



L-2003-128
10 CFR 2.202
10 CFR 50.4
JUN - 3 2003

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

Re: St. Lucie Units 1 and 2
Docket Nos. 50-335, 50-389
Turkey Point Units 3 and 4
Docket Nos. 50-250, 50-251
Seabrook Station
Docket No. 50-443
Response to Order Requiring Compliance with Revised
Design Basis Threat for Operating Power Reactors (EA-03-086)

By this letter Florida Power & Light (FPL) and FPL Energy Seabrook, LLC (FPL Energy Seabrook) hereby answer the April 29, 2003, Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors (EA-03-086) ("Order"). FPL and FPL Energy Seabrook intend to comply with the compensatory measures described in the subject Order. Implementation for changes to the physical security, safeguards contingency, and guard training and qualification plan will be completed by April 29, 2004. Full implementation will be completed by October 29, 2004.

FPL and FPL Energy Seabrook note the request for clarification of five DBT issues provided in the safeguards attachment to the letter from Mr. Colvin, President and CEO of the Nuclear Energy Institute, to Chairman Diaz dated May 16, 2003. We encourage the Commission to respond to this request as soon as possible, as the Commission's clarifications may affect the manner of compliance with the Order.

Because the NRC has used force-on-force testing as a standard by which compliance with the DBT was evaluated, FPL and FPL Energy Seabrook request that the NRC provide a clear definition of the objectives and criteria for force-on-force exercises so appropriate revisions can be made to safeguards contingency plans, security plans, and security officer training and qualification plans. This definition should include 1) the purpose of the force-on-force exercise; 2) the success criteria for the force-on-force exercise; and 3) the definition of adversary rules of engagement and adversary tactics. Without these clarifications, the standards by which performance will be measured will be a moving target and not in keeping with the Commission's Principles of Good Regulation.

To enable FPL and FPL Energy Seabrook to meet the compliance dates specified in the Order, these clarifications are needed as soon as possible. If clarification cannot be provided by October 1, 2003, the dates for implementation can begin to be impacted. In the event clarification is not provided by October 1, 2003, FPL and FPL Energy Seabrook respectfully request that the Director, Nuclear Reactor Regulation extend the dates for submitting the revisions to the security plans and safeguards contingency plans and for full implementation of the Order on a day-for-day basis until such clarifications are provided.

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FPL and FPL Energy Seabrook also confirm their understanding that the Commission intends to exercise enforcement discretion to accommodate issues that 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.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. A. Stall", enclosed within a large, loopy oval shape.

J. A. Stall
Senior Vice President, Nuclear
and Chief Nuclear Officer