

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

August 11, 2009

EA-09-108

Mr. Timothy S. Rausch
Senior Vice President and Chief Nuclear Officer
PPL Susquehanna, LLC
769 Salem Blvd - NUCSB3
Berwick, PA 18603

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A “GREATER THAN GREEN”
FINDING AND NOTICE OF VIOLATION [NRC PHYSICAL SECURITY
BASELINE FORCE-ON-FORCE INSPECTION 05000387/2009201 AND
05000388/2009201; SUSQUEHANNA STEAM ELECTRIC STATION]

Dear Mr. Rausch:

On February 10, 2009, the U.S. Nuclear Regulatory Commission (NRC) completed a security baseline inspection at the Susquehanna Steam Electric Station, as relayed to you in the NRC letter dated May 27, 2009, which included the subject inspection report. This letter provides you the final results of our significance determination for the finding identified in the May 27, 2009 correspondence. The inspection finding was assessed using the Significance Determination Process (SDP) and was preliminarily characterized as “Greater than Green,” a finding of greater than very low safety significance resulting in the need for further evaluation to determine significance and, therefore, the need for additional NRC action. Since this finding involved sensitive security-related information, no further description of the finding is contained in this letter.

At your request, a Regulatory Conference (RC) was held on July 1, 2009, to further discuss your views regarding the finding. During the RC, your staff described your assessment of the significance of the finding, its root cause, and your corrective actions. Further, in a letter dated July 10, 2009, you provided the NRC additional information to support your views.

Enclosures 1 and 2 contain Official Use Only,
Security-Related Information. Upon removal of
the enclosures, this letter may be decontrolled.

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The NRC has completed its review of the inspection finding, as well as the information provided at the RC and in your July 10, 2009, letter, and the NRC has concluded that the inspection finding is appropriately characterized as “Greater than Green.” Details concerning the NRC determination are provided as an enclosure to this letter (Enclosure 2). This enclosure contains Official Use Only – Security-Related Information that will not be made available for public review.

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 NRC Inspection Manual Chapter 0609, “Significance Determination Process.”

The NRC has also determined that this finding involved a violation of NRC requirements, as cited in the enclosed Notice of Violation (Notice) (Enclosure 1). The Notice also contains Official Use Only – Security-Related Information that will not be made available for public review. In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a “Greater than Green” finding.

Since the NRC understands your corrective actions for this violation, which were described in the referenced NRC inspection report, as well as during the RC, you are not specifically required to respond to this letter, unless the description in the inspection report does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, you should follow the instructions specified in the enclosed Notice when preparing your response. Further, because this issue involves security-related information, your written response, if you choose to provide one, will not be made available electronically for public inspection in the NRC Public Document Room or from the 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).

In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response to this letter and Notice. 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. However, to the extent possible, your response should not include any personal privacy, proprietary, or Safeguards Information. 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).

The NRC will use the NRC Action Matrix to determine the Agency’s most appropriate response for this finding. We will notify you, by separate correspondence, of that determination.

T. Rausch

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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 or 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. Further, the enclosures must be protected from unauthorized disclosure.

Sincerely,

/RA

Samuel J. Collins
Regional Administrator

Docket No. 50-387 and 50-388
License No. NPF-14, NPF-22

Enclosures (**CONTAIN OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION**):

1. Notice of Violation
2. NRC Evaluation of Additional Information Provided at the Regulatory Conference on July 1, 2009, and in Writing, on July 10, 2009

cc w/encl:

W. Spence, Chief Operating Officer
M. Sleight, Manager, Nuclear Security
D. Allard, Director, Bureau of Radiation Protection, PA DEP
J. Powers, Director, PA Office of Homeland Security

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Sincerely,

/RA/

Samuel J. Collins
Regional Administrator

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W. Spence, Chief Operating Officer
M. Sleigh, Manager, Nuclear Security
D. Allard, Director, Bureau of Radiation Protection, PA DEP
J. Powers, Director, PA Office of Homeland Security

DOCUMENT NAME: S:\Enf-allg\Enforcement\Proposed-Actions\Region1\Susquehanna NOV, Greater than Green Security Finding - 2009a.doc

SUNSI Review Complete: MMM (Reviewer's Initials)

ADAMS ACCESSION NO.: ML092240012

After declaring this document "An Official Agency Record," the letter only will be released to the public. The enclosures will not be released to the public.

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DATE	7/21/09	7/21/09	7/22/09	7/23/09	7/24/09
OFFICE	RI/ORA	HQ/NSIR	HQ/OE	RI/RA	
NAME	DHolody MM for	B. Westreich*	G. Gwiazdowski**	SCollins	
DATE	7/24/09	7/27/09	8/04/09	08/10/09/09	

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*Dave Furst indicated via email dated 7/29/09, NSIR's concurrence.

**Gene Gwiazdowski indicated via phone and email dated 8/4/08, OE's concurrence.

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cc w/o encl; w/o OUO-SRI:

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R. Paley, General Manager, Plant Support
R. Pagodin, General Manager, Nuclear Engineering
M. Crowthers, Manager, Nuclear Regulatory Affairs
R. Smith, General Manager, Site Preparedness and Services
J. Helsel, Manager, Training
D. McGann, Manager, Quality Assurance
J. Scopelliti, Community Relations Manager
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Supervisor, Document Control Services, PPL Susquehanna, LLC
R. Osborne, Allegheny Electric Cooperative, Inc.
J. Johnsrud, National Energy Committee, Sierra Club
E. Epstein, TMI-Alert (TMIA)

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Distribution w/encl: (via e-mail)

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