



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

January 26, 2023

EA-22-106

Daniel G. Stoddard
Senior Vice President and Chief Nuclear Officer
Dominion Energy, Inc.
Innsbrook Technical Center
5000 Dominion Blvd.
Glenn Allen, VA 23060-6711

SUBJECT: MILLSTONE POWER STATION, UNITS 2 AND 3 – SECURITY BASELINE INSPECTION REPORT 05000336/2022401 AND 05000423/2022401 AND PRELIMINARY FINDING(S) OF GREATER THAN VERY LOW SIGNIFICANCE AND APPARENT VIOLATION(S)

Dear Daniel Stoddard:

On January 4, 2023, the U.S. Nuclear Regulatory Commission (NRC) completed an inspection at Millstone Power Station, Units 2 and 3 and discussed the results of this inspection with Michael O' Connor, Site Vice President, and other members of your staff. The results of this inspection are documented in the enclosed report.

The enclosed report documents one or more findings with an associated apparent violation(s) that the NRC has preliminarily determined to have greater than very low significance. Note that in accordance with the NRC Enforcement Manual, the NRC does not discuss the number of security-related apparent violations that are potentially characterized as greater than very low significance. We assessed the significance of the finding(s) using Inspection Manual Chapter (IMC) 0609, Appendix E, Part I, "Baseline Security Significance Determination Process for Power Reactors," and readily available information. The 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. During this inspection your staff provided material that documented a potential backfit concern under 10 CFR 50.109. The NRC considered your staff's concern in the preliminary disposition and significance determination of the finding(s) and associated apparent violation(s). The finding(s) and basis for the NRC's preliminary significance determination are described in the enclosed report.

We are considering escalated enforcement for the apparent violation(s) consistent with our Enforcement Policy, which can be found at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. Because we have not made a final determination,

Enclosure(s) transmitted herewith contain(s) SUNSI. When separated from enclosure(s), this transmittal document is decontrolled.
--

D. Stoddard

2

no notice of violation is being issued at this time. Please be aware that further NRC review may prompt us to modify the number and characterization of the apparent violation(s).

We intend to issue our final significance determination and enforcement decision, in writing, within 90 days from the date of this letter. The NRC's significance determination process (SDP) is designed to encourage an open dialogue between your staff and the NRC; however, the dialogue should not affect the timeliness of our final determination.

Before we make a final decision, you may choose to communicate your position on the facts and assumptions used to arrive at any finding and assess their significance by either (1) attending and presenting at a regulatory conference or (2) submitting your position in writing. The focus of a regulatory conference is to discuss the significance of the finding(s). Written responses should reference the inspection report number and enforcement action number associated with this letter in the subject line.

If you choose to respond in writing, please mark the response "Response to Preliminary Greater than Very Low Significance Finding(s) in Inspection Report 05000336/2022401 and 05000423/2022401; EA-22-106,;" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region I, and a copy to Daniel Schroeder, U.S. Nuclear Regulatory Commission, Region I, within 40 days of the date of this letter.

If you request a regulatory conference, it should be held within 40 days of your receipt of this letter. Please provide information you would like us to consider or discuss with you at least 10 days prior to any scheduled conference. If you choose to attend a regulatory conference, it will be closed for public observation because the NRC's preliminary finding(s) involve security-related matters.

If you choose not to request a regulatory conference or to submit a written response, you will not be allowed to appeal the NRC's final significance determination.

Please contact Daniel Schroeder at 610-337-5262, or in writing, 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.

Four findings of very low security significance (Green) are also documented in this report. Four of these findings involved violations of NRC requirements. We are treating these violations as non-cited violations (NCVs) consistent with Section 2.3.2 of the Enforcement Policy.

If you contest the violations or the significance or severity of the violations documented in this inspection report, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001; with copies to the Regional Administrator, Region I; the Director, Office of Enforcement; the Director, Office of Nuclear Security and Incident Response; and the NRC Resident Inspector at Millstone Power Station, Units 2 and 3.

The following cross-cutting aspects were assigned to findings using IMC 0310, "Aspects Within Cross-Cutting Areas:" one [H.1] - Resources, two [H.12] - Avoid Complacency, one [H.3] - Change Management, and one [H.8] - Procedure Adherence.

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

D. Stoddard

3

If you disagree with a cross-cutting aspect assignment 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 U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001; with copies to the Regional Administrator, Region I; the Director, Office of Nuclear Security and Incident Response; and the NRC Resident Inspector at Millstone Power Station, Units 2 and 3.

This letter 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 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding."

The enclosed report contains Security-Related Information, so the enclosed report will not be made publicly available in accordance with 10 CFR 2.390(d)(1). If you choose to provide a response that contains Security-Related Information, please mark your entire response "Security-Related Information—Withhold from public disclosure under 10 CFR 2.390" in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. The NRC is waiving the affidavit requirements for your response in accordance with 10 CFR 2.390(b)(1)(ii).

Sincerely,

Blake D. Welling, Director
Division of Radiological Safety and Security

Docket Nos. 05000336 and 05000423
License Nos. DPR-65 and NPF-49

Enclosure:
As stated

cc w/o encl: Distribution via LISTSERV

cc w/encl:
J. Semancik, Director, Radiation Division,
Bureau of Air Management, CT DEEP
F. Newton, Manager, Site Security
J. Perno, Security Operations Superintendent

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

D. Stoddard

4

SUBJECT: MILLSTONE POWER STATION, UNITS 2 AND 3 – SECURITY BASELINE INSPECTION REPORT 05000336/2022401 AND 05000423/2022401 AND PRELIMINARY FINDING(S) OF GREATER THAN VERY LOW SIGNIFICANCE AND APPARENT VIOLATION(S) DATED JANUARY 26, 2023

Distribution w/o encl; w/o OOU-SRI:

MYoung, DORS
SEIkhiamy, DORS
JDeBoer, DORS
EBrady, DORS
JFuller, DORS, SRI
EAllen, DORS, RI

EBousquet, DORS, RI
DHochmuth, DORS, AA
MFerdas, RI OEDO
RidsNrrPMMillstone Resource
RidsNrrDorLp1 Resource
RidsNsrDso Resource

Distribution w/encl; w/OOU-SRI:

ABowers, NSIR
CPantalo, NSIR
DJohnson, NSIR
EWharton, NSIR
JRey, NSIR
FSullivan, NSIR
MBrooks, NSIR

JWorosilo, DRS, RII
SOrth, DRS, RIII
RKellar, DRS, RIV
MYoung, DORS
JFuller, DORS, SRI
DFurst, OE
BHughes, NRR

DOCUMENT NAME: <https://usnrc.sharepoint.com/teams/RIDRSPSBSEC/Shared Documents/Inspection Reports/2022 IR Final/Millstone/Millstone Sec BI IR 2022-401 PUBLIC.docx>

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

ADAMS ACCESSION NUMBER: ML23026A045 (Cover letter w/ enclosure(s))

ADAMS ACCESSION NUMBER: ML23026A048 (Cover letter)

Entire Report: <input checked="" type="checkbox"/> SUNSI Review		<input type="checkbox"/> Non-Sensitive <input checked="" type="checkbox"/> Sensitive			<input type="checkbox"/> Publicly Available <input checked="" type="checkbox"/> Non-Publicly Available	
Cover Letter Only: <input checked="" type="checkbox"/> SUNSI Review		<input checked="" type="checkbox"/> Non-Sensitive <input type="checkbox"/> Sensitive			<input checked="" type="checkbox"/> Publicly Available <input type="checkbox"/> Non-Publicly Available	
OFFICE	RI/DRSS	RI/DRSS	RI/DRSS	RI/DRSS	RI/DORS	RI/DRSS
NAME	TEck	MOrdoyne	SMcCarver	DCaron	MYoung	DSchroeder
DATE	01/23/2023	01/23/2023	01/23/2022	01/23/2023	01/23/2023	01/25/2023
OFFICE	RI/EAGL	RI/DRSS				
NAME	MMcLaughlin	BWelling				
DATE	01/23/2023	01/25/2023				

OFFICIAL RECORD COPY