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Entergy Nuclear Northeast
Entergy Nuclear Operations, Inc.
Vermont Yankee
185 Old Ferry Rd.
P.O. Box 500
Brattleboro, VT 05302
Tel 802-257-5271

April 28, 2004
BYY 04-041

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

**Subject: Vermont Yankee Nuclear Power Station
License No. DPR-28 (Docket No. 50-271)
Supplemental Response to Issuance of Orders to Modify License for Revised Design
Basis Threat and Compensatory Measures Related to Security Force Training and
Fitness-For-Duty**

The NRC issued Entergy 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 Vermont Yankee Nuclear Power Station¹ (VY). This Supplemental Response of VY 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, VY is submitting this Supplemental Response for the above-mentioned licensed facility. This submittal includes, as Attachment A, revisions to the VY Physical Security Plan, Contingency Plan and Training and Qualification Plan, as required by Order EA-03-086. These plans contain the integrated commitments to comply with Order EA-03-086 and the other security related Orders issued on February 25, 2002, January 7, 2003, and April 29, 2003. As a result, these plans supersede previous submittals of VY in these areas, including those related to the February 25, 2002, January 7, 2003, and April 29, 2003, Orders. VY will continue to implement the provisions of those previous submittals except to the extent that they are superseded by these plans.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 compromise plant safety.

VY 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

¹ Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. are the licensees of the Vermont Yankee Nuclear Power Station.

NOTICE: Attachments A, C and E contain "Safeguards Information." Upon separation of Attachments A, C and E from this letter, this letter, and Attachments B and D become "DECONTROLLED"

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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 VY and an explanation of their status under the plans hereby submitted. Attachment E, *Justifications for Alternatives*, includes the 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 VY has adopted.

When the final revision of NEI-03-12 is approved by the NRC, VY will supplement this response, if necessary, to conform with NEI-03-12 as finally approved by the NRC. However, with the filing of these plans, VY 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, VY 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, 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, VY 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:

- 001 Transmittal Letter.pdf
- 002 Attachment A, Security Plan.pdf
- 003 Attachment B, Action Completion Schedule.pdf
- 004 Attachment C, Deviations from NEI-03-12.pdf
- 005 Attachment D, Previous Exemptions to 10 CFR Part 73.pdf
- 006 Attachment E, Justification for Alternatives.pdf
- 007 Signed Security Plan Cover Page.pdf

If you have any problems with the CD ROM or require additional information, please contact Mitch McCluskie at (802) 258-4187 or mmcclus@entergy.com.

This letter contains no new commitments.

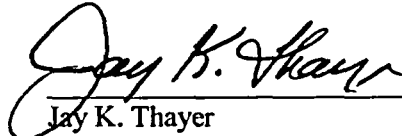
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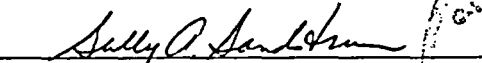
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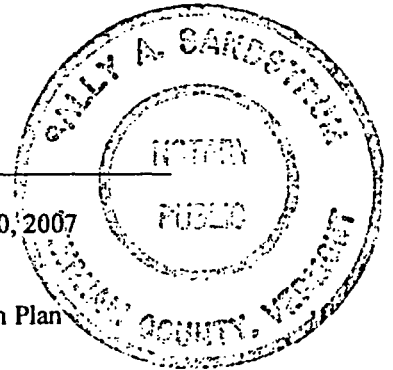
Sincerely,


Jay K. Thayer
Site Vice President

STATE OF VERMONT)
)ss
WINDHAM COUNTY)

Then personally appeared before me, Jay K. Thayer, who, being duly sworn, did state that he is Site Vice President of the Vermont Yankee Nuclear Power Station, that he is duly authorized to execute and file the foregoing document, and that the statements therein are true to the best of his knowledge and belief.


Sally A. Sandstrum, Notary Public
My Commission Expires February 10, 2007



Attachments:

- Attachment A: VY Physical Security Plan, Contingency Plan and Training and Qualification Plan
- Attachment B: VY Major Milestone Implementation Schedule
- Attachment C: Deviations from NEI-03-12
- Attachment D: Previous Exemptions to 10 CFR Part 73
- Attachment E: Justifications for Alternatives

REFERENCES

Entergy letter from Gary J. Taylor, CEO, Entergy Operations, Inc., Entergy Nuclear Operations, Inc. dated June 3, 2003 to DCC – Response to Issuance of Orders to Modify License for Revised Design Basis Threat and Compensatory Measures Related to Security Force Training and Fitness-For-Duty (JPN-03-013)

NRC Letters from Samuel J. Collins to Holders of Licenses for Operating Power Reactors as listed in Enclosure 2, dated April 29, 2003 Regarding Issuance of Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors (EA-03-086), Issuance of Order for Compensatory Measures Related to Training Enhancements on Tactical and Firearms Proficiency and Physical Fitness Applicable to Armed Nuclear Power Plant Security Force Personnel (EA-03-039) and Issuance of Order for Compensatory Measures Related to Fitness-For-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel (EA-03-038)

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cc: all w/o attachments
USNRC Region 1 Administrator
USNRC Resident Inspector – VYNPS
USNRC Project Manager – VYNPS
Vermont Department of Public Service

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