



444 South 16th Street Mall
Omaha NE 68102-2247

June 3, 2003
LIC-03-0074

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

- References:
1. Docket No. 50-285
 2. Letter from NRC (Samuel J. Collins) to OPPD (John Sefick) dated April 29, 2003, Issuance of Order For Compensatory Measures Related to Training Enhancements on Tactical and Firearms Proficiency and Physical Fitness Applicable to Armed Nuclear Power Plant Security Force Personnel (EA-03-039) (NRC-03-086)

SUBJECT: Fort Calhoun Station Unit No. 1 - Answer, Response, and Request for Clarification in Response to Commission Order for Compensatory Measures Related to Training Enhancements on Tactical and Firearms Proficiency and Physical Fitness Applicable to Armed Nuclear Power Plant Security Force Personnel

In accordance with 10 CFR 50.4, Omaha Public Power District (OPPD) hereby submits information in response to the Order For Compensatory Measures Related to Fitness-for-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel (hereinafter "Order") issued by the United States Nuclear Regulatory Commission (NRC) on April 29, 2003.

Section IV of the Order states that, in accordance with 10 CFR §2.202, a licensee must submit an answer to the Order and may request a hearing on the Order within 35 days of the date of the Order.

This letter constitutes OPPD's answer (pursuant to 10 CFR 2.202 and Section IV of the Order) and response (pursuant to 10 CFR 50.4 and Sections III B.1, B.2, and C.1 of the Order). OPPD consents to the Order and does not request a hearing. OPPD fully intends to comply with the Order and will complete implementation, fully training and qualifying all armed security force personnel on the new requirements in Attachment 2 to the Order no later than October 29, 2004.

However, because the NRC has used force-on-force testing as a standard by which compliance with the Design Basis Threat (DBT) was evaluated, OPPD requests that the NRC provide a clear definition of the objectives and criteria for force-on-force exercises so that

appropriate revisions can be made to safeguards contingency plans, security plans and security officer training and qualification plans.

Specifically, OPPD needs a clear explanation of the purpose of the force-on-force exercise (e.g., is the purpose of force-on-force exercises for security officer training, or to evaluate licensee compliance with the DBT?). Similarly, the success criteria for the force-on-force exercise needs to be established (e.g., is the criterion prevention of a large offsite release, which would be consistent with the basis for risk-informing NRC regulations, or some other criteria?). Finally, if a force-on-force exercise is going to be used as a performance test of the licensee's ability to protect against the DBT, a clear definition of adversary rules of engagement and adversary tactics is needed to provide appropriate predictability and stability in the regulatory program. Absent these clarifications, the standard by which licensee performance will be measured will continue to be a constantly moving target which is counter to the Commission's Principles of Good Regulation.

To enable OPPD to meet the compliance dates specified in the Order, the requested clarifications are needed as soon as possible. If the clarifications cannot be provided by October 1, 2003, we respectfully request that the Director, Nuclear Reactor Regulation extend the dates for full implementation of the Order on a day-for-day basis until such clarifications are provided.

OPPD also confirms its understanding that the Commission intends to exercise enforcement discretion to accommodate issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of this Order. We further understand that the Commission will exercise enforcement discretion for the period necessary to resolve such issues, and to integrate the requirements of this Order with the orders issued February 25, 2002, as well as with other pertinent regulatory requirements, and our safeguards contingency plans, security plans and security officer training and qualification plans.

This letter contains the following commitment:

- OPPD consents to the Order and does not request a hearing. OPPD fully intends to comply with the Order and will complete implementation, fully training and qualifying all armed security force personnel on the new requirements in Attachment 2 to the Order no later than October 29, 2004.

U. S. Nuclear Regulatory Commission

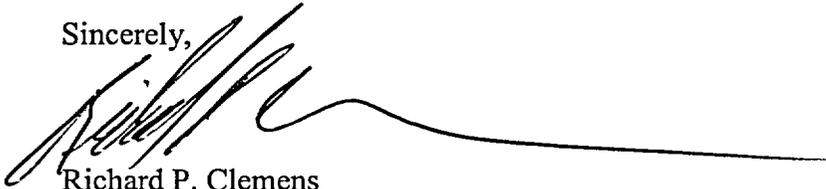
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I declare under penalty of perjury that the foregoing is true and correct and copies of the response were sent to the addressee and listed individuals. (Executed on June 3, 2003).

If you have additional questions, or require further information, please contact Dr. R. L. Jaworski at (402) 533-6833.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard P. Clemens', with a long horizontal flourish extending to the right.

Richard P. Clemens
Division Manager
Nuclear Assessments

RPC/TRB/trb

- c: Annette L. Vietti-Cook, Secretary, NRC Office of the Secretary, Rulemakings and Adjudications Staff
Samuel Collins, Director, NRC Office of Nuclear Reactor Regulation
Dennis C. Dambly, NRC Assistant General Counsel for Materials Litigation and Enforcement
Thomas P. Gwynn, Acting NRC Regional Administrator, Region IV (two copies)
Alan B. Wang, NRC Project Manager
John G. Kramer, NRC Senior Resident Inspector