



ENERGY NORTHWEST

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GO2-10-017

10 CFR 73.5

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

Subject: **COLUMBIA GENERATING STATION, DOCKET NO. 50-397
REQUEST FOR EXEMPTION FROM A PHYSICAL SECURITY REQUIREMENT**

Dear Sir or Madam:

Pursuant to 10 CFR 73.5 Energy Northwest is requesting the Nuclear Regulatory Commission (NRC) approve an exemption for a specific requirement of 10 CFR 73, "Physical Protection of Plants and Materials," for Columbia Generating Station. The requested exemption would extend the date of compliance with a single paragraph contained in the new security requirements issued by the NRC in a Final Rule dated March 27, 2009 (74 FR 13926).

As required in the Final Rule, the new security requirements must be implemented by March 31, 2010. Energy Northwest has evaluated these new requirements and developed a project plan to implement all plant modifications necessary to meet the new requirements by the required date. However, Energy Northwest recently learned that an item needed to meet the rule may not be delivered in time to support installation by the required date.

For this reason, Energy Northwest is requesting a 45-day extension to May 15, 2010 to accommodate a potential manufacturing delay that would result in a non-compliance with one of the new security requirements. Energy Northwest will maintain the current physical protection program in accordance with 10 CFR 73.55 during the requested exemption period for the item and will comply with all of the new security requirements by March 31, 2010 except for the single requirement for which the item is needed.

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Energy Northwest has evaluated the justification for the requested exemption and concludes that the 45-day exemption period would not endanger life or property or the common defense and security. Nor is there any aspect of the exemption period that would result in an environmental impact. Energy Northwest requests approval of this exemption by March 29, 2010 because compliance with the new requirements is required by March 31, 2010.

The information provided in Attachment 1 to this letter is considered security-related information associated with the physical protection of Columbia Generating Station as described in 10 CFR 2.390(d)(1). Accordingly, Energy Northwest requests that the information provided in Attachment 1 be withheld from public disclosure as provided by 10 CFR 2.390. Attachment 2 contains a version of Attachment 1 edited for public disclosure. Attachment 3 contains an environmental assessment of the 45-day delay in implementation associated with the exemption period and is suitable for public disclosure.

There are no new commitments made in this exemption request. If you have any questions or require additional information, please contact MC Humphreys at 509 377-4025.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the date of this letter.

Respectfully,



DK Atkinson
Vice President, Operational Support

- Attachments: 1) Request for Exemption from a Physical Security Requirement (withhold under § 2.390)
2) Request for Exemption from a Physical Security Requirement (for public disclosure)
3) Environmental Assessment (for public disclosure)

cc: NRC Region IV Administrator
NRC NRR Project Manager
NRC Senior Resident Inspector/988C
RN Sherman – BPA/1399
WA Horin – Winston & Strawn

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Attachment 2

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Request for Exemption from a Physical Security Requirement

Background

The NRC issued a Final Rule for new security requirements in the Federal Register dated March 27, 2009 (74 FR 13926). Per the Final Rule, new security requirements must be implemented by March 31, 2010. Energy Northwest has evaluated these new requirements and developed a project plan to implement all plant modifications necessary to meet the new requirements by the required date. However, Energy Northwest recently learned that an item needed to meet a single paragraph of the new rule may not be delivered in time to support installation by March 31, 2010. For this reason, Energy Northwest is requesting an exemption from that paragraph of the new security requirements for an additional 45 days beyond March 31, 2010. Energy Northwest has evaluated the justification for this exemption based on criteria provided in an internal NRC memorandum (ML093440192) dated December 10, 2009, "Review Criteria for Title 10 of the Code of Federal Regulations Part 73.5 Compliance Date Exemption Requests Pertaining to Power Reactor Licensees" as provided below:

- 1) Identification of the specific requirement or requirements of the rule that need additional time to implement:

Energy Northwest requests additional time to implement [] which states in part:

[]

- 2) Detailed justification describing the reason additional time is required to implement the specific requirement or requirements identified:

Additional time is being requested because of manufacturing delays related to a single item needed to meet one requirement of the new rule. The manufacturer is subject to the Department of Defense Priority and Allocations System which could result in delaying Energy Northwest's order. For this reason, an extension from March 31 to May 15, 2010 is requested for compliance with the requirement to allow sufficient time for delivery and installation of the item.

- 3) Detailed technical information that supports Energy Northwest's solution for meeting the requirement.

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- 4) A proposed implementation schedule with activity milestones supporting Energy Northwest's solution that are consistent with the scope of work to be conducted and the new compliance date requested:

Proposed implementation schedule:

- Receive the item on or before April 16, 2010.
- Complete installation of the item on or before May 7, 2010.
- Full compliance with the new requirement on or before May 15, 2010.

- 5) An evaluation of the impact that the additional time to implement the requirements will have on the effectiveness of Energy Northwest's overall physical protection program and protective strategy:

The additional time needed to install the new item will not result in a decrease in the effectiveness of the current physical protection program or protective strategy for Columbia Generating Station. Energy Northwest will maintain the physical protection program in accordance with current 10 CFR 73.55 requirements as they apply to the needed item during the requested exemption period and will comply with all of the new security requirements by March 31, 2010 except Part [] for which the item is needed.

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Attachment 3

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Environmental Assessment

Energy Northwest is requesting an exemption for Columbia Generating Station in accordance with 10 CFR 73.5, "Specific exemptions." The requested exemption is schedular in nature and would defer the compliance date for a single provision of the new 10 CFR 73.55 security rule from March 31, 2010 to May 15, 2010. The proposed exemption is necessary to allow additional time for installation of a single item.

Deferral of the compliance date for the specific provision would not result in any physical changes to structures, systems, components, or land use at Columbia Generating Station. The deferral of the compliance does not involve:

1. Any change to the types, characteristics, or quantities of non-radiological effluents discharged to the environment.
2. Any changes to liquid or gaseous radioactive effluents discharged to the environment.
3. Any change in the type or quantity of solid radioactive waste generated.
4. Any change in occupational dose under normal and design basis accident conditions.
5. Any change in the public dose under normal and design basis accident conditions.
6. Any land disturbance.

Conclusion

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