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October 5, 2010

EA-10-184

Mr. John Carlin
Vice President
R. E. Ginna Nuclear Power Plant, LLC
1503 Lake Road
Ontario, NY 14519

SUBJECT: GINNA NUCLEAR POWER PLANT - NRC SECURITY INSPECTION REPORT
NO. 05000244/2010403; PRELIMINARY GREATER THAN GREEN FINDING(S)

Dear Mr. Carlin:

On August 27, 2010, the U.S. Nuclear Regulatory Commission (NRC) completed a security baseline inspection at your Ginna Nuclear Power Plant. The inspection covered one or more of the key attributes of the security cornerstone of the NRC's Reactor Oversight Process. The enclosed report documents the inspection results, which were discussed on August 27, 2010, with you and other members of your staff.

The inspection examined activities conducted under your license as they relate to security and compliance with the Commission's rules and regulations and with the conditions of your license. The inspectors reviewed selected procedures and records, observed activities, and interviewed personnel.

The enclosed report documents findings (one or more) preliminarily determined to be greater than very low security significance (i.e., greater than Green as determined by the Baseline Security Significance Determination Process (SDP)). The number and nature of security-related greater than Green findings is considered to be sensitive information, and is not included in this letter, but is described in the report. Any deficiencies were promptly corrected or compensated for, and the plant was in compliance with applicable physical protection and security requirements within the scope of this inspection before the inspectors left the site. The cause of the finding(s) is/are related to the cross-cutting area of human performance (work control) because work groups did not communicate, coordinate, and cooperate during activities in which interdepartmental coordination was necessary [H.3(b)].

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As discussed in the enclosed inspection report, the finding(s) is/are also apparent violation(s) of NRC requirements, and is/are therefore being considered for escalated enforcement action in accordance with the Enforcement Policy, which can be found on the NRC's website at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/>.

In accordance with NRC Inspection Manual Chapter (IMC) 0609, we will complete our evaluation using the best available information and intend to issue our final determination of security significance within 90 days of this letter. The significance determination process encourages an open dialogue between the NRC staff and the licensee; however, the dialogue should not impact the timeliness of the staff's final determination.

Before we make a final decision on this matter, we are providing you with an opportunity to, (1) attend a Regulatory Conference where you can present to the NRC your perspective on the facts and assumptions the NRC used to arrive at the finding(s) and assess its/their significance, or (2) submit your position on the finding(s) to the NRC in writing. If you request a Regulatory Conference, it should be held within 30 days of the receipt of this letter, and we encourage you to submit supporting documentation at least one week prior to the conference in an effort to make the conference more efficient and effective. In the interest of protecting sensitive, security-related information, if a Regulatory Conference is held, it will not be open for public observation. If you decide only to submit a written response, such submittal should be sent to the NRC within 30 days of your receipt of this letter. If you decline to request a Regulatory Conference or submit a written response, you relinquish your right to appeal the final SDP determination, in that by not doing either, you fail to meet the appeal requirements stated in the Prerequisite and Limitation sections of Attachment 2 of IMC 0609.

Please contact James Trapp at (610) 337-5186 within 10 days from the issue date of this letter to notify the NRC of your intentions. If we have not heard from you within 10 days, we will continue with our significance determination and enforcement decision. The final resolution of this matter will be conveyed in separate correspondence. Because the NRC has not made a final determination in this matter, no Notice(s) of Violation is/are being issued for the inspection finding(s) at this time. In addition, please be advised that the number and characterization of the finding(s) described in the enclosed inspection report may change as a result of further NRC review.

In addition, if you disagree with the cross-cutting aspects assigned to the finding(s) in this report, you should provide a response within 30 days of the date of this inspection report, with the basis for your disagreement, to the Regional Administrator, Region I, and the NRC Resident Inspector at Ginna Nuclear Power Plant.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system, ADAMS. ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). However, because of the security-related information contained in the enclosure, and in accordance with 10 CFR 2.390, a copy of this letter's enclosure will not be available for public inspection.

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In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response, if any. This practice will ensure that your response will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system, ADAMS. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.22. Otherwise, mark your entire response "Security-Related Information - Withhold Under 10 CFR 2.390" and follow the instructions for withholding in 10 CFR 2.390(b)(1).

Sincerely,

/RA by Peter R. Wilson for/

Darrell J. Roberts, Director
Division of Reactor Safety

Docket No. 50-244
License No. DPR-18

Enclosure: Inspection Report 05000244/2010403
w/Attachment: Supplemental Information (**CONTAINS OFFICIAL USE ONLY -
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cc w/encl; w/OUO-SRI:

G. Palmer, Director of Security

F. Murray, President and CEO, NYSERDA, State of New York

R. Frazier, New York State Office of Homeland Security

cc w/o encl; w/o OUO-SRI: Distribution via ListServ

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G. Palmer, Director of Security, Ginna
F. Murray, President and CEO, NYSERDA, State of New York
R. Frazier, New York State Office of Homeland Security

cc w/o encl; w/o OUO-SRI: Distribution via ListServ

SUNSI Review Complete: BMY (Reviewer's Initials)

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DATE	09/27/10	09/27/10	09/28/10	09/29/10	09/29/10
OFFICE	RI/DRS	RI/ORA	RI/DRS		
NAME	JTrapp/JMT*	DHolody/MMM for*	DRoberts/PRW for		
DATE	09/28/10	09/30/10	10/05/10		

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E. Hayden, OPA

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S. Titherington-Buda, OCFO

M. Williams, OCFO

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C. O'Daniell, RI

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