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Joseph Pollock
Site Vice President
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NL-10-009

January 28, 2010

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

SUBJECT: Exemption Request From Physical Security Requirements
Indian Point Generating Units Number 1, 2 and 3
Docket Nos. 50-003, 50-247 and 50-286
License Nos. DPR-5, DPR-26 and DPR-64

Dear Sir or Madam:

In accordance with the requirements of 10 CFR 73.5, Entergy Nuclear Operations, Inc, (Entergy) requests the Nuclear Regulatory Commission (NRC) approve an exemption from specific requirements of 10 CFR Part 73, "Physical Protection of Plants and Materials." The exemption requested 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) Indian Point Generating Units Number 1, 2 and 3.

Pursuant to the Final Rule, the revised security requirements must be implemented by March 31, 2010. Entergy has performed an evaluation of the Final Rule and will achieve compliance with many of the requirements by the March 31, 2010 compliance date. However, specific requirements involve significant upgrades to the security system that will require more time to implement. Attachment 1 to this letter provides additional details regarding the scope of our activities and:

- identifies the specific requirements of the rule that need additional time to implement;
- describes the reasons additional time is required;
- provides technical information discussing the means for compliance with the requirements;
- provides the implementation schedule with activity milestones; and

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- evaluates the impact that the additional time to implement the requirements will have on the effectiveness of the licensee's overall physical protection program and protective strategy.

Based on the demonstrated ability to implement the Plan and the defensive strategy it is concluded that the proposed exemptions will not adversely impact the health and safety of the public or the common defense and security. The exemption is in the public interest due to the expanded capabilities of the security plan. Entergy requests that the Commission approve this exemption as authorized by law as allowed by 10 CFR 73.5. Approval is requested by March 29, 2010 to be effective immediately.

The information in Attachment 1 and Enclosure 1 was redacted to remove security related information as described in 10 CFR 2.390(d)(1). A version of this letter that contains the information not for public disclosure was signed and submitted to the NRC on this date and is designated NL-10-008.

This letter contains no new regulatory commitments.

If you have any questions or require additional information, please contact Mr. Robert Walpole, Manager, Licensing at (914) 734-6710.

Sincerely,



JEP/sp

Attachment: 1. Exemption Request for Indian Point Generating Units Number 1, 2 and 3
Enclosure: 1. Figure "Composite Plot Plan"

cc: Mr. John P. Boska, Senior Project Manager, NRC NRR DORL
Mr. Theodore Smith, Project Manager, NRC FSME DWMEP DURLD
Mr. Samuel J. Collins, Regional Administrator, NRC Region 1
NRC Resident Inspectors

ATTACHMENT 1 TO NL-10-009

EXEMPTION REQUEST FOR INDIAN POINT GENERATING
UNITS NUMBER 1, 2 AND 3

ENTERGY NUCLEAR OPERATIONS, INC.
INDIAN POINT NUCLEAR GENERATING UNITS NO. 1, 2 and 3
DOCKET NOS. 50-003, 50-247, and 50-286

**Indian Point Nuclear Generating Units No. 1, 2 and 3
Request for Exemption from Specific Provisions in 10 CFR 73.55**

A. Background

The NRC recently issued a Final Rule for revised security requirements in the Federal Register dated March 27, 2009. Pursuant to the 10 CFR 73.55(a)(1) of the Final Rule, the revised security requirements in 10 CFR 73.55 must be implemented by March 31, 2010. Entergy has evaluated these new requirements and the implementation schedule for the Indian Point Energy Center (IPEC). Many of the requirements will be implemented by the required due date, however, there are a number of requirements that will require additional time to implement.

The activities that will take additional time to implement are [].

B. IPEC Security System Upgrade

The scope of work to meet the new security requirements of 10 CFR 73.55 and address plans to further upgrade the security system includes but is not limited to the following major items:

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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 completion of some of the activities to meet the new requirements contained in 10 CFR 73.55 will require additional time beyond March 31, 2010. The attached Table 1 provides a high level project milestone schedule for the completion of the modifications necessary to comply with the rule. This estimate is the best estimate available based on information currently available and may change if designs are changed or equipment is delayed. Additional work on security upgrades beyond the rule requirements is also underway but will not be completed until 2011 or after.

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 which are subject to this request. These items, subject to the request for an exemption, will be implemented per the schedule. This schedule provides reasonable assurance that the rule will be implemented at that time and IPEC will be working to improve this schedule. On completion IPEC will be in full compliance with the Final Rule.

C. Proposed Exemptions

Entergy requests an exemption, from the compliance date only, for the items listed in this section. The current IPEC Physical Security Plan, Training and Qualification Plan, and the new requirements that will be implemented by March 31, 2010 will provide continued assurance of the health and safety of the public in addition to the common defense and security. The exemption is in the public interest due to the expanded capabilities that will be provided and the inability to meet current schedule requirements. Entergy requests that the Commission approve this exemption as authorized by law as allowed by 10 CFR 73.5.

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D. Basis for Exemptions

Entergy is seeking exemptions from the March 31, 2010, compliance date to [] for five provisions listed in 10 CFR 73.55(e) and (i) as discussed in C above. A schedule for these construction projects is summarized in attached Table 1 which shows critical milestones. The enclosure 1 Figure "Composite Plot Plan" shows the locations of the new equipment and barriers. The most important element to note in our basis for the exemption is that four of the five requirements that require the schedule exemption are tied to the finalization of the []. The other requirement for which schedule exemption is required is for the []. This schedule is virtually the same as that for the []. This exemption is also tied to the [].

These significant plant modifications are complex, involve the construction of new facilities and thus warrant thorough review of the safety-security interface as well as involving extensive design and procurement efforts. The integration of these efforts with those to provide further security system improvements is part of this work effort. These activities involve work with high voltage cabling and the personnel safety risk associated with such work must be assured. All of these efforts require careful design, planning, procurement, and implementation efforts.

Using established processes, the duration (study, design, construction, testing, and turnover) of a project of this magnitude is typically 24 months or more. The 12-month implementation period challenged this timeframe significantly. The challenge is further complicated by 1) several months of harsh winter typically experienced at IPEC, 2) site topography of hills and rocks requiring additional installation time and care for personnel safety, and 2) most significantly, delivery times for additional equipment needed to fully meet the sections of the rule specified in this request. IPEC is continuing efforts to implement, by March 31, 2010, the remaining new Part 73 requirements identified in the March 27, 2009, Federal Register Notice (Final Rule) and associated Regulatory Guides (RG) issued in July 2009.

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

Technical Information Supporting the Proposed Solutions for Meeting the Requirements

Technical Information Supporting the Proposed Solutions for Meeting the Requirements

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E. Environmental Assessment

Entergy is requesting an exemption for Indian Point Nuclear Power Plant Units No. 1, 2 and 3, in accordance with 10 CFR 73.5, "Specific exemptions." The requested exemptions would defer the compliance date from March 31, 2010, as specified in 10 CFR 73.55(a)(1), to extend the schedule for five specific provisions of 10 CFR 73.55. The proposed action is needed to allow additional time for the design and installation of security modifications that are expected to provide long term benefits in security posture and capabilities. The primary impact is from computer delivery times.

The current security program site protective strategy and the changes that will be implemented by March 31, 2010 provide continued assurance for the protection of the facility and public from the effects of radiological sabotage.

Deferral of compliance from five provisions of 10 CFR 73.55 is a compliance date change only and therefore, does not result in any physical changes to structures, systems, and components (SSCs) or land use at IPEC. Therefore, 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 changes to liquid radioactive effluents discharged to the environment.
- any changes to 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 DBA accident conditions.
- any land disturbance.

Conclusion

There is no significant radiological environmental impact associated with the proposed exemption. The proposed exemption will not affect any historical sites nor will it affect non-radiological plant effluents.

Table 1: Project Level 1 Milestone Schedule

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Enclosure 1 to NL-10-008

Figure "Composite Plot Plan"

ENTERGY NUCLEAR OPERATIONS, INC.
INDIAN POINT NUCLEAR GENERATING UNITS NO. 1, 2 and 3
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