



**TXU Energy**  
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Electric Station  
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**C. Lance Terry**  
Senior Vice President &  
Principal Nuclear Officer

Ref: EA-03-039

**CPSSES-200301186**  
**Log # TXX-03100**

June 3, 2003

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

**Office of the Secretary of the Commission**  
**U.S. Nuclear Regulatory Commission**  
**ATTN: Rulemaking and Adjudications Staff**  
**Washington, DC 20555**

**SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION CPSSES)**  
**DOCKET NOS. 50-445 AND 50-446**  
**35 DAY RESPONSE AND REQUEST FOR**  
**CLARIFICATION IN RESPONSE TO NRC ORDER for**  
**COMPENSATORY MEASURES RELATED to TRAINING**  
**ENHANCEMENTS on TACTICAL and FIREARM**  
**PROFICIENCY and PHYSICAL FITNESS APPLICABLE to**  
**ARMED NUCLEAR POWER PLANT SECURITY FORCE**  
**PERSONNEL (EA-03-039)**

**REFERENCE: Letter dated April 29, 2003, from S. J. Collins, USNRC,**  
 **Holders of Licenses for Operating Power Reactors, 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)**

**Gentlemen:**

**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)**

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("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 TXU Generating Company LP (TXU Energy) answer (pursuant to 10CFR2.202 and Section IV) and response (pursuant to 10 CFR §50.4 and Sections III B.1, B.2, C.1 and C.2 to the Order). TXU Energy consents to the Order and does not request a hearing. As TXU Energy fully intends to comply with the Order, the schedule for achieving compliance with each requirement of the Order is in Attachment 2 of this transmittal.

However, because the Nuclear Regulatory Commission (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, TXU Energy 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, TXU Energy 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 Design Basis Threat?). 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 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 TXU Energy to meet the compliance dates specified in the Order, those 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.

TXU Energy 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.

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TXU Energy further understands 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 Order requires a 35 day response. Attachment 1 to this letter provides the response for TXU Energy. Attachment 2 provides TXU Energy's implementation schedule for the requirements identified in Attachment 2 of the Order. No new commitments have been identified associated with this Order because all changes are obligatory and effect changes to facility licenses.

If you have any questions concerning this matter, please contact me at (254) 897-8920, or Mr. Don Alps at (254) 897- 5432.

I state under penalty of perjury that the foregoing is true and correct.

Executed on June 3, 2003.

Sincerely,

TXU Generation Company LP

By: TXU Generation Management Company LLC,  
Its General Partner



C. L. Terry  
Senior Vice President and Principal Nuclear Officer

NSH/nh  
Attachment

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**c.:**

**T. P. Gwynn, Region IV**

**W. D. Johnson, Region IV**

**D. H. Jaffe, NRR**

**Resident Inspectors, CPSES**

**Assistant General Counsel for Materials Litigation and Enforcement (NRC)**

**Director, Office of Nuclear Reactor Regulation (NRC)**

## **ATTACHMENT 1 to TXX-03100**

**TXU Energy's 35 Day Response 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 (EA-03-039)**

The NRC 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, includes the following reporting requirements:

**III.**

- B.1** All Licensees shall, within **thirty-five (35) days** of the date of this Order, notify the Commission, (1) if they are unable to comply with any of 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. The notification shall provide the Licensee's justification for seeking relief from or variation of any specific requirement.
- B.2** Any Licensee that considers that implementation of any of the requirements described in Attachment 2 to this Order would adversely impact safe operation of the facility must notify the Commission, within **thirty-five (35) days** of this Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and either a proposal for achieving the same objectives specified in the Attachment 2 requirement in question, or a schedule for modifying the facility to address the adverse safety condition. If neither approach is appropriate, the Licensee must supplement its response to Condition B.1 of this Order to identify the condition as a requirement with which it cannot comply, with attendant justifications as required in Condition B1.
- C.1** All Licensees shall, within **thirty-five (35) days** of the date of this Order, submit to the Commission, a schedule for achieving compliance with the requirements described in Attachment 2.
- C.2** All Licensees shall report to the Commission when they have achieved full compliance with the requirements described in Attachment 2.

TXU Energy provides following response to the reporting requirements of the Order:

- B.1.** (1) TXU Energy can and will comply with all requirements of this Order.  
(2) TXU Energy knows of no specific circumstances where this Order would be unnecessary at CPSES.  
(3) TXU Energy knows of no specific circumstances where implementation of the requirements of this Order will cause TXU Energy to be in violation of the provisions of any Commission regulation or the facility license.
- B.2.** Implementation of the requirements described in Attachment 2 to the Order would not adversely impact safe operation of TXU Energy.
- C.1.** Attachment 2 to this letter specifies TXU Energy's schedule for achieving compliance with the requirements described in the Order. In each case, the schedule for achieving compliance satisfies the schedule requirements prescribed in the Order. The dates provided in the attached schedule maybe revised by TXU Energy, if as discussed in the above letter, a response is not received from the NRC by October 1, 2003.
- C.2.** TXU Energy will report to the Commission when full compliance with the requirements in Attachment 2 to the Order has been achieved.

**Note:** To enable TXU Energy to meet the compliance dates specified in the Order, those clarifications are needed as soon as possible. If clarification 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.

## **ATTACHMENT 2 to TXX-03100**

**Implementation Schedule for  
Attachment 2 Requirements of NRC 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 (EA-03-039)**



Implementation schedule for Attachment 2 requirements of the Order (EA-03-039).

<b>Compensatory Measure</b>	<b>Subject</b>	<b>Schedule for Implementation</b>
<b>C.</b>	<b>Compensatory Measures</b>	
<b>C.1</b>	<b>General Criteria</b>	<b>October 29, 2004</b>
<b>C.2</b>	<b>Firearms Training &amp; Qualification</b>	<b>October 29, 2004</b>
<b>C.3</b>	<b>Firearms Maintenance Program</b>	<b>October 29, 2004</b>
<b>C.4</b>	<b>Medical &amp; Physical Fitness Requirements</b>	<b>October 29, 2004</b>

Notes: To enable TXU Energy to meet the compliance dates specified in the Order, those clarifications are needed as soon as possible. If clarification 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.