



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931**

March 27, 2002

EA-02-053

Virginia Electric and Power Company
ATTN: Mr. David A. Christian
Senior Vice President and
Chief Nuclear Officer
Innsbrook Technical Center
5000 Dominion Boulevard
Glen Allen, VA 23060

SUBJECT: NORTH ANNA NUCLEAR STATION - REPLY TO DENIAL
OF NON-CITED VIOLATION AND CLAIM OF BACKFIT -
NRC INSPECTION REPORT 50-338/01-09, 50-339/01-09

Dear Mr. Christian:

Thank you for your response of February 5, 2002, to our Non-Cited Violation (NCV) issued on January 11, 2001, in NRC Inspection Report 50-338/01-09, 50-339/01-09. In your response, you stated your basis for disputing the violation and provided your views in support of your claim of a backfit.

We have reviewed your response in detail. An NRC backfit review panel considered your backfit claim. The backfit review panel was chaired by Mr. Loren Plisco, Director, Division of Reactor Projects, and included other members of the NRC Region II staff. Given the relationship between the NCV denial and backfit claim, the panel also reviewed the response to your denial.

After careful consideration of the bases for your denial of the violation, we have concluded that NCV 50-338,339/01-09-01 should be withdrawn. We reviewed your response, as well as Figure 2 of Revision 7 of the Physical Security Plan, and determined that the condition observed was consistent with the Physical Security Plan, and was therefore, not a violation of regulatory requirements.

It was also concluded that imposition of a backfit was not appropriate based upon prior NRC positions related to this matter published in NUREG-0908.

In accordance with 10 CFR 2.790 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 Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Should you have any questions concerning this letter, please contact Anne T. Boland at (404) 562-4653.

Sincerely,

/RA/

Luis A. Reyes
Regional Administrator

Docket Nos. 50-338, 50-339
License Nos. NPF-4, NPF-7

See Attached Distribution

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