



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, SE
Washington, D.C. 20590

JUL 22 2010

Mr. Joe Hantz
Entergy Services, Inc.
10055 Grogans Mill Road, Suite 400
The Woodlands, TX 77380

Ref. No. 10-0132

Dear Mr. Hantz:

This responds to your June 14, 2010 letter regarding the applicability of the security plan requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

According to your letter, several of your power plants receive chlorine gas (i.e., a Division 2.3 material) in cylinders from a vendor. Once the chlorine has been used up, the vendor returns to pick up the empty cylinders. The empty cylinders are not purged of trace residuals of chlorine gas that may remain in the cylinder prior to vendor pickup. You note that vendor personnel handle the transport, unloading of full cylinders from the motor vehicles, and loading of empty cylinders onto the motor vehicles without any involvement from Entergy personnel including any pre-transportation functions such as preparation of the cylinders for transportation or preparation of shipping papers. Additionally, the Entergy personnel signature(s) on the shipping document(s) are for purposes of certifying financial agreement and not for purposes of certifying that the chlorine is being transported in accordance with the HMR as part of the shipper's certification required under § 172.204. You believe that Entergy is not acting as an offeror at these power plants and therefore, security plans are not required of Entergy to address the security risks associated with the return shipment of the empty cylinders from the plants.

Your understanding is correct. If Entergy contracts with the vendor to perform all pre-transportation functions related to the residue shipments from the Entergy plants, including securing the closures of the cylinders, preparing the shipping paper(s), providing emergency response information, and signing the certification required by § 172.204 that the shipments are in proper condition for transportation, then Entergy would not be considered an offeror for the purposes of the HMR and thus, not subject to the security plan requirements of the HMR.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards



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Security Plans
10-2132

Entergy Services, Inc.
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The Woodlands, TX 77380
Tel. 281-297-3319
Fax 281-297-3251

Joseph Hantz
Manager, Environmental Services

June 14, 2010

Mr. Ben Supko
Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave SE
Washington, DC 20590

RE: Request for Clarification of Requirements
Hazardous Materials Risk-Based Transportation Security Plans
Final Rule March 9, 2010

Dear Mr. Supko,

Entergy Corporation (Entergy) is an integrated energy company engaged primarily in electric power production and retail distribution operations. Entergy owns and operates power plants with approximately 30,000 megawatts of electric generating capacity. Entergy delivers electricity to 2.7 million utility customers in Arkansas, Louisiana, Mississippi and Texas. Entergy has been preparing to comply with the new rule referenced above and is requesting clarification from your office regarding the applicability of these new requirements on our fossil plant locations.

Several of our fossil plants receive a hazard class 2.3 material (i.e. chlorine gas for water treatment) from off-site vendors who deliver full cylinders of the material to the plant to replace those that are empty. The vendor uses their own personnel and equipment for this replacement activity. Entergy personnel are not involved with the preparation of shipping papers, with the physical unloading and placement, nor with loading or final offsite shipment of these cylinders. Entergy is not involved with the procedures to load or unload the cylinders and has no knowledge or control of the route that the cylinders take on public highways. The cylinders are empty when collected by the owner but are not purged of trace residuals before the vendor transports the cylinders from our property. The shipping papers are signed by Entergy personnel for the sole purpose of documenting the financial agreement to pay for the chlorine and associated container rental and are not associated with the transportation of these materials.

Plants that receive the chlorine gas cylinders have been evaluated under the Department of Homeland Security (DHS) Chemical Facility Anti-Terrorism Standards (CFATS) via the DHS Chemical Security Assessment Tool. Appropriate CFATS security plans have been drafted and implemented ensuring the security of chlorine gas cylinders on the applicable production sites.

Entergy does not believe that our sites are acting as offerors for transportation of the chlorine cylinders. Therefore, we do not believe that the plants involved require the new risk based DOT security plans. Based on this information, Entergy requests clarification as to whether DOT Security Plans are required at these plant locations.

If you have any questions regarding this request, please contact Don Lierman at 281-297-3393 or dlierma@entergy.com.

Sincerely,

Joe Hantz
Entergy Fossil Environmental Services Manager

cc:
Mark Bowles – Fossil Environmental Support
Don Lierman – Entergy Environmental Services