



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

September 19, 2011

EA-11-130

Mr. Thomas A. Lynch  
Vice President  
Nine Mile Point Nuclear Station, LLC  
P. O. Box 63  
Lycoming, New York 13093

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A SECURITY-RELATED  
GREEN FINDING [NRC INSPECTION REPORT NOS. 05000220/2011404;  
05000410/2011404] – NINE MILE POINT NUCLEAR STATION

Dear Mr. Lynch:

This letter provides 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 a U.S. Nuclear Regulatory Commission (NRC) security baseline inspection conducted at the Nine Mile Point Nuclear Station (Nine Mile Point) from May 23 - 27, 2011, and was presented at an exit meeting held on May 27, 2011. The finding was discussed in detail in NRC Inspection Report 05000220/2011403 and 05000410/2011403, issued on July 6, 2011 (ADAMS Accession No. ML111870289<sup>1</sup>). Nine Mile Point took immediate corrective actions to address any security-related vulnerability associated with this finding before the NRC inspectors left the site. The nature of security-related findings is considered sensitive information and is not included in this letter, but is described in the non-public enclosure.

The NRC July 6, 2011, letter also offered Nine Mile Point 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. In a letter dated August 5, 2011<sup>2</sup>, Nine Mile Point provided additional information regarding the finding and also described Nine Mile Point's assessment of the significance of the finding. On August 4 - 5, 2011, NRC Region I conducted an additional on-site review at Nine Mile Point and re-evaluated the finding to confirm the information provided in Nine Mile Point's August 5, 2011 letter.

When separated from its Enclosure,  
this document is DECONTROLLED.

<sup>1</sup> Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. The inspection report cover letter is publicly-available using the accession number in ADAMS. The report is not publicly-available because it contains security-related information.

<sup>2</sup> The letter is not publicly-available because it contains security-related information.

T. Lynch

2

After considering the information developed during the inspection and the additional on-site NRC review, as well as the information provided by Nine Mile Point in its August 5, 2011, letter, the NRC has determined that the inspection finding is of very low security significance and should be characterized as Green. The NRC has also determined that the condition is a violation of NRC regulations. The NRC is treating the issue as a non-cited violation (NCV) in accordance with Section 2.3.2.a of the NRC Enforcement Policy because: 1) the violation was of very low security significance; 2) Nine Mile Point restored compliance immediately upon identification of the issue; 3) Nine Mile Point entered the issue into its corrective action program; and, 4) the NRC determined that the violation was neither repetitive nor willful. The basis for the NRC significance determination and discussion of the violation are provided in the attached Enclosure, which also contains Security-Related Information and, therefore, is non-public.

If you contest this NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator Region 1; the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001; and the NRC Resident Inspector at Nine Mile Point.

Additionally, in the letter dated August 5, 2011, Nine Mile Point disputed the cross-cutting aspect that the NRC had assigned to the finding, as described in the inspection report. However, during a follow-up conversation with NRC Region I on August 31, 2011, Nine Mile Point rescinded its dispute. Therefore, the cross-cutting aspect in the area of human performance (decision making, H.1(b)) that was previously assigned to this finding remains unchanged.

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, the Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. However, the material enclosed herewith contains Security-Related Information in accordance with 10 CFR 2.390(d)(1), and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosure will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

T. Lynch

3

If Security-Related Information is necessary to provide an acceptable response, if you choose to submit one, please follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

Sincerely,



James M. Trapp, Chief  
Plant Support Branch 1  
Division of Reactor Safety

Docket Nos. 50-220; 50-410  
License Nos. DPR-63; NPF-69

Enclosure:  
As Described

**(CONTAINS OFFICIAL USE ONLY – SECURITY RELATED INFORMATION (OUO-SRI))**

cc w/encl; w/OUO-SRI:

A. Verno, Manager Nuclear Security  
R. Frazier, Homeland Security Advisor, NY State Dept. of Homeland Security  
F. Murray, President and CEO, NY State Energy Research and Development Authority

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

~~OFFICIAL USE ONLY - SECURITY RELATED INFORMATION~~

T. Lynch

3

If Security-Related Information is necessary to provide an acceptable response, if you choose to submit one, please follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

Sincerely,

/RA/

James M. Trapp, Chief  
Plant Support Branch 1  
Division of Reactor Safety

Docket Nos. 50-220; 50-410  
License Nos. DPR-63; NPF-69

Enclosure:  
As Described

**(CONTAINS OFFICIAL USE ONLY - SECURITY RELATED INFORMATION (OUO-SRI))**

cc w/encl; w/OUO-SRI:

- A. Verno, Manager Nuclear Security
- R. Frazier, Homeland Security Advisor, NY State Dept. of Homeland Security
- F. Murray, President and CEO, NY State Energy Research and Development Authority

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

SUNSI Review Complete: MMM Reviewer's Initials)

DOCUMENT NAME: S:\Enf-allg\Enforcement\Proposed-Actions\Region1\EA-11-130 NMP Final Security Green Public.docx

Non-Public Designation Category: MD 3.4 Non-Public A.3

ADAMS ACC #ML112620510

After declaring this document "An Official Agency Record" the enclosures will NOT be released to the Public. Accession No.:

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RI/ORA	RI/DRS	RI/DRP	RI/ORA	RI/ORA
NAME	M McLaughlin/ MMM*	D Caron/ DCC by email	G Dentel/ GTD*	K Farrar/ KLF*	D Holody/A DeFrancisco for
DATE	9/08/11	9/15/11	9/13/11	9/16/11	9/16/11
OFFICE	RI/ DRS				
NAME	J Trapp/JMT				
DATE	09/19/11				

\* Concurrence on Previous Page

OFFICIAL RECORD COPY

T. Lynch

4

Distribution w encl: (via email)

R Zimmerman, OE  
N Hilton, OE  
D Furst, OE  
N Hasan, OE  
M Ashley, NRR  
S Coker, NSIR  
D Lew, Acting RA  
T McGinty, Acting DRA  
D Roberts, DRP  
D Ayers, DRP  
C Miller, DRS  
P Wilson, DRS (R1DRSMail RESOURCE)  
J Trapp, DRS  
D Caron, DRS  
G Dentel, DRP  
K Kolaczyk, DRP, SRI  
D Dempsey, DRP, RI  
K Kolek, DRP, AA  
D Bearde, DRS  
K Farrar, RI  
D Holody, RI  
C ODaniell, RI  
D Screnci/N Sheehan, OPA, RI  
N McNamara/D Tiff, ORA  
M McLaughlin, ORA