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Joseph Pollock
Site Vice President
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July 8, 2010

NL-10-064

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

SUBJECT: License Amendment Withdrawal and Request - Cyber Security Plan
Indian Point Generating Unit Nos. 1, 2 and 3
Docket Nos. 50-003, 50-247 and 50-286
License Nos. DPR-5, DPR-26 and DPR-64

- REFERENCES:
1. NRC Letter to Entergy regarding Cyber Security Plan Indian Point Generating Unit Nos. 1, 2, and 3 (TAC Nos. ME2802, ME2743, ME2744, ME2745, ME2747, AND ME2138), dated May 17, 2010.
 2. Entergy Letter to NRC, NL-09-147, "License Amendment Regarding Cyber Security Plan," dated November 19, 2009.
 3. NRC letter to Nuclear Energy Institute (NEI) dated June 7, 2010, NEI 08-09, Revision 6, "Cyber Security Plan for Nuclear Power Reactors"

Dear Sir or Madam:

The NRC advised, Reference 1, Entergy Nuclear Operations, Inc. (Entergy) that the proposed license amendment request (LAR) submitted in Reference 2 had been docketed and requested that Entergy resolve generic concerns with the docketed LAR.

In accordance with the 60-day request provided in Reference 1, Entergy is hereby withdrawing the request for an amendment to each of the licenses for Indian Point Generating Unit Nos. 1, 2, and 3 (IP1, IP2 and IP3) as submitted in Reference 2, and in accordance with the provisions of 10 CFR 50.4 and 10 CFR 50.90, Entergy is submitting a new request for an amendment to each of the licenses for Indian Point Generating Unit Nos. 1, 2, and 3. The proposed amendments request NRC approval of the common Indian Point Energy Center (IPEC) Cyber Security Plan, provide an implementation schedule, and revise the existing licenses' Physical Protection license condition to require Entergy to fully implement and maintain in effect all provisions of the Commission-approved cyber security plan for each unit. Entergy utilized NEI 08-09, Reference 3, in development of the IPEC Cyber Security Plan which resolves the NRC's generic issues (Reference 1) with the

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previous submittal (Reference 2). In addition, Entergy is also providing a detailed milestone implementation schedule as requested. Therefore, this submittal supersedes, in its entirety, the previous submittal (Reference 2).

Attachment 1 provides an evaluation of the proposed change. Attachment 2 provides the existing IP1, IP2 and IP3 license pages marked-up to show the proposed change. Attachment 3 provides the proposed license changes in final typed format for IP1, IP2 and IP3. Attachment 4 provides the list of regulatory commitments. Attachment 5 provides the IPEC Cyber Security Plan implementation schedule. Attachment 6 provides a copy of the IPEC Cyber Security Plan which is a standalone document that has been incorporated by reference into the IPEC Security Plan. In addition, Entergy is utilizing the definition of "cyber attack" as delineated in Reference 3. Entergy requests that Attachments 4, 5, and 6, which contain security-related information, be withheld from public disclosure in accordance with 10 CFR 2.390.

The proposed changes have been evaluated in accordance with 10 CFR 50.91(a)(1) using criteria in 10 CFR 50.92(c), and it has been determined that the changes involve no significant hazards consideration. The bases for these determinations are included in Attachment 1.

Entergy requests this license amendment be effective as of its date of issuance. Once approved, the amendment will be implemented in accordance with the approved implementation schedule. Although this request is neither exigent nor emergency, your review is requested within approximately one year.

New commitments contained in this letter are provided in Attachment 4. If you have any questions or require additional information, please contact Mr. Robert Walpole, Manager, Licensing at (914) 734-6710.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 8, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "D. M. May". The signature is written in a cursive style and is positioned to the right of the word "Sincerely,".

JEP/sp

- Attachments:
1. Analysis of Proposed Operating License Change
 2. Proposed IP1, IP2 and IP3 License Changes (mark-up)
 3. Revised IP1, IP2 and IP3 License Pages
 4. List of Regulatory Commitments
 5. Implementation Schedule
 6. IPEC Cyber Security 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
Mr. Francis J. Murray, Jr., President and CEO, NYSERDA
Mr. Paul Eddy, New York State Dept. of Public Service

ATTACHMENT 1 TO NL-10-064

ANALYSIS OF PROPOSED OPERATING LICENSE CHANGE

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

1.0 SUMMARY DESCRIPTION

The proposed license amendment request (LAR) includes the proposed Indian Point Energy Center (IPEC) Cyber Security Plan, an implementation schedule, and a proposed sentence to be added to the existing operating license Physical Protection license condition.

2.0 DETAILED DESCRIPTION

The proposed LAR includes three parts: the proposed IPEC Cyber Security Plan, an implementation schedule, and a proposed sentence to be added to the existing operating license Physical Protection license condition for the IP1, IP2, and IP3 units to require Entergy to fully implement and maintain in effect all provisions of the Commission-approved IPEC Cyber Security Plan as required by 10 CFR 73.54. *Federal Register* notice dated March 27, 2009 (Reference 1), issued the final rule that amended 10 CFR Part 73. The regulations in 10 CFR 73.54, "Protection of Digital Computer and Communication Systems and Networks," establish the requirements for a cyber security program. This regulation specifically requires each licensee currently licensed to operate a nuclear power plant under Part 50 of this chapter to submit a cyber security plan that satisfies the requirements of the Rule. Each submittal must include a proposed implementation schedule and implementation of the licensee's cyber security program must be consistent with the approved schedule. The background for this application is addressed by the NRC Notice of Availability published on March 27, 2009, 74FR13926 (Reference 1).

3.0 TECHNICAL EVALUATION

Federal Register notice 74FR13926 issued the final rule that amended 10 CFR Part 73. Cyber security requirements are codified as new 10 CFR 73.54 and are designed to provide high assurance that digital computer and communication systems and networks are adequately protected against cyber attacks up to and including the design basis threat established by 10 CFR 73.1(a)(1)(v). These requirements are more in depth than the requirements imposed by NRC Order EA-02-026 (Reference 2).

This proposed amendment conforms to the model Cyber Security Plan contained in Appendix A of Nuclear Energy Institute (NEI) 08-09, "Cyber Security Plan for Nuclear Power Reactors," Revision 6, dated April 2010, for use by licensees in development of their own cyber security plans. A deviation to Appendix B of NEI 08-09, Revision 6 is the use of a revised definition of "cyber attack" as delineated in NRC letter dated June 7, 2010 (Reference 3). The revised definition of cyber attack is "any event in which there is reason to believe that an adversary has committed or caused, or attempted to commit or cause, or has made a credible threat to commit or cause malicious exploitation of a critical digital asset."

This LAR includes the proposed IPEC Cyber Security Plan (Attachment 6) that conforms to the template provided in Appendix A of NEI 08-09, Revision 6. In addition, the LAR includes the proposed change to the existing operating license condition for "Physical Protection" (Attachments 2 and 3) for the IPEC units. The LAR contains the proposed implementation schedule (Attachment 5) as required by 10 CFR 73.54. The LAR also provides a list of regulatory commitments (Attachment 4).

4.0 REGULATORY EVALUATION

4.1 Applicable Regulatory Requirements/Criteria

This LAR is submitted pursuant to 10 CFR 73.54 which requires licensees currently licensed to operate a nuclear power plant under 10 CFR Part 50 to submit a cyber security plan as specified in 10 CFR 50.4 and 10 CFR 50.90.

4.2 Significant Safety Hazards Consideration

Entergy has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of Amendment," as discussed below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for Indian Point Generating Unit Nos. 1, 2, and 3. The Indian Point Energy Center (IPEC) Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents. The IPEC Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The IPEC Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and has no impact on the probability or consequences of an accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and have no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for Indian Point Generating Unit Nos. 1, 2, and 3. The IPEC Cyber Security Plan does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of

postulated accidents. The IPEC Cyber Security Plan does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The IPEC Cyber Security Plan is designed to achieve high assurance that the systems within the scope of the 10 CFR 73.54 Rule are protected from cyber attacks and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

As required by 10 CFR 73.54 Entergy has submitted a cyber security plan for NRC review and approval for Indian Point Generating Unit Nos. 1, 2, and 3. Plant safety margins are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. Because there is no change to these established safety margins as result of the implementation of the IPEC Cyber Security Plan, the proposed change does not involve a significant reduction in a margin of safety.

The second part of the proposed change is an implementation schedule, and the third part adds a sentence to the existing operating license condition for Physical Protection. Both of these changes are administrative in nature and do not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, Entergy concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of "no significant hazards consideration" is justified.

4.3 Conclusion

In conclusion, based on the considerations discussed above: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner; (2) such activities will be conducted in compliance with the Commission's regulations; and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

5.0 ENVIRONMENTAL CONSIDERATION

The proposed amendment establishes the licensing basis for a Cyber Security Program for Indian Point Generating Unit Nos. 1, 2, and 3 and will be a part of the IPEC Cyber Security Plan. The proposed amendment meets the eligibility criterion for a categorical exclusion set forth in 10 CFR 51.22(c)(12). Therefore, pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

6.0 REFERENCES

1. Federal Register Notice, Final Rule 10 CFR Part 73, Power Reactor Security Requirements, published on March 27, 2009, 74 FR 13926
2. Federal EA-02-026, Order Modifying Licenses, Safeguards and Security Plan Requirements, issued February 25, 2002
3. NRC letter to Nuclear Energy Institute (NEI) dated June 7, 2010, NEI 08-09, Revision 6, "Cyber Security Plan for Nuclear Power Reactors"

ATTACHMENT 2 TO NL-10-064

PROPOSED IP1, IP2 AND IP3 LICENSE CHANGES (MARK-UP)

Affected Pages

IP1 FOL Page 3

IP2 FOL Page 5

IP3 FOL Page 4

Additions are underlined and deletions are double strikeout

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

and period of operation at each power level.

2. Records showing the radioactivity released or discharged into the air or water beyond the effective control of ENO as measured at or prior to the point of such release or discharge.
3. Records of scrams, including reasons therefor.
4. Records of principal maintenance operations involving substitution or replacement of facility equipment or components and the reasons therefor.
5. Records of radioactivity measurements at on-site and off-site monitoring stations.
6. Records of facility tests and measurements performed pursuant to the requirements of the Technical Specifications.

d) ~~ENO shall fully implement and maintain in effect all provisions of the physical security, guard training and qualification, and safeguards contingency plans previously approved by the Commission and all amendments and revisions to such plans made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Indian Point Station, Units 1 and 2 Physical Security Plan," with revisions submitted through July 25, 1989; "Indian Point Station, Units 1 and 2, Security Guard Training and Qualification Plan," with revisions submitted through December 8, 1986; and "Indian Point Station, Units 1 and 2, Safeguards Contingency Plan," with revisions submitted through November 7, 1986. ENO 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 to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans¹ for the Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0," and was submitted by letter dated October 14, 2004, as supplemented by letter dated May 18, 2006. ENO shall fully implement in accordance with an NRC approved implementation schedule and maintain in effect all provisions of the Commission approved Indian Point Energy Center Cyber Security Plan submitted by letter dated July 8, 2010.~~

1 The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.

Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0," and was submitted by letter dated October 14, 2004, as supplemented by letter dated May 18, 2006. ENO shall fully implement in accordance with an NRC approved implementation schedule and maintain in effect all provisions of the Commission-approved Indian Point Energy Center Cyber Security Plan submitted by letter dated July 8, 2010.

- I. Deleted per Amdt. 133, 7-6-88.
- J. Deleted per Amdt. 133, 7-6-88.
- K. ENO shall implement and maintain in effect all provisions of the NRC-approved fire protection program as described in the Updated Final Safety Analysis Report for the facility and as approved in the Safety Evaluations Reports dated November 30, 1977, February 3, 1978, January 31, 1979, October 31, 1980, August 22, 1983, March 30, 1984, October 16, 1984, September 16, 1985, November 13, 1985, March 4, 1987, January 12, 1989, and March 26, 1996. ENO may make changes to the NRC-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.
- L. Deleted per Amendment 238
- M. Deleted per Amendment 238
- N. Mitigation Strategy License Condition

The licensee shall develop and maintain strategies for addressing large fires and explosions and that include the following key areas:

- (a) Fire fighting response strategy with the following elements:
 - 1. Pre-defined coordinated fire response strategy and guidance
 - 2. Assessment of mutual aid fire fighting assets
 - 3. Designated staging areas for equipment and materials
 - 4. Command and control
 - 5. Training of response personnel
- (b) Operations to mitigate fuel damage considering the following:
 - 1. Protection and use of personnel assets
 - 2. Communications
 - 3. Minimizing fire spread
 - 4. Procedures for implementing integrated fire response strategy
 - 5. Identification of readily-available pre-staged equipment
 - 6. Training on integrated fire response strategy
- (c) Actions to minimize release to include consideration of:
 - 1. Water spray scrubbing
 - 2. Dose to onsite responders

G. ENO 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 to the authority of 10 CFR 50.90 and CFR 50.54(p). The combined set of plans¹ for the Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0," and was submitted by letter dated October 14, 2004, as supplemented by letter dated May 18, 2006. ENO shall fully implement in accordance with an NRC approved implementation schedule and maintain in effect all provisions of the Commission-approved Indian Point Energy Center Cyber Security Plan submitted by letter dated July 8, 2010.

H. ENO shall implement and maintain in effect all provisions of the approved Fire Protection Program as described in the Final Safety Analysis Report for Indian Point Nuclear Generating Unit No. 3 and as approved in NRC fire protection safety evaluations (SEs) dated September 21, 1973, March 6, 1979, May 2, 1980, November 18, 1982, December 30, 1982, February 2, 1984, April 16, 1984, January 7, 1987, September 9, 1988, October 21, 1991, April 20, 1994, January 5, 1995, and supplements thereto, subject to the following provision:

ENO 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.

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| I. | (DELETED) | Amdt. 205
2/27/01 |
| J. | (DELETED) | Amdt. 205
2/27/01 |
| K. | (DELETED) | Amdt.49
5-25-84 |
| L. | (DELETED) | Amdt. 205
2/27/01 |
| M. | (DELETED) | Amdt. 205
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¹ The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.

ATTACHMENT 3 TO NL-10-064

REVISED IP1, IP2 AND IP3 LICENSE CHANGES

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

and period of operation at each power level.

7. Records showing the radioactivity released or discharged into the air or water beyond the effective control of ENO as measured at or prior to the point of such release or discharge.
8. Records of scrams, including reasons therefor.
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10. Records of radioactivity measurements at on-site and off-site monitoring stations.
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Amendment No.

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