

**Constellation Energy**

Nine Mile Point Nuclear Station

February 15, 2005  
NMPIL 1925

Docket Nos: 50-220  
50-410

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

SUBJECT: Report of Full Compliance with Requirements of the Commission Orders of  
April 29, 2003 to Nine Mile Point Nuclear Station, LLC

On April 29, 2003, the Nuclear Regulatory Commission (NRC) issued Orders EA-03-039, *Order for Compensatory Measures Related to Training Enhancements on Tactical and Firearms Proficiency and Physical Fitness Applicable to Armed Nuclear Power Plant Security Force Personnel*; and EA-03-086, *Order Requiring Compliance with Revised Design Basis Threat to Nine Mile Point Nuclear Station (NMPNS) Units 1 and 2*. Order EA-03-086 required NMPNS to revise its physical security plan, safeguards contingency plan, and security training and qualification plan; submit the revised plans to the NRC for approval by April 29, 2004; and complete implementation of the plans by October 29, 2004, unless a request for a schedule extension had been approved by the NRC.

On April 28, 2004, NMPNS submitted a Supplemental Response (Reference a) to Order EA-03-086. The Supplemental Response included, as Attachment A, revisions to the NMPNS Physical Security Plan, Safeguards Contingency Plan, and Security Training and Qualification Plan, as required by the Order. On October 25, 2004, NMPNS submitted its Fourth Amended Supplemental Response (Reference b) incorporating final security plan changes requested by the NRC Security Plan Review Team.

By letter dated October 28, 2004 (Reference c), the NRC issued a Safety Evaluation documenting its review and acceptance of those plans. However, our review of the Safety Evaluation identified 19 inconsistencies with our submitted plans. Accordingly, by letter dated November 12, 2004 (Reference d), we provided the NRC a list of the inconsistencies, including a proposed resolution for each, and requested the NRC staff to issue a corrected Safety Evaluation.

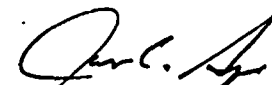
By letter dated December 10, 2004 (Reference e), the NRC issued a revised Safety Evaluation to correct the inconsistencies. Following review of the revised Safety Evaluation, NMPNS concurred with the NRC's disposition of the inconsistencies in all but one area. On December 22, 2004, NMPNS discussed this matter with members of the NRC staff, who agreed that the remaining item should be revised to accurately reflect the security plan. By letter dated February 3, 2005 (Reference f), the NRC issued a final revision to the Safety Evaluation that addressed this last item. Therefore, in accordance with Section III.C of Order EA-03-086, which required

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NMPNS to advise the NRC when implementation of the NRC approved physical security plan, safeguards contingency plan, and security training and qualification plan had been accomplished, and Section III.C.2 of Order EA-03-39, which required notification to the NRC when full compliance with the requirements in Attachment 2 to that Order had been achieved, NMPNS hereby reports that those conditions have been met.

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.



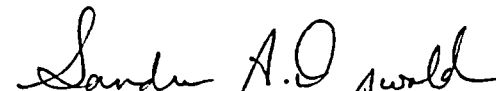
James A. Spina

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 15<sup>th</sup> day of February, 2005.

WITNESS my Hand and Notarial Seal:

SANDRA A. OSWALD  
Notary Public, State of New York  
No. 01OS6032276  
Qualified in Oswego County  
Commission Expires 10/25/05

  
Notary Public

My Commission Expires:

2/15/05  
Date

**REFERENCES:**

- (a) Letter from J.A. Spina (NMPNS) to Document Control Desk (NRC), dated April 28, 2004, Supplemental Response to the April 29, 2003 Orders to Nine Mile Point Nuclear Station, LLC
- (b) Letter from J.A. Spina (NMPNS) to Document Control Desk (NRC), dated October 25, 2004, Fourth Amended Supplemental Response to the April 29, 2003 Orders to Nine Mile Point Nuclear Station, LLC
- (c) Letter from J.A. Nakoski (NRC) to J.A. Spina Vice President NMPNS, dated October 28, 2004, Re: 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 Design Basis Threat (DBT); and Revisions to Physical Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan
- (d) Letter from J.A. Spina (NMPNS) to Document Control Desk (NRC), dated November 12, 2004, Inconsistencies Between the October 28, 2004 Safety Evaluation and the Revised Security Plans Re: Order EA-03-086, Revised Design Basis Threat
- (e) Letter from J.A. Nakoski (NRC) to J.A. Spina Vice President NMPNS, dated December 10, 2004, Re: Nine Mile Point Nuclear Station Units 1 and 2 - Correction to Safety Evaluation Issued Pursuant to Commission Order EA-03-086 Regarding Revised Design Basis Threat (DBT); and Revisions to Physical Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan
- (f) Letter from J.A. Nakoski (NRC) to J.A. Spina Vice President NMPNS, dated February 3, 2005, Re: Nine Mile Point Nuclear Station Units 1 and 2 - Correction to Safety Evaluation Issued Pursuant to Commission Order EA-03-086 Regarding Revised Design Basis Threat (DBT); and Revisions to Physical Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan

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cc:

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