

AmerenUE
Callaway Plant

Garry L. Randolph
Senior Vice President and
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June 2, 2003

Secretary, Office of the Secretary of the Commission
U. S. Nuclear Regulatory Commission
ATTN: Rulemakings and Adjudications Staff
Washington, DC 20555-0001

U. S. Nuclear Regulatory Commission
ATTN: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852



Ladies and Gentlemen:

ULNRC-04858

**DOCKET NUMBER 50-483
CALLAWAY PLANT
UNION ELECTRIC COMPANY**

**Answer, Response and Request for Clarification in Response to 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)**

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)

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.

IE53

This letter constitutes Union Electric Company's (AmerenUE or UE) 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). AmerenUE consents to the Order and does not request a hearing. AmerenUE fully intends to comply with the Order. The 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, AmerenUE 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 the safeguards contingency plan, physical security plan, and security officer training and qualification plan.

Specifically, AmerenUE 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 criterion 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 criterion?). 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 AmerenUE 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.

AmerenUE 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 plan, physical security plan, and security officer training and qualification plan.

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This Order requires a 35-day response. Attachment 1 to this letter provides the 35-day response for AmerenUE. Attachment 2 provides AmerenUE's implementation schedule for the requirements identified in Attachment 2 of the Order.

If you have any questions concerning this matter, please contact me at (573) 676-8245, or Mr. David Shafer at (314) 554-3104.

Sincerely,



Garry Randolph

DS/GLR/mlo

Attachment 1: Union Electric Company's (AmerenUE or UE) 35-Day Response to 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)

Attachment 2: 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)

cc: J. N. Donohew (NRC), w/a
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T. P. Gwynn (NRC), w/a
Assistant General Counsel for Materials Litigation and Enforcement (NRC) w/a
Director, Office of Nuclear Reactor Regulation (NRC), w/a
Senior Resident Inspector (NRC), w/a

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cc: Manager, Electric Department
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STATE OF MISSOURI)
)
CITY OF ST. LOUIS) S S

Garry L. Randolph, of lawful age, being first duly sworn upon oath says that he is Senior Vice President Generation and Chief Nuclear Officer and an officer of Union Electric Company; that he has read the foregoing document and knows the content thereof; that he has executed the same for and on behalf of said company with full power and authority to do so; and that the facts therein stated are true and correct to the best of his knowledge, information and belief.

By *Garry L. Randolph*
Garry L. Randolph
Sr. Vice President Generation
and Chief Nuclear Officer

SUBSCRIBED and sworn to before me this 2nd day of JUNE, 2003.

Melissa L. Orr

MELISSA L. ORR
Notary Public - Notary Seal
STATE OF MISSOURI
City of St. Louis
My Commission Expires: June 23, 2003

Union Electric Company's (AmerenUE or UE) 35-Day Response to 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)

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 the date of this Order, of the adverse safety impact, and provide the basis for the Licensee's determination that the requirement has an adverse safety impact, and provide 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 B.1.
- 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.

AmerenUE provides the following response to the reporting requirements of the Order:

- B.1. (1) AmerenUE consents to the Order.**
- (2) AmerenUE knows of no specific circumstances where this Order would be unnecessary at Callaway Plant.**
- (3) AmerenUE knows of no specific circumstances where implementation of the requirements of this Order will cause AmerenUE to be in violation of the provisions of any Commission regulation or the facility license. As a matter of clarification, AmerenUE intends to apply the provisions of the approved Callaway Plant Physical Security Plan that allows the extension of training intervals (e.g., 25% extension of an interval).**
- B.2. Implementation of the requirements described in Attachment 2 to the Order would not adversely impact safe operation of Callaway Plant.**
- C.1. Attachment 2 to this letter specifies AmerenUE's schedule for achieving compliance with the requirements described in Attachment 2 to the Order. In each case, the schedule for achieving compliance satisfies the schedule requirements prescribed in the Order.**
- C.2. AmerenUE will report to the Commission when full compliance with the requirements in Attachment 2 to the Order has been achieved.**

Note:

To enable AmerenUE 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.

**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)**

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

Note:

To enable AmerenUE 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.