



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
475 ALLENDALE RD, STE 102
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

August 30, 2022

David P. Rhoades
Senior Vice President
Constellation Energy Generation, LLC
President and Chief Nuclear Officer (CNO)
Constellation Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNITS 1 AND 2 – SECURITY
BASELINE INSPECTION REPORT 05000220/2022401 AND 05000410/2022401

Dear David Rhoades:

On August 10, 2022, the U.S. Nuclear Regulatory Commission (NRC) completed an inspection at Nine Mile Point Nuclear Station, Units 1 and 2, and discussed the results of this inspection with Pete Orphanos, Site Vice President, and other members of your staff. The results of this inspection are documented in the enclosed report.

No findings or violations of more than minor significance were identified during this inspection.

This letter, its enclosure, and your response (if any) will be made available for public inspection and copying at <http://www.nrc.gov/reading-rm/adams.html> and at the NRC Public Document Room in accordance with Title 10 of the *Code of Federal Regulations* 2.390, "Public Inspections, Exemptions, Requests for Withholding."

Sincerely,

Daniel L. Schroeder, Chief
Security, Emergency Preparedness and Incident
Response Branch
Division of Radiological Safety and Security

Docket Nos. 05000220 and 05000410
License Nos. DPR-63 and NPF-69

Enclosure:
As stated

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SUBJECT: NINE MILE POINT NUCLEAR STATION, UNITS 1 AND 2 – SECURITY
 BASELINE INSPECTION REPORT 05000220/2022401 AND 05000410/2022401
 DATED AUGUST 30, 2022

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**U.S. NUCLEAR REGULATORY COMMISSION
Inspection Report**

Docket Numbers: 05000220 and 05000410

License Numbers: DPR-63 and NPF-69

Report Numbers: 05000220/2022401 and 05000410/2022401

Enterprise Identifier: I-2022-401-0053

Licensee: Constellation Energy Generation, LLC

Facility: Nine Mile Point Nuclear Station, Units 1 and 2

Location: Lycoming, NY

Inspection Dates: August 8, 2022 to August 10, 2022

Inspectors: D. Caron, Senior Physical Security Inspector
T. Eck, Physical Security Inspector
M. Ordoyne, Physical Security Inspector

Approved By: Daniel L. Schroeder, Chief
Security, Emergency Preparedness and Incident Response Branch
Division of Radiological Safety and Security

Enclosure

SUMMARY

The U.S. Nuclear Regulatory Commission (NRC) continued monitoring the licensee's performance by conducting a security baseline inspection at Nine Mile Point Nuclear Station, Units 1 and 2, in accordance with the Reactor Oversight Process. The Reactor Oversight Process is the NRC's program for overseeing the safe operation of commercial nuclear power reactors. Refer to <https://www.nrc.gov/reactors/operating/oversight.html> for more information.

List of Findings and Violations

No findings or violations of more than minor significance were identified.

Additional Tracking Items

None.

INSPECTION SCOPES

Inspections were conducted using the appropriate portions of the inspection procedures (IPs) in effect at the beginning of the inspection unless otherwise noted. Currently approved IPs with their attached revision histories are located on the public website at <http://www.nrc.gov/reading-rm/doc-collections/insp-manual/inspection-procedure/index.html>. Samples were declared complete when the IP requirements most appropriate to the inspection activity were met consistent with Inspection Manual Chapter (IMC) 2201, "Security Inspection Program for Commercial Nuclear Power Reactors." The inspectors reviewed selected procedures and records, observed activities, and interviewed personnel to assess licensee performance and compliance with Commission rules and regulations, license conditions, site procedures, and standards.

SAFEGUARDS

71130.01 - Access Authorization

The inspectors evaluated the access authorization program. The following elements were evaluated:

Access Authorization (1 Sample)

- (1)
 - Tier I: All Requirements
 - Tier II: All Requirements
 - Tier III: 5 Requirements (02.09, 02.10 a-c, 02.11 a)

71130.02 - Access Control

The inspectors evaluated the access control program through completion of the following inspection elements:

Access Control (1 Sample)

- (1)
 - Tier I: All Requirements
 - Tier II: 10 Requirements (02.06 c, 02.07 a, 02.08 a-d,f-i)
 - Tier III: 1 Requirement (02.09)

71130.08 - Fitness for Duty Program

The inspectors evaluated the fitness for duty program by completing the following inspection elements. A portion of the inspection was conducted at Limerick Generating Station to review corporate elements of this inspection procedure including interviews of the Constellation fleet medical review officer and substance abuse expert, and fitness for duty documents related to blind samples, random testing files, laboratory audits and reports, specimen collector training, secure methodology for transference of drug test results, pre-access files, random files, follow-up files, for cause files, post event files, appeals, dilute tests, subverted tests, adulterated tests, and substituted tests for inspections this year at the James A. Fitzpatrick Nuclear Power Plant and R.E. Ginna Nuclear Power Plant as well as Nine Mile Point Nuclear Station:

Fitness For Duty Program (1 Sample)

- (1)
 - Tier I: All Requirements
 - Tier II: 26 Requirements list requirements (02.05 a - l, 02.06 a - g, 02.07, 02.08, 02.09 a - e)
 - Tier III: 6 Requirements list requirements (02.10, 02.11, 02.12, 02.14 a - c)

71130.09 - Security Plan Changes

The inspectors evaluated the security plan changes through completion of the following procedure elements:

Security Plan Changes (1 Sample)

- (1) Since the last NRC inspection of this program area, Security Plan Revision 14 was implemented based on your determination, in accordance with 10 CFR 50.54(p)(2), that the changes resulted in no decrease in safeguards effectiveness of the security plan, and that the revised security plan change continues to meet the requirements of 10 CFR 73.55(b). The inspectors conducted a review of the security plan change to evaluate for a potential decrease in safeguards effectiveness of the security plan. However, this review does not constitute formal NRC approval of the changes. Therefore, these changes remain subject to future NRC inspection in their entirety.

OTHER ACTIVITIES – BASELINE

71151 - Performance Indicator Verification

The inspectors verified licensee performance indicators submittals listed below:

PP01: Protected Area Security Equipment Performance Index Sample (IP Section 02.17) (1 Sample)

- (1) July 1, 2021 through June 31, 2022

INSPECTION RESULTS

No findings were identified.

EXIT MEETINGS AND DEBRIEFS

The inspectors verified no proprietary information was retained or documented in this report.

- On August 10, 2022, the inspectors presented the security baseline inspection results to Pete Orphanos, Site Vice President, and other members of the licensee staff.

DOCUMENTS REVIEWED

Inspection Procedure	Type	Designation	Description or Title	Revision or Date
71130.01	Miscellaneous		NANTEL Generic Fitness for Duty and Behavior Observation Training	6/1/2021
	Procedures	SY-AA-103-500	Access Authorization Program	Revision 17
		SY-AA-103-500-F-04	Critical Group Inclusion/Removal Form	Revision 02
		SY-AA-103-506	Utilizing the Personnel Access Data System (PADS)	Revision 17
		SY-AA-103-507	Review Criteria for Determining Trustworthiness and Reliability	Revision 09
		SY-AA-103-511	Access Authorization In-Processing/ Out-Processing of Personnel	Revision 26
		SY-AA-103-514	Site Authorization for Unescorted Access	Revision 21
		SY-AA-12	Access Authorization Process Description	Revision 1
	Self-Assessments		Fitness for Duty and Access Authorization Audit Report	8/26/2020
			Fitness for Duty and Access Authorization Program Audit Report	9/1/2021
		21-044 VA	Interquest Northwest Audits	5/27/2021
		A-PIC1-21-05	Pinnacle Investigations Audits	5/6/2021
		NOV 2021-121	Confidential Services Inc	6/23/2021
		XEL 2021-0040	Information Reporting Services Inc Audit	7/28/2021
	71130.02	Corrective Action Documents	04444683 04454314 04460949 04474973 04482637 04483842 04484094 04484519 04484822 04484860 04485365 04487330 04489154	

Inspection Procedure	Type	Designation	Description or Title	Revision or Date
	Procedures	04489241 04502969 04426957 04505276 04511767 04505153 04487330 04511956 04481967 04462041		
		Physical Security Plan		
		SY-AA-101-106	Control and Classification of Safeguards Information (SGI) and Sensitive Unclassified Non-Safeguards Information (SUNSI)	Revision 022
		SY-AA-101-109	Response to Contingency Events	Revision 16
		SY-AA-101-112	Exelon Search Processes	Revision 038
		SY-AA-101-112-1004	Protected Area Search Processes	Revision 5
		SY-AA-101-117	Processing and Escorting of Personnel and Vehicles	Revision 34
		SY-AA-101-118	Control of Badges	Revision 010
		SY-AA-101-120	Control of Security Access Control Devices	Revision 009
		SY-NM-101-117	Processing and Escorting of Visitors at Nine Mile Point	Revision 1
71130.08	Procedures	SY-AA-102	Exelon Generation Fitness for Duty Program	Revision 22
		SY-AA-102-202	Testing for Cause	Revision 21
		SY-AA-102-203	Treatment Plan and Follow-up Testing	Revision 8
		SY-AA-102-204	Random Selection and Notification Process	Revision 14
		SY-AA-102-205	Fitness for Duty Appeal Review	Revision 10
		SY-AA-102-230	Designated Collection Facility	Revision 9
		SY-AA-102-240	Collection of Specimens for Testing in an Exelon Facility	Revision 16
		SY-AA-102-242	Breath Alcohol Testing	Revision 12
		SY-AA-102-243	Urine Collection in a Temporary Collection Site	Revision 7
		SY-AA-102-245-1001	Operators Manual RBTIV	Revision 1

Inspection Procedure	Type	Designation	Description or Title	Revision or Date
	Self-Assessments	NOSA-NMP-20-02 (AR 4307528)	Security Programs Audit	02/06/2020
		NOSA-NMP-20-08 (AR4355859)	Fitness for Duty and Access Authorization Audit Report	08/26/2020
		NOSA-NMP-21-01 (AR 4393708)	Security Programs Audit	02/10/2021
		NOSA-NMP-21-04 (AR 4435762)	Fitness for Duty and Access Authorization Program Audit Report	09/01/2021
71130.09	Miscellaneous		Nine Mile Point Nuclear Station Physical Security, Safeguards Contingency, Security Training and Qualification Plan and Security Program for the Nine Mile Point Independent Spent Fuel Storage Installation	Revision 14
71151	Calculations		PI Calculations July 2021 through June 2022	