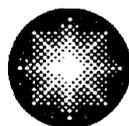


# SAFEGUARDS INFORMATION

James A. Spina  
Vice President – Nine Mile Point

P.O. Box 63  
Lycoming, NY 13093



## Constellation Energy

November 12, 2004  
NMP1L 1881

Docket Nos: 50-220  
50-410

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

**SUBJECT: Inconsistencies Between the October 28, 2004 Safety Evaluation and the Revised Security Plans Re: Order EA-03-086 Revised Design Basis Threat**

The NRC issued Order EA-03-086 (Reference a) on April 29, 2003, requiring Nine Mile Point Nuclear Station, LLC (NMPNS) to revise our Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plan; submit those Plans to the NRC for approval by April 29, 2004; and complete implementation of those Plans by October 29, 2004.

Reference (b) documents the NRC staff's approval of our Plans as submitted. Specifically, as documented in Reference (b), the NRC staff has determined that, subject to subsequent inspection and evaluation, the submitted Plans for NMPNS Units 1 and 2 contain the necessary programmatic elements that, when effectively implemented, will provide the required high assurance that NMPNS Units 1 and 2 will be protected against the revised Design Basis Threat (DBT).

The NRC staff's evaluation of our submitted Plans is discussed in detail in the Safety Evaluation enclosed with Reference (b). However, our review of the Safety Evaluation identified several inconsistencies with our submitted Plans. We believe that these inconsistencies were inadvertent and that upon their resolution, the Plans will continue to contain the programmatic elements necessary to provide protection against the revised DBT. We have provided a list of all the inconsistencies identified, including our proposed resolution for each, in the attachment to this cover letter. The attachment is classified as Safeguards Information. We request that the NRC staff issue a corrected Safety Evaluation as soon as possible, verifying that the Plans as submitted, contain the programmatic elements that when effectively implemented, provide the required high assurance that NMPNS Units 1 and 2 will be protected against the revised DBT.

NOTE: THE ENCLOSURE TO THIS LETTER CONTAINS "SAFEGUARDS INFORMATION" AND MUST BE PROTECTED ACCORDINGLY. UPON SEPARATION FROM THE ENCLOSURE, THIS LETTER IS "DECONTROLLED."

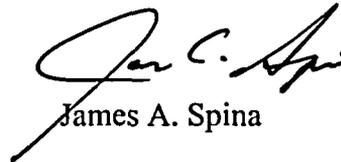
# SAFEGUARDS INFORMATION

\* NS1R05  
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Upon receipt and review of the corrected Safety Evaluation, NMPNS will submit its letter reporting that full compliance with the DBT Order (Reference a) and with the Training Enhancements Order (Reference c) has been achieved, as required pursuant to the applicable Conditions of those Orders.

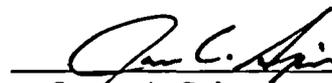
Should you have any questions regarding this matter, we will be pleased to discuss them with you.

Very truly yours,

  
James A. Spina

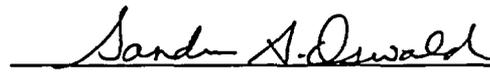
STATE OF NEW YORK :  
: TO WIT:  
COUNTY OF OSWEGO :

I, James A. Spina, being duly sworn, state that I am Vice President Nine Mile Point, and that I am duly authorized to execute and file this letter on behalf of Nine Mile Point Nuclear Station, LLC. To the best of my knowledge and belief, the statements contained in this document are true and correct. To the extent that these statements are not based on my personal knowledge, they are based upon information provided by other Nine Mile Point employees and/or consultants. Such information has been reviewed in accordance with company practice and I believe it to be reliable.

  
James A. Spina  
Vice President Nine Mile Point

Subscribed and sworn before me, a Notary Public in and for the State of New York and County of Oswego, this 12<sup>th</sup> day of November, 2004.

WITNESS my Hand and Notarial Seal:

  
Notary Public

My Commission Expires:

11/12/04  
Date

**REFERENCES:**

- (a) Letter from Mr. S. J. Collins (NRC) to Holders of Licenses for Operating Power Reactors, dated April 29, 2003, Issuance of Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors, EA-03-086
- (b) Letter from Mr. J. A. Nakoski (NRC) to Mr. J.A. Spina (NMPNS), dated October 28, 2004, Nine Mile Point Nuclear Station, Units 1 and 2 - Administrative Change to Facility Operating Licenses in Conjunction with the Commission Order EA-03-086 Regarding Revised DBT and Revision to Physical Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan
- (c) Letter from Mr. S. J. Collins (NRC) to Holders of Licenses for Operating Power Reactors, dated April 29, 2003, Issuance of Order for Compensatory Measures Related to Training Enhancements on Tactical Firearms Proficiency and Physical Fitness Applicable to Armed Nuclear Power Plant Security Force Personnel, EA-03-039

Document Control Desk

November 12, 2004

Page 4

cc: (with enclosure)

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cc: (without enclosure)

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