

June 11, 2002

Mr. Raymond L. Wenderlich
Senior Constellation Nuclear Officer
Responsible for Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

SUBJECT: REPLY TO LICENSEE'S RESPONSE TO ORDER FOR INTERIM
SAFEGUARDS AND SECURITY COMPENSATORY MEASURES, NINE MILE
POINT NUCLEAR STATION, UNIT NOS. 1 AND 2 (TAC NOS. MB4149
AND MB4150)

Dear Mr. Wenderlich:

On February 25, 2002, the U.S. Nuclear Regulatory Commission (NRC) issued an Order modifying the operating license for the Nine Mile Point Nuclear Station, Unit Nos. 1 and 2 (NMP) to require compliance with the specified interim safeguards and security compensatory measures. The interim compensatory measures (ICMs) were listed in Attachment 2 to the Order. When issuing the Order, the Commission recognized that you have voluntarily and responsibly implemented additional security measures following the events of September 11, 2001, but in light of the continuing generalized high-level threat environment, the Commission concluded that the security measures should be embodied in an Order consistent with the established regulatory framework.

The Order required responses and actions within specified timeframes. Section III.A of the Order required licensees to immediately start implementation of the requirements listed in Attachment 2 to the Order and to complete implementation no later than August 31, 2002. Section III.B of the Order required licensees to notify the Commission: (1) if they are unable to comply with the requirements described in Attachment 2, (2) if compliance with any of the requirements is unnecessary in their specific circumstances, (3) if implementation of any of the requirements would cause the licensee to be in violation of the provisions of any Commission regulation or the facility license, or (4) if implementation of any of the requirements described in Attachment 2 would adversely impact the safe operation of the facility. Section III.C.1 of the Order required licensees to submit to the Commission, within 20 days of the date of the Order, a schedule for achieving compliance with each requirement described in Attachment 2 to the Order. Section IV of the Order noted that in accordance with 10 C.F.R. § 2.202, the licensee must submit an answer to the Order and may request a hearing on the Order within 20 days of the date of the Order and, where good cause is shown, consideration would be given to extend the time to request a hearing.

In letters dated March 18, 2002 (Nine Mile Point Nuclear Station, LLC (NMPNS) letter Nos. NMP1L 1651 and NMP1L 1654), you submitted a response to the Order for NMP. You requested an extension of time to respond to ICMs B.1.b, B.1.c, B.1.d, and B.2.a and requested a comparable extension of time to file a request for hearing for those matters.

R. L. Wenderlich

- 2 -

On May 14, 2002 (NMPNS letter No. NMP1L 1665), you provided the responses for ICMs B.1.b, B.1.c, B.1.d, and B.2.a and stated that you do not request a hearing. On June 4, 2002 (NMPNS letter No. NMP1L 1669), you provided a revised response for ICM B.4.e.

The NRC staff has reviewed your responses to each of the ICMs and finds that you have satisfied the 20-day reporting requirements of the Order.

The NRC will determine the effectiveness of your implementation of the ICMs through on-site inspections. I would like to remind you that, pursuant to Section III.C.2 of the Order, you are to report to the Commission when you have achieved full compliance with the requirements described in Attachment 2 to the Order.

If you have any other questions on these issues, please contact your project manager, Mr. Peter Tam, at 301-415-1451.

Sincerely,

/RA/

John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

cc: See next page

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Sincerely,

/RA/

John A. Zwolinski, Director
 Division of Licensing Project Management
 Office of Nuclear Reactor Regulation

cc: See next page

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Nine Mile Point Nuclear Station
Unit Nos. 1 and 2

cc:

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 126
Lycoming, NY 13093

Supervisor
Town of Scriba
Route 8, Box 382
Oswego, NY 13126

Mr. John V. Vinqvist, MATS Inc.
P.O. Box 63
Lycoming, NY 13093

Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

Mr. Paul D. Eddy
Electric Division
NYS Department of Public Service
Agency Building 3
Empire State Plaza
Albany, NY 12223

C. Adrienne Rhodes
Chairman and Executive Director
State Consumer Protection Board
5 Empire State Plaza, Suite 2101
Albany, NY 12223-1556

Mark J. Wetterhahn, Esquire
Winston & Strawn
1400 L Street, NW
Washington, DC 20005-3502

Mr. Michael J. Wallace
President
Nine Mile Point Nuclear Station, LLC
c/o Constellation Energy Group
250 W. Pratt Street - 24th Floor
Baltimore, MD 21201-2437

Mr. Raymond L. Wenderlich
Senior Constellation Nuclear Officer
Responsible for Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

Mr. James M. Petro, Jr., Esquire
Counsel
Constellation Power Source, Inc.
111 Market Place
Suite 500
Baltimore, MD 21202