



Entergy SAFEGUARDS INFORMATION

Entergy Nuclear Northeast
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511-0249
Tel 914 734 6700

Fred Dacimo
Site Vice President
Administration

~~2003~~
2004
April 29, 2004

Indian Point Units 1, 2, and 3
Docket Numbers 50-03, 50-247, and 50-286
NL-04-050

U.S. Nuclear Regulatory Commission
Document Control Desk
Mail Station O-P1-17
Washington, DC 20555-0001

SUBJECT: Supplemental Response to the April 29, 2003, Orders to Indian Point Units 2 and 3

The NRC issued an Order dated April 29, 2003, Requiring Compliance with Revised Design Basis Threat ("Order EA-03-086" or "Order") and other security related Orders (collectively "Orders") for the Indian Point Units 2 and 3. This Supplemental Response of Entergy Nuclear Operations, Inc. (Entergy) to Order EA-03-086 supplements the previous response dated June 3, 2003 that Entergy filed pursuant to 10 CFR § 50.4 and Section III, Conditions A.1, B.1 and B.2.

Order EA-03-086 imposes license conditions on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 of the Code of Federal Regulations. Section III.A of the Order requires licensees to revise their physical security plans and safeguards contingency plans to provide protection against the revised design basis threat (DBT) set forth in Attachment 2 to the Order. Section III.A also requires licensees to revise the security force training and qualification plan to implement the revised DBT. These revised plans, along with an implementation schedule, were required to be submitted to the Commission for review and approval no later than April 29, 2004.

In accordance with the Order and 10 CFR § 50.4, Entergy is submitting this Supplemental Response for the above-mentioned licensed facilities. This submittal includes, as Attachment A, revisions to the Indian Point Unit 1 and 2 Security Plan and the Indian Point Unit 3 Security Plan, now called the "Indian Point Energy (IPEC) Physical Security, Contingency, and Training and Qualification Plan" as required by Order EA-03-086. This plan contains the integrated commitments to comply with Order EA-03-086 and the other security related Orders issued on February 25, 2002, May 23, 2002, January 7, 2003, and April 29, 2003. The May 23, 2002 order applies to Indian Point Unit 1. Unit 1 did not receive Order EA-03-086 but is considered to be constructively ordered to comply since the security plan for Unit 2, which did receive the order, includes the plan for Unit 1. As a result, these plans supersede previous submittals of Indian Point Units 1, 2 and 3 in these areas, including those related to the February 25, 2002, May 23, 2002, January 7, 2003, and April 29, 2003 Orders. Entergy will continue to implement the provisions of those previous submittals except to the extent that they are superseded by these plans. All changes that have been or will be made have been evaluated to ensure that they do not comprise plant safety.

NOTICE: ATTACHMENTS A, AND E CONTAIN "SAFEGUARDS INFORMATION" AND MUST BE PROTECTED ACCORDINGLY. UPON SEPARATION OF ATTACHMENTS A, AND E FROM THIS LETTER, THIS LETTER, AND ATTACHMENTS B, C, AND D BECOME "DECONTROLLED."

SAFEGUARDS INFORMATION

* N505

SAFEGUARDS INFORMATION

Docket Nos. 50-3, 50-247, 50-286
NL-04-050
Page 2 of 4

Entergy has developed these plans to be consistent with NEI-03-01 (Revision 1), *Nuclear Power Plant Access Authorization Program* (April 2004); NEI-03-09 (Revision 2), *Security Officer Training Program* (April 2004); and NEI-03-12 (Revision 2 (draft)), *Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan* (April, 2004). The schedule for completing those actions, which includes the identification of major transitional activities, is provided in Attachment B to this submittal. To facilitate the NRC's review, any provisions that are different from NEI-03-12 are identified and the justification provided in Attachment C, *Deviations from NEI-03-12*, to this submittal. Attachment D, *Previous Exemptions to 10 CFR Part 73*, is a listing of any exemptions to 10 CFR Part 73 previously granted to Entergy and an explanation of their status under the plans hereby submitted. Attachment E, *Justification for Alternatives*, includes justification for any of the alternatives provided in NEI-03-12 or in "NRC Guidance on Implementation of the April 2003 Revised Design Basis Threat" that Entergy has adopted.

When the final revision of NEI-03-12 is approved by the NRC, Entergy will supplement this response, if necessary, to conform with NEI-03-12 as finally approved. However, with the filing of these plans, Entergy will be implementing its revised protection strategy and completing plant modifications and security personnel training pursuant to these plans to ensure that implementation will be completed by October 29, 2004, as required by the Orders. Upon completion of the implementation of these plans Entergy will be in compliance with all applicable security requirements. For the purpose of complying with the requirements of 10 CFR Part 73 to conduct an annual audit, the date of the letter that will be submitted to the NRC pursuant to Order EA-03-086 certifying that implementation of the plans is complete will be the effective date for determining commencement of the annual audit requirement period.

Because of the requirement for these plans to be fully implemented by October 29, 2004; the need to integrate the requirement of the revised DBT Order with the Orders issued February 25, 2002, May 23, 2002, January 7, 2003, and April 29, 2003; and the Commission's determination that it would be appropriate to exercise enforcement discretion to accommodate any transitional issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of the Orders, Entergy requests that enforcement discretion be exercised during the transition period until full implementation of the plans is accomplished and the physical plant modifications and security force training are complete. At that time, the revised plans will be fully implemented and the exercise of enforcement discretion will no longer be necessary.

As requested the attachments to this letter are being transmitted on CD-ROM. Document Components:

- 01 Transmittal Letter.pdf 218kb
- 02 Attachment A, Security Plan.pdf 703kb
- 03 Attachment B, Action Completion Schedule.pdf 9.37kb
- 04 Attachment C, Deviations From NEI-93-012.pdf 10.8kb
- 05 Attachment E, Justification for Alternatives.pdf 54.9kb
- 06 Signed Security Plan Cover Page.pdf 449kb

NOTICE: ATTACHMENTS A, AND E CONTAIN "SAFEGUARDS INFORMATION" AND MUST BE PROTECTED ACCORDINGLY. UPON SEPARATION OF ATTACHMENTS A, AND E FROM THIS LETTER, THIS LETTER, AND ATTACHMENTS B, C, AND D BECOME "DECONTROLLED."

SAFEGUARDS INFORMATION

SAFEGUARDS INFORMATION

Docket Nos. 50-3, 50-247, 50-286
NL-04-050
Page 3 of 4

Contact Name Mr. Fred Marcussen
Mailing Address Indian Point Energy Center
 50 Broadway
 Buchanan, New York 10511.
E-Mail Address fmarcus@entergy.com
Phone Number (914) 271-7023

This letter contains no new commitments. If you have any questions or require additional information, please contact Mr. Patric W. Conroy, Manager, Licensing at (914) 734-6668.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 29, 2004.

Sincerely,



Fred R. Dacimo
Site Vice President
Indian Point Energy Center

cc: next page

NOTICE: ATTACHMENTS A, AND E CONTAIN "SAFEGUARDS INFORMATION" AND MUST BE PROTECTED ACCORDINGLY. UPON SEPARATION OF ATTACHMENTS A, AND E FROM THIS LETTER, THIS LETTER, AND ATTACHMENTS B, C, AND D BECOME "DECONTROLLED."

SAFEGUARDS INFORMATION

SAFEGUARDS INFORMATION

Docket Nos. 50-3, 50-247, 50-286
NL-04-050
Page 4 of 4

Without Attachments

cc: Mr. Patrick D. Milano, Sr. Project Manager
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Mail Stop O-8-C2
Washington, D.C. 20555-0001

Mr. Hubert J. Miller
Regional Administrator-Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

Mr. Michael K. Webb, Project Manager
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Mail Stop O-7-D1
Washington, D.C. 20555-0001

Resident Inspectors' Office
U.S. Nuclear Regulatory Commission
Indian Point Unit 2
P.O. Box 38
Buchanan, NY 10511-0038

Resident Inspectors' Office
U.S. Nuclear Regulatory Commission
Indian Point Unit 3
P.O. Box 337
Buchanan, NY 10511-0337

Mr. Paul Eddy
NYS Department of Public Service
3 Empire Plaza
Albany, NY 12223

NOTICE: ATTACHMENTS A, AND E CONTAIN "SAFEGUARDS INFORMATION" AND MUST BE PROTECTED ACCORDINGLY. UPON SEPARATION OF ATTACHMENTS A, AND E FROM THIS LETTER, THIS LETTER, AND ATTACHMENTS B, C, AND D BECOME "DECONTROLLED."

SAFEGUARDS INFORMATION