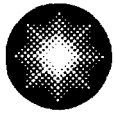


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**Constellation Energy**

R.E. Ginna Nuclear Power Plant

## **SAFEGUARDS INFORMATION**

May 26, 2005

U. S. Nuclear Regulatory Commission  
Washington, DC 20555

**ATTENTION:** Document Control Desk

**SUBJECT:** R.E. Ginna Nuclear Power Plant  
Docket No. 50-244

### 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) for the R.E. Ginna Nuclear Power Plant (Ginna).

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 changes described in Attachment (2) to the Order on an interim basis until final requirements were established. Among other requirements, Ginna was required to complete implementation of Attachment (2) Section B.5.b of Order EA-02-026 by August 31, 2002. Ginna submitted its response to Section III, Condition B.1 of Order EA-02-026 in Reference (b) and supplemented the response in Reference (c).

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 In many ways, Order EA-03-086 complemented or superseded the requirements of the interim measures imposed by Order EA-02-026.

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

**SAFEGUARDS INFORMATION**

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As required by Order EA-03-086, the plans for Ginna have been implemented. Subsequently, Ginna was requested in Reference (e) 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 (e) 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 mitigating strategies that licensees deemed appropriate in accordance with Attachment B to the Enclosure.

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 (e).


As requested in Reference (e), 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 was 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 B.5.b. Guidance. These strategies are considered to be regulatory commitments for that purpose and will be managed in accordance with Ginna's 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 the implementation of regulatory commitments resulting from the evaluations documented in Attachment (1).

Should you have questions regarding this matter, please contact Mr. George Wrobel at (585) 771-3535 or [George.Wrobel@constellation.com](mailto:George.Wrobel@constellation.com).

Very truly yours,  
  
Mary G. Korsnick

MK/MR

**REFERENCES:**

- (a) Letter from Mr. S. J. Collins (NRC) to Mr. Paul C. Wilkins (Ginna NPP), "Issuance of Order for Interim Safeguards and Security Compensatory Measures for the Ginna Nuclear Power Plant," dated February 25, 2002
- (b) Letter from Mr. Robert C. Mecredy (Ginna) to Mr. Samuel J. Collins (NRC), "Twenty Day Response to Interim Safeguards and Security Compensatory Measures Order," dated March 18, 2002
- (c) Letter from Mr. Robert C. Mecredy (Ginna) to Mr. Samuel J. Collins (NRC). "Supplemental Response to Interim Safeguards and Security Compensatory Measures Order," dated June 4, 2002
- (d) Letter from Mr. S. J. Collins (NRC) to Mr. Ronald C. Teed (Ginna), "Issuance of Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors," dated April 29, 2003
- (e) Letter from Mr. J. E. Dyer (NRC) to Mrs. Mary G. Korsnick (Ginna), "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: Director, Office of Nuclear Reactor Regulation  
S. J. Collins, NRC

**With Attachment (2) only**

Donna Skay, NRC Project Manager  
Ginna Resident Inspector, NRC  
Mr. Peter R. Smith, NYS ERDA  
Mr. Paul Eddy, NYS Department of Public Service