



Entergy Nuclear Northeast
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601
Tel 914 272 3200
Fax 914 272 3205

Michael R. Kansler
President

November 23, 2004
NL-04-146
BVY-04-125
ENO ltr. 2.04.113
JPN-04-017

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

SUBJECT: Entergy Nuclear Operations, Inc.
Indian Point Nuclear Generating Units Nos. 2 and 3
Docket Nos. 50-247, and 50-286
Vermont Yankee Nuclear Power Station
Docket No. 50-271
Pilgrim Nuclear Power Station
Docket No. 50-293
James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
**Request for Extension to Answer the
November 5, 2004, Order Imposing Requirements for the
Protection of Certain Safeguards Information (EA-04-190)**

REFERENCE: NRC letter from J. E. Dyer to holders of licenses for power and research and test reactors as listed in Attachment 1 to Enclosure 1, dated November 5, 2004 regarding order imposing requirements for the protection of certain safeguards information.

Dear Sir:

Section IV of the November 5, 2004, Order Imposing Requirements for the Protection of Certain Safeguards Information (EA-04-190) ("Order") states that, in accordance with 10 CFR §2.202, the recipient of the Order must submit an answer to the Order, and may request a hearing on the Order, within 20 days of the date of the Order. Attachment 2 to the Order, *Modified Handling Requirements for the Protections of Certain Safeguards Information (SGI-M)*,

IF53

which is incorporated by reference with the Order, contains detailed requirements which recipients of the Order must meet.

Pursuant to the provisions of Section IV, of the Order, the above captioned licensees (hereinafter "Entergy Nuclear Operations, Inc." or "ENO") hereby request an extension of time in which to submit an answer to or request a hearing with respect to one or more provisions of the Order. The implications of the Order to licensees who have a program for controlling Safeguards Information that meets all current regulatory requirements is not clear, and the granting of time to interact with the NRC to ensure that the Commission's intent in issuing the Order and how it is to be implemented is clear, is both necessary and appropriate.

ENO requests an extension of time to answer the Order not to exceed twenty (20) days after clarification of the following issues:

1. Clarify that an existing Safeguards Information program can be used and how it can be used to satisfy the Order (i.e., a separate SGI-M program is not required), and that no changes to that Safeguards Information program are required by the Order.
2. Attachment 2 establishes different, and in some cases, more restrictive requirements than our existing Safeguards Information program.
3. Resolution of potential programmatic compliance issues arising when a licensee uses its existing Safeguards Information program but must interface with an entity using an SGI-M program where the requirements are different (e.g., double versus single envelopes; differing requirements on telecommunications).

The need for clarity regarding these and related issues constitutes good cause for the requested extension to be granted. During this period, ENO will control all material designated SGI-M under its Safeguards Information program. ENO also requests that the Commission exercise enforcement discretion during this period.

If you have any questions, or require additional information, please contact Ms. Charlene Faison at 914-272-3378. This letter includes no new commitments.

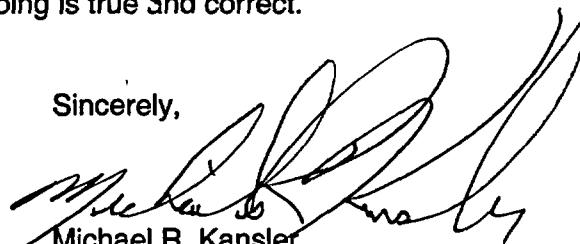
In accordance with 10 CFR § 2.202(b), the following affirmation is provided:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

11/23/04
Date

Sincerely,


Michael R. Kansler

cc: Next page.

cc:

Mr. Samuel J. Collins
Regional Administrator, Region I
U. S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406-1415

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 0-8-C2
Washington, DC 20555-0001

Mr. Robert Fretz, Project Manager
License Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Mail Stop 0-8-B2
Washington, DC 20555-0001

Mr. Richard B. Ennis, Project Manager
License Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Mail Stop 0-8-B1
Washington, DC 20555-0001

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

Senior Resident Inspector's Office
Indian Point Unit 2
U. S. Nuclear Regulatory Commission
P. O. Box 59
Buchanan, NY 10511-0059

Resident Inspector's Office
James A. FitzPatrick
U.S. Nuclear Regulatory Commission
P.O. Box 136
Lycoming, NY 13093-0136

Senior Resident Inspector
Pilgrim Nuclear Power Station
U. S. Nuclear Regulatory Commission
600 Rocky Hill Road
Mail Stop 66
Plymouth, MA 02360

USNRC Resident Inspector
Vermont Yankee Nuclear Power Station
320 Governor Hunt Road
P. O. Box 157
Vernon, VT 05354

Mr. David O'Brien
Commissioner
Department of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601

Director
Office of Nuclear Materials and Safeguards
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Assistant General Counsel for Materials
Litigation and Enforcement
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mr. Paul Eddy
New York State Department of Public
Service
3 Empire State Plaza
Albany, NY 12223-6399

Document Control Desk
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001