

Entergy

Entergy Nuclear Northeast
Entergy Nuclear Operations, Inc.
James A. FitzPatrick NPP
P.O. Box 110
Lycoming, NY 13093
Tel 315-342-3840

Pete Dietrich
Site Vice President - JAF

January 21, 2010
JAFP-10-0007

U.S. Nuclear Regulatory Commission
Document Control Desk
Washington, D. C. 20555

Subject: James A. FitzPatrick Nuclear Power Plant – Request for Exemption From Physical Security Requirements (Redacted)

**Entergy Nuclear Operations, Inc.
James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
License No. DPR-59**

Dear Sir or Madam:

In accordance with the requirements of 10 CFR 73.5, Entergy Nuclear Operations Inc. (ENO), requests the Nuclear Regulatory Commission (NRC) approve an exemption from specific requirements of 10 CFR Part 73, "Physical Protection of Plants and Materials" for the James A. FitzPatrick Nuclear Power Plant (JAF). The requested exemption would extend the compliance date for implementation of certain new security requirements issued by the NRC in a Final Rule dated March 27, 2009 (74 FR 13926).

Pursuant to the Final Rule, the new security requirements must be implemented by March 31, 2010. ENO has evaluated these new requirements and determined that many can be implemented by the required date. However, specific parts of the new requirements will require more time to implement since they involve significant upgrades to the security system. These changes involve physical modifications that include []. Attachment 1 requests schedular exemption from certain physical security requirements contained in 10 CFR 73.55, provides the basis for the proposed exemptions, defines project milestones, and provides an Environmental Assessment. Attachment 2 provides a site layout sketch illustrating [].

ENO is requesting an extension from the March 31, 2010, implementation date to December 31, 2010, for these specific requirements based on the time required to design, procure equipment, and install the necessary modifications: consideration of impediments to construction such as winter weather conditions, and material delivery dates as shown in Attachment 1, Table 2, Project Milestones.

JAF's current security program and the new security requirements that will be implemented by March 31, 2010, will provide continued assurance of public health and safety and common defense and security.

S001A
NRK

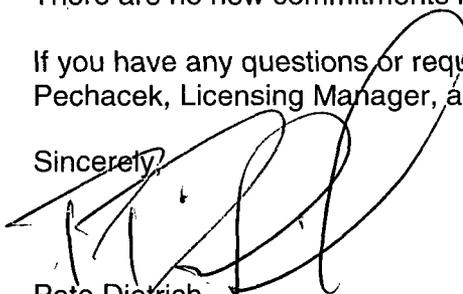
ENO requests approval of this schedular exemption request by March 25, 2010 to allow time to prepare and implement compensatory measures if the exemption is not granted. The proposed schedular exemptions are requested to be effective upon issuance.

A Security-Related version of this letter requesting withholding from public disclosure, JAFP-10-0006, was signed and submitted to the NRC on this date.

There are no new commitments made in this letter.

If you have any questions or require additional information, please contact Mr. Joseph Pechacek, Licensing Manager, at 315-349-6766.

Sincerely,



Pete Dietrich
Site Vice President - JAF

Attachment 1: Request For Exemption From Physical Security Requirements (Redacted)
Attachment 2: Site Plan

PD/JP/ed

cc:

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

Office of NRC Resident Inspector
James A. FitzPatrick Nuclear Power Plant
P.O. Box 136
Lycoming, New York 13093

Mr. Francis J. Murray, President
New York State Energy Research and
Development Authority
17 Columbia Circle
Albany, New York 12203-6399

Mr. Bhalchandra K. Vaidya
Project Manager, LPL1-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulations
Mail Stop: O8C2A
Washington, DC 20555

Mr. Paul Eddy
New York State Department of Public
Services
3 Empire State Plaza
Albany, New York 12223-1350

JAFP-10-0007

Attachment 1

Request For Exemption From Physical Security Requirements

(Redacted)

(6 Pages)

Request For Exemption From Physical Security Requirements (Redacted)

A. Background

The Nuclear Regulatory Commission (NRC) issued a Final Rule for new security requirements in the Federal Register dated March 27, 2009. Per the Final Rule, new security requirements must be implemented by March 31, 2010. Entergy Nuclear Operations Inc. (ENO), has evaluated these new requirements and determined that many can be implemented within the implementation period. However, ENO has also determined that implementation of specific requirements will require additional time beyond March 31, 2010.

ENO has approved a plan, for physical modifications, that includes []. The analysis phase has been completed and the design phase for the modifications and security equipment additions has commenced. Installation, testing, and turnover will be completed by December 31, 2010.

B. JAF Security System Upgrade

The scope of work to meet the new security requirements of 10 CFR 73.55 includes but is not limited to the following major items:

[]

Due to the scope of the design, procurement, and installation activities and in consideration of impediments to construction such as winter weather conditions and equipment delivery schedules as shown in Attachment 1, Table 2, Project Milestones, completion of some of the new requirements contained in 10 CFR 73.55 will require additional time beyond March 31, 2010.

With approval of this exemption request, the Part 73 provisions required to be implemented by March 31, 2010 will be completed except for the proposed exemptions described in Section C below. These items, subject to the request for an exemption, will be implemented by December 31, 2010. JAF will then be in full compliance with the Final Rule.

C. Proposed Exemptions

ENO requests a schedular exemption, from the compliance date only, for the items listed in this section. JAF's current security program and the new requirements that will be implemented by March 31, 2010, will provide continued assurance of public health and safety and common defense and security. Accordingly, the requested exemption is authorized by law and will not endanger life or property or the common defense and security in accordance with 10 CFR 73.5.

Item 1

[]

Issue

[]

Request For Exemption From Physical Security Requirements (Redacted)

Item 2

[]

Issue

[]

Item 3

[]

Issue

[].

Item 4

[]

Issue

[]

Item 5

[]

Issue

[]

Item 6

[]

Issue

[]

D. Basis for Proposed Exemptions

Energy Nuclear Operations Inc. (ENO), is requesting schedular exemption from [] for the James A. FitzPatrick Nuclear Power Plant (JAF). The request for an exemption from the March 31, 2010, implementation date to December 31, 2010, is based on [].

Request For Exemption From Physical Security Requirements (Redacted)

Using established processes, the duration (study, design, construction, testing, and turnover) of a project of this magnitude is typically 18 – 24 months. The 12-month implementation period significantly challenged this timeframe. The challenge is further complicated by 1) the harsh winter typically experienced in Oswego County and 2) delivery times for additional equipment needed to fully meet the sections of the rule specified in this request. JAF is continuing efforts to implement the remaining new Part 73 requirements identified in the March 27, 2009, Federal Register Notice (Final Rule) and associated Regulatory Guides issued in July 2009 by March 31, 2010.

The following is a more detailed description of the work activities associated with the physical modifications.

[]

Table 1 summarizes each specific exemption requested, the basis for the exemption, and the scheduled completion date for the installation of the necessary modifications. The scheduled completion dates have been developed based on current information, delivery schedules and anticipated impediments to construction, specifically the harsh winter weather conditions that create personnel safety issues.

Table 2 provides a list of milestone activities and composite milestone due dates for those activities.

Individual completion dates may change as designs are finalized and construction proceeds. Therefore, these dates are not considered to be regulatory commitments.

E. Environmental Assessment

ENO is requesting an exemption for JAF in accordance with 10 CFR 73.5, "Specific Exemptions". The requested exemption is schedular in nature and would defer the compliance date for six specific provisions of 10 CFR 73.55 from March 31, 2010, to December 31, 2010. The proposed exemption is needed to allow additional time for the design and installation of security modifications.

JAF's current security program and the new requirements that will be implemented by March 31, 2010, will provide continued assurance of public health and safety and common defense and security.

Deferral of the compliance date for six specific provisions of 10 CFR 73.55 is a schedular change only and, therefore does not result in any physical changes to structures, systems or components or land use at JAF. The deferral of the compliance date does not involve:

- any change to the types, characteristics, or quantities of non-radiological effluents discharged to the environment,
- any change to liquid or gaseous radioactive effluents discharged to the environment,
- any change in the type or quantity of solid radioactive waste generated,
- any change in occupational dose under normal or design basis accident conditions,
- any change in the public dose under normal or design basis accident conditions,
- any land disturbance.

Request For Exemption From Physical Security Requirements (Redacted)

Conclusion:

There is no significant radiological environmental impact associated with the proposed schedular exemption. The proposed exemption will not affect non-radiological plant effluents or any historical sites

Request For Exemption From Physical Security Requirements (Redacted)

**Table 1
Exemption Summary**

[]

The dates provided are best estimates based on information available at the time the schedule was developed and may change as designs are finalized and construction proceeds. Therefore, these dates are not considered to be regulatory commitments.

Request For Exemption From Physical Security Requirements (Redacted)

**Table 2
PROJECT MILESTONES**

[]

The dates provided are best estimates based on information available at the time the schedule was developed and may change as designs are finalized and construction proceeds. Therefore, these dates are not considered to be regulatory commitments.

JAFP-10-0007

Attachment 2

Site Plan

(1 Page)

Site Plan

[]