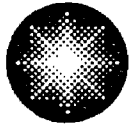


## SAFEGUARDS INFORMATION

James A. Spina  
Vice President – Nine Mile Point

P.O. Box 63  
Lycoming, NY 13093



# Constellation Energy

May 25, 2005

U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**ATTENTION:** Document Control Desk

**SUBJECT:** Nine Mile Point Nuclear Station  
Unit Nos. 1 & 2; Docket Nos. 50-220 & 50-410

Response to NRC Guidance Regarding Mitigation Strategies

The Nuclear Regulatory Commission (NRC) issued Reference (a), Order for Interim Safeguards and Security Compensatory Measures (Order EA-02-026 or ICM Order) to Nine Mile Point Nuclear Station, LLC (NMPNS).

Order EA-02-026 imposed requirements on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 Code of Federal Regulations Part 50. The Order required licensees to implement certain security measures described in Attachment (2) to the Order on an interim basis until final requirements were established. Among other requirements, NMPNS was required to complete implementation of Attachment (2), Section B.5.b, by August 31, 2002. NMPNS submitted its response to Section III, Condition B.1 of Order EA-02-026 in Reference (b) and supplemented the response in References (c) and (d).

Subsequently, the NRC issued Reference (e), Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors (Order EA-03-086 or DBT Order) and other security-related Orders to NMPNS. In many ways, Order EA-03-086 complemented or superseded the requirements of the interim measures imposed by Order EA-02-026.

As required by Order EA-03-086, the security plans for NMPNS have been implemented. Subsequently, NMPNS was requested in Reference (f) to respond by May 31, 2005, and to implement appropriate enhancement to current mitigation strategies by August 31, 2005. Specifically, nuclear power plant licensees were requested by Enclosure 2 to Reference (f) to review the Areas of Consideration delineated in Attachment (A) to the Enclosure. Licensees were also requested to evaluate additional considerations for potential inclusion in the licensee mitigating strategies that licensees deemed appropriate in accordance with Attachment (B) to the Enclosure.

NOTE: ATTACHMENT 1 TO THIS LETTER CONTAINS "SAFEGUARDS INFORMATION"  
AND MUST BE PROTECTED ACCORDINGLY. UPON REMOVAL OF ATTACHMENT 1,  
THIS LETTER IS "DECONTROLLED."

## SAFEGUARDS INFORMATION

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Subsequently, the Nuclear Energy Institute (NEI), in conjunction with the NEI Security Working Group, developed and issued guidance for licensee use, to assist licensees in responding to Reference (f).

As requested in Reference (f), we have reviewed the information in Attachments (A) and (B) in accordance with the NEI Guidance and are hereby submitting Attachment (1) to this letter as Safeguards Information. Attachment (1) reflects the results of a comprehensive and thorough review of the guidance and describes the considerations that we either have already implemented or intend to implement by August 31, 2005.

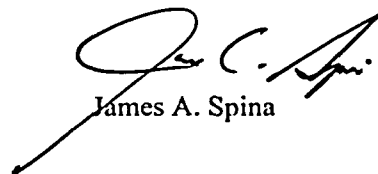
The primary guiding principles used in the conduct of this evaluation were (1) whether or not equipment and resources were "readily available," and (2) if equipment is readily available, can it be effectively utilized in a licensee's mitigating strategy. We considered "readily available" to mean that the equipment or resources were already licensee owned, under contract, or part of an existing Memorandum of Understanding. The second criterion is to ensure that the equipment can be used in a mitigating strategy in an effective manner. Even if the equipment is readily available, it is of no value if it cannot be effective in implementing the mitigating strategy.

In accordance with these principles, mitigative strategies are being implemented to address the NRC's B.5.b. guidance. These strategies are considered to be regulatory commitments and will be managed in accordance with the NMPNS commitment management system, which is based on NEI 99-04, Guidelines for Managing NRC Commitment Changes.

Attachment (2) to this letter is the schedule of actions remaining to be taken regarding implementation of regulatory commitments resulting from the evaluations documented in Attachment 1.

Should you have questions regarding this matter, please contact Mr. M. S. Leonard at (315) 349-4039 or at [Steven.Leonard@constellation.com](mailto:Steven.Leonard@constellation.com).

Very truly yours,



James A. Spina

JAS/DMP

**REFERENCES:**

- (a) Letter from Mr. S. J. Collins (NRC) to Mr. R. L. Wenderlich (NMPNS), "Issuance of Order for Interim Safeguards and Security Compensatory Measures for Nine Mile Point Nuclear Station, Units 1 & 2," dated February 25, 2002
- (b) Letter from Mr. R. L. Wenderlich (NMPNS) to Document Control Desk (NRC), "Response to Commission Order to Modify License for Interim Safeguards and Security Measures," dated March 18, 2002
- (c) Letter from Mr. R. L. Wenderlich (NMPNS) to Document Control Desk (NRC), "First Supplemental Response to Commission Order to Modify License for Interim Safeguards and Security Measures," dated May 14, 2002
- (d) Letter from Mr. J. T. Conway (NMPNS) to Document Control Desk (NRC), "Second Supplemental Response to Commission Order to Modify License for Interim Safeguards and Security Measures," dated June 4, 2002
- (e) Letter from Mr. S. J. Collins (NRC) to Mr. J. T. Conway (NMPNS), "Issuance of Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors," dated April 29, 2003
- (f) Letter from Mr. J. E. Dyer (NRC) to Mr. J. A. Spina (NMPNS), "NRC Staff Guidance for Use in Achieving Satisfactory Compliance with February 25, 2002, Order Section B.5.b," dated February 25, 2005

Attachments: (1) Evaluation of Strategies (Safeguards Information)  
(2) Schedule for Completion

cc: With Attachments 1 and 2:  
Director, Nuclear Reactor Regulation  
Regional Administrator, NRC Region 1  
NRC Senior Project Manager, NRR

With Attachment 2 only:  
Resident Inspector, NRC  
J. P. Spath, NYSERDA