

Mr. James A. Kay
Manager of Regulatory Affairs
Yankee Atomic Electric Company
49 Yankee Road
Rowe, MA 01367

November 22, 2002

SUBJECT: YANKEE NUCLEAR POWER STATION - REPLY TO RESPONSE TO ORDER
FOR INTERIM SAFEGUARDS AND SECURITY COMPENSATORY
MEASURES (TAC NO. MB5347)

Dear Mr. Kay:

On May 23, 2002, the U.S. Nuclear Regulatory Commission (NRC) issued an Order modifying the possession only license for the Yankee Nuclear Power Station to require compliance with the specified interim safeguards and security compensatory measures. The interim compensatory measures (ICMs) were listed in Attachment 2 to the Order. When issuing the Order, the Commission recognized that you have voluntarily and responsibly implemented additional security measures following the events of September 11, 2001, but in light of the continuing generalized high-level threat environment, the Commission concluded that the security measures should be embodied in an Order consistent with the established regulatory framework.

The Order required responses and actions within specified time frames. Section III.A of the Order required licensees to immediately start implementation of the requirements listed in Attachment 2 to the Order and to complete implementation no later than November 22, 2002. Section III.B of the Order required licensees to notify the Commission: (1) if they are unable to comply with the requirements described in Attachment 2, (2) if compliance with any of the requirements is unnecessary in their specific circumstances, or (3) if implementation of any of the requirements would cause the licensee to be in violation of the provisions of any Commission regulation or the facility license. Section III.C.1 of the Order required licensees to submit to the Commission, within 20 days of the date of the Order, a schedule for achieving compliance with each requirement described in Attachment 2 to the Order. Section IV of the Order noted that in accordance with 10 C.F.R. § 2.202, the licensee must submit an answer to the Order and may request a hearing on the Order within 20 days of the date of the Order and, where good cause is shown, consideration would be given to extend the time to request a hearing.

In a letter dated June 12, 2002, (BYR 2002-034) and supplemented on August 8, 2002, (BYR 2002-039), you submitted a response to the Order for the Yankee Nuclear Power Station. You also requested an extension of time in which to request a hearing. Your response stated that you had either implemented the measures identified in the interim compensatory measures or had scheduled such that all measures will be fully implemented by November 22, 2002, as required by the Order. The NRC staff has reviewed your response and finds that you have satisfied the 20-day reporting requirements of the Order. Based on our determination that your

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responses are satisfactory, no extension of time to request a hearing is necessary.

The NRC will determine the effectiveness of your implementation of the ICMs through on-site inspections. I would like to remind you that, pursuant to Section III.C.2 of the Order, you are to report to the Commission when you have achieved full compliance with the requirements described in Attachment 2 to the Order.

Please contact John B. Hickman at (301) 415-7000 if you have any other questions on these issues.

Sincerely,

/RA/ C. Craig for

Larry Camper, Chief
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety and Safeguards

Docket Nos. 50-029

cc: See next page

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