

## SAFEGUARDS INFORMATION

October 28, 2004

Mr. Jay K. Thayer  
Site Vice President  
Entergy Nuclear Vermont Yankee, LLC  
185 Old Ferry Road  
P. O. Box 500  
Brattleboro, VT 05302

SUBJECT: VERMONT YANKEE NUCLEAR POWER STATION - ADMINISTRATIVE CHANGE TO FACILITY OPERATING LICENSE IN CONJUNCTION WITH THE COMMISSION ORDER EA-03-086 REGARDING REVISED DESIGN BASIS THREAT (DBT); AND REVISIONS TO PHYSICAL SECURITY PLAN, TRAINING AND QUALIFICATION PLAN, AND SAFEGUARDS CONTINGENCY PLAN (TAC NO. MC2984)

Dear Mr. Thayer:

By letter dated April 28, 2004, Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. submitted a supplemental response in accordance with Order EA-03-086, the Order requiring compliance with the revised design basis threat, dated April 29, 2003 (DBT Order) for the Vermont Yankee (VY) Nuclear Power Station. Section III.A of the DBT Order required licensees to revise physical security plans (PSPs), training and qualification plans (T&Q Plans), and safeguards contingency plans (SCPs) in order to provide protection against the revised DBT set forth in Attachment 2 to the DBT Order. These revised plans, along with an implementation schedule, were required to be submitted to the Nuclear Regulatory Commission (NRC or the Commission) for review and approval no later than April 29, 2004.

The NRC staff's review of the VY PSP, SCP, and T&Q Plan submitted in your letter dated April 28, 2004, as supplemented on July 8, July 13, July 22, August 5, August 12, August 19, August 27, September 29, and October 18, 2004, has focused on ensuring that the necessary programmatic elements are contained in these plans in order to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety.

**NOTICE:** Enclosure 2 contains Safeguards Information. Upon separation from Enclosure 2, this letter and Enclosure 1 are DECONTROLLED.

## SAFEGUARDS INFORMATION

The NRC staff has determined that, subject to subsequent inspection and evaluation, these plans contain the necessary programmatic elements that, when effectively implemented, will provide the high assurance that VY will be protected against the revised DBT. The NRC staff, therefore, approves the PSP, SCP, and T&Q Plan for VY. However, ultimately the effectiveness of these plans will be judged on your ability to meet regulatory requirements through facility implementing procedures and site practices. As such, your facility implementing procedures and practices will continue to be subject to future NRC review and inspection, including NRC-conducted force-on-force exercises.

In addition, the NRC staff noted that your PSP included alternatives to certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 73.55. In each case, the NRC staff found that the alternative measures provide an equivalent level of protection to that of the associated requirements and meets the high assurance objectives of 10 CFR 73.55(a). The NRC staff, therefore, approves the alternatives shown in the table below. The NRC staff's evaluation is discussed further in the enclosed Safety Evaluation (SE).

<b>Approved Alternatives to the Requirements of 10 CFR Part 73</b>			
<b>SE Section</b>	<b>PSP Section</b>	<b>Alternative to 10 CFR</b>	<b>Description</b>
3.6.2	6.2	73.55(c)(3)	Isolation Zones
3.9.4.3	9.4.3	73.55(d)(4)	PA vehicle search requirements
3.9.4.4	9.4.4	73.55(d)(1)	PA personnel search requirements
3.9.5.2	9.5	73.55(d)(1) 73.55(d)(4)	PA access control requirements
3.10.1	10.1	73.55(c)(5)	PA illumination requirements
3.13.1	14.1	73.55(c)(1) 73.55(d)(7)(i)(B)	Temporary reclassification of VAs to PA status (devitalization)

Finally, consistent with the DBT Order, conforming administrative changes to Facility Operating Licenses (FOLs) are required to ensure implementation of DBT Order requirements. Therefore, an administrative license change to FOL No. DPR-28 is being made to incorporate the reference to the revised PSP, SCP, and T&Q Plan required by the DBT Order. This change complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I.

Please replace the enclosed page to your FOL as indicated in Enclosure 1.

J. Thayer

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A copy of our SE with regard to your security plans (designated as Safeguards Information) is provided in Enclosure 2.

Sincerely,

*/RA/*

John A. Nakoski, Section Chief  
Security Plan Review Team  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosures: 1. Administrative Change to FOL No. DPR-28  
2. Safety Evaluation (**Safeguards Information**)

cc w/encl 1 only: See Mailing List 1

cc w/encls 1 and 2: Patrick Ryan, Security Manager

J. Thayer

- 3 -

A copy of our SE with regard to your security plans (designated as Safeguards Information) is provided in Enclosure 2.

Sincerely,

*/RA/*

John A. Nakoski, Section Chief  
Security Plan Review Team  
Project Directorate II  
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cc w/encls 1 and 2: Patrick Ryan, Security Manager

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\* See previous concurrence

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DATE	10/11/04	10/11/04	10/22/04	10/27/04	10/22/04	10/28/04	10/26/04

OFFICIAL RECORD COPY

Vermont Yankee Nuclear Power Station

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ENERGY NUCLEAR VERMONT YANKEE, LLC, AND

ENERGY NUCLEAR OPERATIONS, INC.

VERMONT YANKEE NUCLEAR POWER STATION

DOCKET NO. 50-271

ADMINISTRATIVE LICENSE CHANGE TO FACILITY OPERATING LICENSE

License No. DPR-28

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. Consistent with Order EA-03-086, the Order requiring compliance with the revised design basis threat (DBT Order), issued on April 29, 2003, conforming administrative changes to Facility Operating Licenses (FOLs) are required to ensure implementation of DBT Order requirements. Therefore, an administrative license change to FOL No. DPR-28 is being made to incorporate the reference to the revised Physical Security Plan, Safeguards Contingency Plan, and Training and Qualification Plan required by the DBT Order. These changes comply with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I;
  - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - C. There is reasonable assurance (i) that the activities authorized by this administrative license change can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
  - D. The issuance of this administrative license change will not be inimical to the common defense and security or to the health and safety of the public; and
  - E. The issuance of this administrative license change is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

Enclosure 1

2. Accordingly, the FOL is changed, as indicated in the attachment.
3. This administrative license change is effective as of its date of issuance and shall be implemented on or before October 29, 2004.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

John A. Nakoski, Section Chief  
Security Plan Review Team  
Project Directorate II  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

Attachment: Changes to the FOL

Date of Issuance: October 28, 2004

CHANGES TO FACILITY OPERATING LICENSE NO. DPR-28

DOCKET NO. 50-271

Replace the following page of Facility Operating License DPR-28 with the attached revised page as indicated. The revised page is identified by revision date and contains marginal lines indicating the area of change.

Remove Page

7

Insert Page

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- c. A verification or coding system for emergency messages between Entergy Nuclear Operations, Inc. and the state police headquarters of the respective states and the Commonwealth.
- 14. Entergy Nuclear Operations, Inc. shall furnish advance notification to MDPH, or to another Commonwealth agency designated by MDPH, of the time, method and proposed route through the Commonwealth of any shipments of nuclear fuel and wastes to and from the Vermont Yankee facility which will utilize railways or roadways in the Commonwealth.
- F. Entergy Nuclear Operations, Inc. shall implement and maintain in effect all provisions of the approved Fire Protection Program as described in the Final Safety Analysis Report for the facility and as approved in the SER dated January 13, 1978, and supplemental SERS, dated 9/12/79, 2/20/80, 4/15/80, 7/3/80, 10/24/80, 11/10/81, 1/13/83, 7/24/84, 3/25/86, 12/1/86, 12/8/89, 11/29/90, 8/30/95, 3/23/97, 6/9/97, 8/12/97, 3/6/98, 3/31/98, 9/2/98, and 2/24/99, subject to the following provisions:

Entergy Nuclear Operations, Inc. may make changes to the approved Fire Protection Program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

G. Security Plan

Entergy Nuclear Operations, Inc. shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans<sup>1</sup>, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Vermont Yankee Nuclear Power Station Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan, Revision 0," submitted by letter dated October 18, 2004.

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<sup>1</sup> The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.