



May 30, 2003

Re: 10 CFR 2.202  
10 CFR 50.4

U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, D.C. 20555-0001

Serial No.: 03-333  
B18909  
NL&OS/MAE R1  
Docket Nos.: 50-338/339  
50-280/281  
50-336/423  
License Nos.: NPF-4/7  
DPR-32/37  
DPR-65  
NPF-49

**VIRGINIA ELECTRIC AND POWER COMPANY**  
**DOMINION NUCLEAR CONNECTICUT, INC.**  
**NORTH ANNA POWER STATION UNITS 1 AND 2**  
**SURRY POWER STATION UNITS 1 AND 2**  
**MILLSTONE POWER STATION UNITS 2 AND 3**  
**ANSWER, RESPONSE AND REQUEST FOR CLARIFICATION TO 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 DATED APRIL 29, 2003**

Section IV of the April 29, 2003, 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) (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 Virginia Electric and Power Company's and Dominion Nuclear Connecticut, Inc.'s (Dominion's and DNC'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). Dominion and DNC consent to the Order and do not request a hearing. As Dominion and DNC fully intend to comply with the Order, the response and schedule for achieving compliance with each requirement in Attachment 2 to the Order is attached.

However, because the NRC has used force-on-force testing as a standard by which compliance with the Design Basis Threat (DBT) was evaluated and because the tactics and capabilities associated with the DBT influence the training prescribed in the Order, Dominion and DNC request 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.

**THE ATTACHMENT CONTAINS SAFEGUARDS INFORMATION.  
UPON SEPARATION THIS PAGE IS DECONTROLLED.**

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Specifically, Dominion and DNC need a clear explanation of the purpose of the force-on-force exercise (e.g., security officer training, or evaluation of licensee compliance with the Design Basis Threat). Similarly, the success criteria need to be established for the force-on-force exercise (e.g., 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 to be used as a performance test of the licensee's ability to protect against the Design Basis Threat, 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 Dominion and DNC 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 committed to in the attached response and schedule and for full implementation of the Order on a day-for-day basis until such clarifications are provided.

Dominion and DNC also confirm their 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.

If you have any questions, please contact us.

Very truly yours,



David A. Christian  
Senior Vice President – Nuclear Operations and Chief Nuclear Officer  
Virginia Electric and Power Company  
Dominion Nuclear Connecticut, Inc.

Commitments made by this letter: None

Attachment - Response And Schedule For Compensatory Measures Related To  
Training Enhancements On Tactical And Firearms Proficiency And  
Physical Fitness (Safeguards)

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Docket Nos.: 50-338/339

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Subject: Response to Training Sec. Order

COMMONWEALTH OF VIRGINIA )

)

COUNTY OF HENRICO )

The foregoing document was acknowledged before me, in and for the County and Commonwealth aforesaid, today by David A. Christian who is Senior Vice President – Nuclear Operations and Chief Nuclear Officer of Virginia Electric and Power Company and Dominion Nuclear Connecticut, Inc. He has affirmed before me that he is duly authorized to execute and file the foregoing document in behalf of that Company, and that the statements in the document are true to the best of his knowledge and belief.

Acknowledged before me this 30<sup>th</sup> day of May, 2003.

My Commission Expires: 3-31-04.

Maggie McCune  
Notary Public

(SEAL)

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