



**Constellation Energy**

Nine Mile Point Nuclear Station

P.O. Box 63  
Lycoming, NY 13093

July 13, 2005  
NMP1L 1966

Mr. A. Randolph Blough  
Division of Reactor Projects  
U.S. Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, PA

SUBJECT: Nine Mile Point Units 1 and 2  
Docket Nos. 50-220 and 50-410  
Facility Operating License Nos. DPR-63 and NPF-69

Response to March 18, 2005 Letter Concerning NRC Office of Investigations  
Report 1-2004-005

Dear Mr. Blough:

In the subject letter of March 18, 2005, you described a matter related to the Nine Mile Point Unit 2 (NMP2) Fire Brigade that was being considered for enforcement action. The letter states that the event was a potential violation of the NMP2 Technical Specification 6.4; however, "no response regarding this apparent violation is required at this time." Based on discussions with NRC Regional Staff, it was determined that an unsolicited response was warranted in order to describe actions that Nine Mile Point Nuclear Station, LLC (NMPNS) has taken, and plans to take, in response to this issue.

The following actions were taken in direct response to the issue:

1. The issue was entered into the NMPNS corrective action program to ensure that it would be tracked and trended.
2. The Fire Protection personnel at each of the three Constellation sites were directed to:
  - Review and ensure a full understanding of the licensing commitments related to the conduct of fire drills.
  - Ensure that regulatory commitments associated with unannounced fire drills are captured in the implementing site procedures.
  - Provide training to appropriate personnel that unannounced drills are to remain unannounced to the Fire Brigade.

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3. Constellation issued to all NMPNS supervisory and management personnel a written discussion of the event to address any questions arising from the apparent violation. This included discussion of:
  - o The apparent deliberate violation of the conditions of the NMP2 license.
  - o That Constellation takes seriously all non-compliance issues and will thoroughly address all such concerns.
  - o That Constellation encourages all Nine Mile Point employees and contractors to raise concerns without fear of retribution and, in this regard, listed the multiple means for identifying safety and quality concerns.

The following actions, though not directly related to the event in question, have also been performed within the last year.

1. A training course on Safety Conscious Work Environment (SCWE) was provided to all supervisory and management personnel at each of the three Constellation sites during the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2004. This training included discussion of several case studies and reinforced NRC's prohibitions on retaliation for raising concerns. At NMPNS, the training was provided by the Site Vice President (SVP) and Plant General Manager (PGM).
2. The Institute of Nuclear Power Operations (INPO) recently conducted a pilot assist visit at NMPNS with respect to safety culture. NMPNS was the first plant to receive this pilot assist visit. No items of significance were identified by this visit.

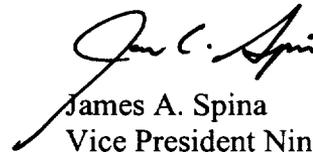
The following related actions will be taken at NMPNS within the next year.

1. Develop and implement a means of continuously evaluating SCWE at NMPNS (e.g., performance indicators, etc). This includes consideration of continuing training with respect to SCWE.
2. Performing a SCWE assessment of the Fire Protection Department to confirm the Department personnel's willingness to raise safety, quality, and regulatory compliance concerns.
3. Mentoring of the NMPNS employee addressed by the apparent violation will be performed by either the SVP or PGM over the next 12 months with respect to procedural compliance expectations.

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If you have any questions or comments, please call Mark Flaherty, Fleet Licensing Manager, at (410) 897-5087, or by e-mail at [mark.flaherty@constellation.com](mailto:mark.flaherty@constellation.com).

Very truly yours,

  
James A. Spina  
Vice President Nine Mile Point

JAS/MDF/sac

cc: Mr. S. J. Collins, NRC Regional Administrator, Region I  
Mr. G. K. Hunegs, NRC Senior Resident Inspector  
Mr. T. G. Colburn, Senior Project Manager, NRR