

**Randolph F. Bateman**

**Mayor**

July 22, 2011

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Mr. William Dean  
Regional Administrator  
U.S. NRC Region I  
475 Allendale Road  
King of Prussia, PA 19406-1415

Dear Mr. Dean:

This letter is in regard to the current work stoppage at Nine Mile Point Nuclear Station near Oswego, NY, which is operated by Constellation Energy Nuclear Group (CENG). As you know, IBEW Local 97 is on strike at this facility and no longer participates in the activities of the station. The specific concern is the ability of the station to respond to an emergency situation which could potentially impact the health and safety of the surrounding community.

As Mayor of the City of Oswego, my concern, as well as my constituents' concern, is to be assured that the current staffing can safely operate the plants under an emergency scenario. I have written a letter to Mr. Sam Belcher, Vice President of Nine Mile Point (copy enclosed), and have also enclosed his response. Mr. Belcher has assured me that the plant is properly staffed with trained and qualified individuals for any given emergency. I would like some further assurances from the NRC that you are comfortable with the qualifications and training of the current staff that is operating the stations in the unforeseen event of an emergency.

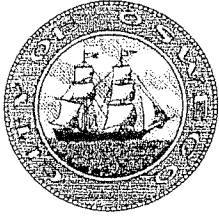
Since the current staffing configuration has never been tested in an emergency situation, I would also request that the NRC perform an unannounced emergency drill to ensure that the emergency response organization, with the current staffing at the station, is fully capable of responding to any emergency event.

Thank you for your attention to my request, and I look forward to your response.

Sincerely,

Randolph F. Bateman  
Mayor, City of Oswego, NY

RFB:jb  
Enclosures  
c. Oswego County Legislature Chairman Leemann  
Scriba Supervisor Burdick  
Oswego Common Council



**Randolph F. Bateman**

**Mayor**

July 12, 2011

Mr. Sam Belcher  
Vice-President CENG  
Nine Mile Point Nuclear Station  
P.O. Box 63  
Lycoming, NY 13093

Dear Mr. Belcher:

The purpose of this letter is to express our concern over the current situation at your site. Specifically, we are concerned about your plan for any emergency situation that may arise during the current labor dispute.

We want to emphasize that we, in no way, wish to enter into discussions about the labor dispute. That issue is between CENG and IBEW Local 97. However, as local community leaders, our concern is for the safety and well-being of our constituents.

We have read in the local press that the NRC has approved your plan to operate the stations. However, we have read nothing specific concerning the staffing in the event of an emergency. We would like some explicit reassurance from you that in the event of an emergency, there are the appropriate numbers of trained and qualified personnel to handle any event.

Any information you can provide would be appreciated, so that we can reassure our constituents that CENG is prepared for all contingencies. Thank you.

Sincerely,

Randy Bateman, Mayor  
City of Oswego

Ken Burdick, Supervisor  
Town of Scriba

RFB:jb

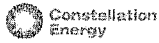
*C. Common Council  
City Attorney*

Sam Belcher  
Vice President-Nine Mile Point

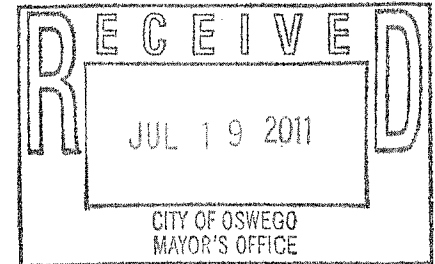
P.O. Box 63  
Lycoming, New York 13093  
315.349.5200  
315.349.1321 Fax

CENG

a joint venture of



NINE MILE POINT  
NUCLEAR STATION



July 14, 2011

Dear Mayor Bateman and Mr. Burdick:

Thank you for your letter and I can fully appreciate your concern for the safety and well-being of your constituents. I hope that the information provided below will help you to provide those constituents with reassurance that in the event of an emergency, Constellation Energy Nuclear Group is fully prepared to handle any event.

The U.S. Nuclear Regulatory Commission (NRC) completed an inspection of our contingency plans in accordance with NRC-IP-92709. The objective contained in IP 92709 that is related to Emergency Planning states: "Determine if the required minimum number of qualified personnel is available for the proper operation and safety of the facility."

Inspection requirements contained within IP 92709 are outlined below and the NRC identified no issues with these items when the inspection was completed nor have they identified issues since the work stoppage began.

- 02.04 Determine if the licensee can meet (is meeting) the requirements for minimum onsite shift staffing of the facility.
- 02.07 Prior to the strike, perform the following:
  - a. Verify that the licensee properly trained non-licensed personnel who will be performing functions to which they are not normally assigned.
  - b. Verify through observation and discussion with one of each of the following plant personnel that they understand their function under the modified staffing plan as follows:
    - 1. Plant management.
    - 2. Senior reactor operators and reactor operators (at reactor sites), plant operators (at fuel facilities).
    - 3. Maintenance.
    - 4. Health Physics.
    - 5. Other personnel responsible for operational or safety functions.
- 2.08 Verify that support from local agencies is adequate to ensure the following:
  - a. Unimpeded access of personnel to the plant.
  - b. Unencumbered delivery of support goods to the site and unencumbered offsite shipment of radioactive materials.
  - c. Mitigation of any possible threat to the site including abusive or violent strikers.

- d. Unimpeded access of medical care and ambulance services to treat injured or contaminated persons.
  - e. Unimpeded access of the local fire department to supplement the site fire fighting unit.
- 02.09 Confirm that site staffing will be sufficient and qualified to implement the site emergency plan (EPlan).
- 02.10 Verify that the emergency communication equipment and the Emergency Notification System, where applicable, are available and operable.

Further guidance in IP 92709 provides:

03.09 Any changes to emergency response organization (ERO) compliment, by position number, or response time to staff emergency response facilities, should be considered a change to the Emergency Plan. The changes must be reviewed under 10 CFR 50.54 for a possible decrease in the effectiveness of the plan. Resident inspectors should contact regional EP specialists for guidance in assessing such changes.

To be clear, there has been no change to the Nine Mile Point Site Emergency Plan in preparation for the work stoppage contingency plans. There has been no change related to minimum ERO compliment, no change to number of ERO positions stated in the Site Emergency Plan and no change to time requirement to staff the emergency response facilities.


All required positions are filled by qualified personnel. The time to staff the emergency facilities remains at 60 minutes from notification. Additionally, sufficient numbers of personnel are trained and qualified to meet the requirement for 24 hour staffing of the emergency facilities. This includes those positions previously staffed by represented personnel in the areas of:

- Operations (including fire brigade)
- Radiation Protection
- Chemistry
- Clerical
- Maintenance including: Mechanics, Electricians and Instrument and Control Technicians

Our contingency plans have been developed over the course of a year as part of the standard preparation for negotiations so we are prepared to safely run the facility and to preserve the long-term viability of the station.

Constellation Energy Nuclear Group's continued focus is on maintaining safe, reliable operation of the plants. We would never do anything to jeopardize our ability to operate the facility safely or our ability to respond in the case of an event. I hope the information we have provided will allow you to provide reassurance to your constituents. If you have additional questions or concerns, please do not hesitate to contact me directly at 349-5200.

Sincerely,



Sam Belcher  
Vice President-Nine Mile Point