the Answer to the Order submitted March 18, 2002 and to request a hearing.

We have responded to Conditions B.1 and B.2 by identifying requirements with which compliance is unnecessary in NMPNS' specific circumstances. As required by Condition C.1 of the Order, NMPNS' response identifies specific actions to be taken to comply with each applicable requirement and provides a schedule for implementation.

In a few instances, as detailed in the March 18, 2002 submittal from Raymond L. Wenderlich to the NRC, we are unable to complete the necessary evaluations within the 20-day response time to determine what actions are appropriate and the appropriate schedule for implementation. Because we will be unable to ascertain the appropriate actions in the context of meeting the NRC's intent for these measures, we will be unable to determine whether it is necessary to request a hearing until we have completed the analyses and/or actions with respect to these matters.

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safeguards

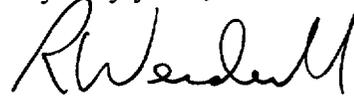
Mr. Samuel J. Collins  
March 18, 2002  
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Because of the unique nature of the situation that precipitated issuance of the Order, pursuant to Section IV of the Order, NMPNS requests (1) an extension of time to file an answer for Interim Compensatory Measures B.1.b, B.1.c, B.1.d, B.2.a(1), and B.2.a(2) until the dates identified in our March 18, 2002 submittal for completing the analysis and/or other actions with respect to those Interim Compensatory Measures, and (2) a comparable extension of time to file a request for hearing with respect to those matters.

Good cause exists for this request. Several complex analyses are being performed related to these measures. Until these analyses required to respond to the Order are complete, NMPNS cannot know if it is able to comply with the Order in these respects, if compliance is necessary in the circumstances, or if compliance would cause NMPNS to be in violation of NRC regulations or the facility license. Accordingly, NMPNS cannot know at this time how its interests will be affected by the Order and cannot determine at this time whether a request for a hearing would be appropriate. Thus, as noted above, NMPNS requests an extension of time to file an answer to certain Interim Compensatory Measures, and similarly requests an extension of time for requesting a hearing on that portion of the Order that relates to these certain Interim Compensatory Measures.

Should you have questions regarding this matter, we will be pleased to discuss them with you.

Very truly yours,



Raymond L. Wenderlich  
Vice President  
Nine Mile Point Nuclear Station, LLC

RLW/JP

Mr. Samuel J. Collins  
March 18, 2002  
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cc:

Secretary  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
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Washington, DC 20555

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Washington, DC 20555

Records Management

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
Nine Mile Point Nuclear Station, LLC	)	
	)	
(Nine Mile Point Nuclear Station,	)	Docket Nos.
Units 1 and 2)	)	50-220
	)	50-410

LICENSEE'S ANSWER TO FEBRUARY 25, 2002  
COMMISSION ORDER TO MODIFY LICENSE FOR  
INTERIM SAFEGUARDS AND SECURITY MEASURES

On February 25, 2002, the Nuclear Regulatory Commission ("NRC" or "Commission") issued an immediately effective order in the captioned matter entitled Order Modifying Licenses (Effective Immediately) ("Order") to, *inter alia*, Nine Mile Point Nuclear Station ("NMPNS"). The Order stated that following September 11, 2001, the Commission took a number of actions, including the commencement of a comprehensive review of its safeguards and security programs and requirements. The Commission stated its determination that power reactor licensees be required to implement compensatory measures as prudent, interim actions to address the generalized high-level threat environment in a consistent manner throughout the nuclear reactor community. Therefore, the NRC stated it was imposing requirements as set forth in Attachment 2 of the Order.<sup>1</sup> NMPNS has responded to the substantive requirements of the Order in a letter dated March 18, 2002 in accordance with the provisions of 10 C.F.R. § 50.4, as directed by the Order.<sup>2</sup>

Pursuant to 10 C.F.R. § 2.202(d), NMPNS consents to the Order, except as follows: pursuant to a letter sent to Mr. Samuel J. Collins, Director, Nuclear Reactor Regulation, on March 18, 2002, in the same dockets, NMPNS has requested an extension of time to file an Answer and to request a hearing with

<sup>1</sup> Attachment 2 contained Safeguards Information and was not publicly released.

<sup>2</sup> The attachment to that letter was transmitted as Safeguards Information.

respect to certain interim compensatory measures in Attachment 2 of the Order. The request is based on the pendency of several analyses needed to provide a basis to determine whether a request for a hearing would be appropriate. That request for extension of time is incorporated by reference in this Answer.

Respectfully submitted,



Raymond L. Wenderlich  
Vice President  
Nine Mile Point Nuclear Station, LLC

STATE OF MARYLAND

The above-subscribed individual appeared before me on this 18<sup>th</sup> day of March, 2002 and made oath that he is duly authorized to execute this Answer on behalf of Nine Mile Point Nuclear Station, LLC and the statements contained within this Answer are true to the best of his knowledge, information, and belief.

Before me,

  
Notary Public

My Commission Expires: 1 November 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
Nine Mile Point Nuclear Station, LLC ) Docket Nos. 50-220  
 ) 50-410  
(Nine Mile Point Nuclear Station, )  
Units 1 and 2) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the ANSWER TO FEBRUARY 25, 2002, COMMISSION ORDER TO MODIFY LICENSE FOR INTERIM SAFEGUARDS AND SECURITY MEASURES in the captioned action have been served on the following by deposit in the United States mail, first class, or by overnight delivery, as indicated by an asterisk (\*), this 18th day of March 2002.

Secretary  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
ATTN: Rulemakings and Adjudications Staff  
Washington, DC 20555-0001

Mr. Samuel J. Collins\*  
Director, Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Mail Stop 5-E7  
One White Flint North  
11555 Rockville Pike  
Rockville, MD 20852-2738

Regional Administrator – Region I  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA 19406  
(two copies)

Assistant General Counsel for Materials Litigation  
and Enforcement  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

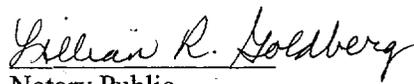


Raymond L. Wenderlich  
Vice President  
Nine Mile Point Nuclear Station, LLC

STATE OF MARYLAND

The above-subscribed individual appeared before me this 18<sup>th</sup> day of March, 2002 and made oath that he is duly authorized to serve this Answer on behalf of Nine Mile Point Nuclear Station, LLC and has done so to the best of his knowledge, information, and belief.

Before me,

  
Notary Public

My Commission Expires: 1 November 2004