

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-03-038
ANSWER, RESPONSE AND REQUEST FOR CLARIFICATION IN RESPONSE
TO ORDER FOR COMPENSATORY MEASURES RELATED TO
FITNESS-FOR-DUTY ENHANCEMENTS APPLICABLE TO
NUCLEAR FACILITY SECURITY FORCE PERSONNEL

By this letter Nuclear Management Company, LLC (NMC) hereby answers the April 29, 2003, Order for Compensatory Measures Related to Fitness-For-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel (EA-03-038) ("Order"). Pursuant to Section IV of the Order and 10 CFR 2.202, NMC requests an extension of time in which to submit information in response to the Order and to request a hearing. In addition, NMC requests the NRC provide certain information to ensure NMC fully understands the underlying bases of the Order and, therefore, can most effectively implement its individual requirements.

Section II of the Order states that, "[t]he Commission has determined that the security measures addressed by the enclosed compensatory measures are required to be implemented by licensees as prudent measures to address issues that may arise from work-hour related fatigue of nuclear facility security force personnel."

The Order does not explain the bases for the specific limits and other requirements described in the Order in sufficient detail for NMC to understand the rationale for the requirements. NMC therefore requests that the NRC provide: The bases for the specific limits prescribed in the Order; the bases upon which it relied to establish a linkage between the specific limits chosen

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and any causal relationship to fatigue that would otherwise occur if those individual or group work hour limits were to be exceeded; and information pertaining to any events or incidents where the NRC has determined that fatigue was the cause or a major contributing factor in those events or incidents.

Section III.C of the Order requires that "[a]ll licensees shall within thirty-five (35) days of the date of this Order, submit to the Commission a schedule for achieving compliance with each requirement described in Attachment 2 of the Order." As provided for in Section IV of the Order, good cause for granting an extension of time to respond to the Order and to request a hearing is shown in that no basis or rationale for provision of the Order has been demonstrated. Thus, NMC requests that Director, Nuclear Reactor Regulation, extend the time periods for responding to the Order (including, specifically, Sections B.1 and 2) and for requesting a hearing from the time period specified in the Order until 35 days after the date that the NRC provides the bases for the work hour limits in the Order.

Notwithstanding the foregoing request for information concerning the bases for the Order and the request for an extension of time in accordance with Section IV, NMC will achieve compliance with all applicable requirements not later than October 29, 2003.

NMC also hereby 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

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