



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415  
December 2, 2010

EA-10-184

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

**SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A SECURITY-RELATED  
GREATER THAN GREEN FINDING AND NOTICE OF VIOLATION [NRC  
INSPECTION REPORT NO. 05000244/2010405] – R.E. GINNA NUCLEAR  
POWER PLANT**

Dear Mr. Carlin:

The purpose of this letter is to provide you with the final significance determination for a finding preliminarily determined to be of at least low to moderate security significance (Greater than Green). The finding was identified during an NRC inspection conducted at the R.E. Ginna Nuclear Power Plant (Ginna) from August 23-27, 2010, and was presented at an exit meeting held on August 27, 2010. The finding was discussed in detail in the subject inspection report issued on October 5, 2010. Constellation Energy Nuclear Group (CENG) has taken immediate corrective actions to address any security-related vulnerability. The nature of security-related findings, and the corrective actions taken to address such issues, are considered sensitive information and are not included in this letter, but are described in the non-public enclosures.

Our October 2010 letter also offered CENG the opportunity to attend a Regulatory Conference or reply in writing to provide its position on the facts and assumptions the NRC used to arrive at the finding and its security significance. At CENG's request, a Regulatory Conference was held on November 8, 2010, at the NRC's Region I office in King of Prussia, Pennsylvania. During the meeting, CENG staff described CENG's assessment of the significance of the finding and the corrective actions taken to resolve the issue. The NRC staff appreciates the insights you and your staff provided during the conference related to the Baseline Security Significance Determination (BSSDP) Process that is outlined in Inspection Manual Chapter (IMC) 0609, Appendix E – Part I. The NRC staff will consider the points raised by CENG as valuable feedback that may inform future revisions to this document in our ongoing effort to clearly communicate the basis for the significance determination of security-related findings.

The NRC staff agrees with CENG that enhancements could be made to the BSSDP. The NRC has nonetheless concluded, after considering both the information developed during the inspection and that CENG provided during the conference, that the inspection finding is of greater than very low security significance, is appropriately characterized as Greater than Green, and that it will require additional NRC inspections. The NRC has also determined that the condition is a violation of NRC regulations, as cited in the attached Notice of Violation (Notice, Enclosure 1). In accordance with the NRC Enforcement Policy, the Notice is considered an escalated enforcement action because it is associated with a Greater than Green finding. The basis for the NRC's significance determination is provided along with a description of the corrective actions taken by CENG related to the violation in the attached Enclosure 2.

When separated from its Enclosure,  
this document is DECONTROLLED.

You have 30 calendar days from the date of this letter to appeal the staff's determination of significance for the identified Greater than Green finding. Such appeals will be considered to have merit only if they meet the criteria given in the IMC 0609, Attachment 2, "Process for Appealing NRC Characterization of Inspection Findings." An appeal must be sent in writing to the Regional Administrator, Region I, 475 Allendale Rd., King of Prussia, PA 19406. You are not required to respond to this letter. However, if you choose to respond, you should follow the instructions specified in the enclosed Notice when preparing your response.

Because plant performance has been determined to be beyond the licensee response column, we will use the NRC's Security Action Matrix to determine the most appropriate NRC response for this event. We will notify you, by separate correspondence, of that determination.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room located at NRC Headquarters in Rockville, MD, and from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, because of the security-related information contained in the enclosures, and in accordance with 10 CFR 2.390, a copy of this letter's enclosures will not be available for public inspection. In addition, the NRC is waiving the affidavit requirements for your response, if any. This practice will ensure that your response, if you choose to provide one, will not be made available electronically for public inspection in the NRC Public Document Room or from ADAMS. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. 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,



William M. Dean  
Regional Administrator

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

Enclosures:

1. Notice of Violation (non-public)
2. Final Significance Determination and Corrective Action (non-public)

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