



Nuclear Management Company, LLC

June 3, 2003

10 CFR 2.202
10 CFR 50.4

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

DUANE ARNOLD ENERGY CENTER
DOCKET 50-331
LICENSE DPR-49

PALISADES NUCLEAR PLANT
DOCKET 50-255
LICENSE DPR-20

KEWAUNEE NUCLEAR POWER PLANT
DOCKET 50-305
LICENSE DPR-43

POINT BEACH NUCLEAR PLANT
UNITS 1 AND 2
DOCKETS 50-266 AND 50-301
LICENSES DPR-24 AND DPR-27

MONTICELLO NUCLEAR GENERATING PLANT
DOCKET 50-263
LICENSE DPR-22

PRAIRIE ISLAND NUCLEAR
GENERATING PLANT UNITS 1 AND 2
DOCKETS 50-282 AND 50-306
LICENSES DPR-40 AND DPR-60

EA-03-039
ANSWER, RESPONSE AND REQUEST FOR CLARIFICATION
IN RESPONSE TO ORDER REQUIRING COMPENSATORY MEASURES
RELATING TO TRAINING ENHANCEMENTS ON TACTICAL AND FIREARMS
PROFICIENCY AND PHYSICAL FITNESS APPLICABLE TO ARMED
NUCLEAR POWER PLANT SECURITY FORCE PERSONNEL

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 Nuclear Management Company, LLC's (NMC'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). NMC consents to the Order and does not request a hearing. The schedule for achieving compliance with each requirement in Attachment 2 to the Order is enclosed.

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

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associated with the DBT influence the training prescribed in the Order, NMC requests 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.

Specifically, NMC 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 need 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 NMC 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 submitting the revision to the security plan and training and qualification plan and for full implementation of the Order be extended on a day-for-day basis until such clarifications are provided.

NMC 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.



Jeffrey S. Forbes
Senior Vice President
Nuclear Management Company, LLC

Enclosure

**cc: Director, Office of Nuclear Reactor Regulation
Regional Administrator, USNRC, Region III
Assistant General Counsel for Materials, Litigation and Enforcement
Project Managers USNRC, NRR – Duane Arnold Energy Center, Kewaunee Nuclear
Power Plant, Monticello Nuclear Generating Plant, Palisades Nuclear Plant, Point Beach
Nuclear Plant, Prairie Island Nuclear Generating Plant
NRC Resident Inspectors – Duane Arnold Energy Center, Kewaunee Nuclear Power
Plant, Monticello Nuclear Generating Plant, Palisades Nuclear Plant, Point Beach Nuclear
Plant, Prairie Island Nuclear Generating Plant
Project Managers, Office of Nuclear Reactor Regulation (Duane Arnold Energy Center,
Kewaunee Nuclear Power Plant, Monticello Nuclear Generating Plant, Palisades Nuclear
Plant, Point Beach Nuclear Plant, Prairie Island Nuclear Generating Plant)
NRC Resident Inspectors (Duane Arnold Energy Center, Kewaunee Nuclear Power Plant,
Monticello Nuclear Generating Plant, Palisades Nuclear Plant, Point Beach Nuclear Plant,
Prairie Island Nuclear Generating Plant)**

ENCLOSURE

NUCLEAR MANAGEMENT COMPANY, LLC

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**ORDER ELEMENT C
COMPENSATORY MEASURES FOR
TRAINING AND QUALIFICATION OF SECURITY FORCE PERSONNEL**

2 Pages Follow

**ENCLOSURE
EA-03-039
ORDER ELEMENT C.
COMPENSATORY MEASURES FOR
TRAINING AND QUALIFICATION OF SECURITY FORCE PERSONNEL**

1. General Criteria

- a. **Protective Strategy:** NMC will be in full compliance with this element of the Order by October 29, 2004, and respectfully requests a clear definition of the DBT by the Commission. Changes to a station's Training and Qualification Plan not requiring Commission prior approval, shall be submitted to the Commission in accordance with 10 CFR 50.54(p).
- b. **Protective Strategy Performance Measures:** Protective strategy goals and performance measures will be established and incorporated into station security programs. Full compliance with this element of the Order will be achieved by October 29, 2004, and respectfully requests a clear definition of the DBT by the Commission.
- c. **Participation in Range Activities:** NMC will be in full compliance with this element of the Order by October 29, 2004. NMC may use the Range 2000, MILES, Simunitions, or other weapons training systems in lieu of range activities to fulfill weapons familiarization and qualification requirements.
- d. **Medical and Physical Fitness Disqualification Provisions:** NMC station security procedures will be revised and implemented by October 29, 2004. The needed procedure enhancements will ensure security officers returning to work following a medical absence of greater than 90 days are capable of performing their assigned tasks. The procedure revisions will include appropriate weapons requalification requirements.
- e. **Corrective Action Program Implementation:** The Security organization at each station in the NMC fleet uses the station's corrective action program. NMC will review each station's corrective action program to ensure that security training and qualification issues of significance are addressed within the corrective action program. This action will be completed by October 29, 2004.

2. Firearms Training and Qualification Program

- a. **Program Enhancements:** (1) The annual written examination will be revised as specified in the Order and will be administered to all personnel by October 29, 2004. (2) Annual firearms familiarization training will be revised as specified in the Order. (3) The annual daylight qualification program requires no changes. (4) The annual night fire qualification will be revised as specified in the Order. NMC may, however, elect to implement the provisions of 10 CFR 73, Appendix H, "Weapons Qualification Criteria," or a nationally approved course of fire. (5) The annual tactical qualification will be revised as specified in the Order. (6) Tactical Response Team exercises/drills will be revised, if necessary, as specified in the Order.

NMC intends to use pass/fail criteria for firearms qualifications that do not include provisions for scoring. These qualifications include stress fire and certain tactical activities. Pass/fail criteria will be appropriately specified in the program. The program enhancements for Item 2.a. will be fully implemented by NMC by October 29, 2004.

- b. Firearms Instructor Certification: NMC firearms instructors are fully qualified and certified by a national or state-recognized entity and are certified on a triennial basis. All NMC firearms instructors are currently qualified and certified and will be recertified on a 3-year basis as specified in this element of the Order. NMC is in full compliance with this element of the Order.

3. Firearms Maintenance Program

- a. Program Enhancements: NMC will be in full compliance with the provisions of this element of the Order by October 29, 2004. NMC may elect to perform semi-annual test firing of weapons during scheduled range activities. Firearms maintenance procedures will be enhanced and documentation requirements associated with testing and maintenance activities will be revised by this date.
4. Medical and Physical Fitness Requirements: NMC will be in full compliance with this element of the Order by October 29, 2004.
- a. Annual Medical and Physical Fitness Requirements: NMC will be in full compliance with this element of the Order by October 29, 2004. NMC may include testing at a medical facility using treadmills and/or other stress-inducing equipment to assess the physical condition of the individual.
 - b. Annual Physical Fitness Test Criteria Derived from Protective Strategy: NMC will be in full compliance with this element of the Order by October 29, 2004, and respectfully requests a clear definition of the DBT by the Commission. Test criteria will be derived from the protective strategy and appropriately documented as required.