



Entergy Nuclear Northeast
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T.A. Sullivan
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September 14, 2004
JAFP-04-0152

Mr. James E. Dyer
Director, Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

**SUBJECT: James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333**

Supplemental Response to the April 29, 2003, Orders to James A. FitzPatrick
Nuclear Power Plant

Dear Sir or Madam;

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 James A. FitzPatrick Nuclear Power Plant.

Order EA-03-086 imposed 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 required 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 required licensees to revise their 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 Nuclear Operations Inc. (ENO), submitted a Supplemental Response for the James A. FitzPatrick Nuclear Power Plant (JAF) on April 29, 2004. Our activities were scheduled to be implemented by October 29, 2004, as required by the Order. However, in developing and implementing the detailed plans required by the Orders, ENO has determined that it cannot complete the implementation of all of the elements of its plans at JAF by the required October 29, 2004, date.

Attachment 1 to this letter contains Safeguards Information. It includes the specific provision(s) of the Order for which implementation cannot be completed by October 29, 2004; the manner in which ENO had intended to meet that requirement at JAF; the reasons why all elements of the plans will not be able to be implemented by that date; and the steps that will be taken to provide a high degree of assurance that the defensive strategy employed by ENO at JAF will meet the intent of that requirement of the Order until implementation is complete.

Notice: Attachment 1 contains Safeguards Information, upon separation of Attachment 1 this letter and Attachment 2 become "DECONTROLLED"

SAFEGUARDS INFORMATION

* NS1R05

That information will be provided in the following format for each requirement that JAF does not expect to be able to meet by October 29, 2004:

- I. Order requirement;
- II. Original plan commitment to meet that requirement;
- III. Reasons for all elements of the plan not being able to be implemented by October 29, 2004;
- IV. Steps that JAF took to minimize the delay in implementing the pertinent provisions of the JAF plan;
- V. Steps that will be taken to provide a high degree of assurance that the defensive strategy employed by JAF will meet the intent of that requirement of the Order until implementation is complete.

As a result, ENO requests that the Commission grant an extension until December 31, 2004, for completion of implementation of the remaining elements of JAF's plan detailed in Attachment I. Further, because the Commission concluded 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, ENO requests that enforcement discretion be exercised during the period from this request until implementation of the steps necessary to meet the requirement that is the subject of this request is complete. At that time, the revised plans will be fully implemented and the exercise of enforcement discretion will no longer be necessary.

This letter contains a new commitment listed in Attachment 2. If you have any questions or require additional information, please contact Jonathan LaPlante at (315) 349-6406.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 14 th day of September 2004.

Very truly yours,



T. A. Sullivan
Site Vice President

TAS:ed

Attachments:

1. Order EA-03-086 Requirements That Will Not Be Met 10/29/04
2. List of Regulatory Commitments

Cc: with attachments
Robert J. Fretz, Project Manager
Security Plan Review Team
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Notice: Attachment 1 contains Safeguards Information, upon separation of Attachment 1 this letter and Attachment 2 become "DECONTROLLED"

SAFEGUARDS INFORMATION

Cc: with attachments (continued)

United States Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555

Cc: all w/o attachments

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Notice: Attachment 1 contains Safeguards Information, upon separation of Attachment 1 this letter and Attachment 2 become "DECONTROLLED"

SAFEGUARDS INFORMATION