

November 19, 2003

Mr. Richard P. Clemens
Division Manager, Nuclear Assessments
Omaha Public Power District
444 South 16th Street Mall
Omaha, NE 68102-2247

SUBJECT: ORDERS MODIFYING LICENSE FOR REVISED DESIGN BASIS THREAT AND FOR TRAINING AND PHYSICAL FITNESS ENHANCEMENTS APPLICABLE TO SECURITY FORCE PERSONNEL (TAC NOS. MB9293 AND MB9397)

Dear Mr. Clemens:

On April 29, 2003, the U.S. Nuclear Regulatory Commission (NRC or the Commission) issued Orders modifying the operating license for Fort Calhoun Station, Unit 1 to: (1) require compliance with a revised design basis threat (DBT); (2) implement new security force personnel training and physical fitness requirements; and (3) prescribe compensatory measures related to fitness-for-duty enhancements applicable to security force personnel.

When it issued the Orders, the Commission recognized that you voluntarily and responsibly implemented additional security measures following the events of September 11, 2001. However, as part of the Commission's review of the security and safeguards program, the Commission determined that enhancements to the DBT, as currently specified in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 73.1(a), were required. The NRC further determined that security force personnel tactical and firearms proficiency, physical fitness, and fitness-for-duty requirements needed to be enhanced. The Commission also concluded that, based on the current threat environment, these Orders were to be effective immediately.

The Orders require responses and actions within specified time frames. This letter addresses your response to the Orders pertaining to the revised DBT and the new security force personnel training and physical fitness requirements. The Commission replied to your response to the fitness-for-duty Order in separate correspondence, dated July 10, 2003.

Section III.A.1 of the Order implementing new security force personnel training and physical fitness requirements states that licensees must comply with the new requirements described in the Order, except to the extent that more stringent requirements are set forth in the licensee's security plan and security training and qualifications plan. Section III.A.1 of the DBT Order requires licensees to submit revised physical security plans, safeguards contingency plans, and guard training and qualification plans, including an implementation schedule, based on the revised DBT, to the Commission for review and approval no later than April 29, 2004. The Order requires licensees to implement the revised physical security plans, revised safeguards contingency plans, and revised security force personnel training and qualification plans no later than October 29, 2004. Section IV of both Orders noted that, in accordance with

10 CFR 2.202, licensees must submit an answer to the Orders and may request a hearing on the Orders, within thirty-five (35) days of the date of the Orders and, where good cause is shown, consideration would be given to extend the time to request a hearing.

The Orders also required licensees to notify the Commission within thirty-five (35) days if: (1) the licensee was unable to comply with the requirements specified in the attachments to the Orders; (2) compliance with the requirements is unnecessary; (3) implementation of any of the requirements would result in a violation of the provisions of any Commission regulation of the facility license; or (4) implementation of any of the requirements described in the attachments to the Orders would adversely impact safe operation of the facility. Section III.C.1 of the security force personnel training and physical fitness Order required licensees to submit to the Commission, within thirty-five (35) days of the date of the Order, a schedule for achieving compliance with each requirement described in Attachment 2 to the Order.

By letters dated June 3, 2003, you submitted responses to the Orders for the Fort Calhoun Station. In your responses, you indicated that you consented to the DBT and security force personnel training Orders and did not request a hearing. The NRC staff has reviewed your responses, and finds that you have satisfied the thirty-five (35) day reporting requirements for both Orders.

In your response to the DBT Order, you also requested that the NRC provide clarification of five DBT-related issues described in the safeguards attachment to a letter from Mr. Colvin, President and CEO of the Nuclear Energy Institute, to Chairman Diaz dated May 16, 2003. By letter dated September 25, 2003, the NRC provided you a copy of Chairman Diaz's response to Mr. Colvin, dated July 18, 2003, which clarified the five DBT-related issues.

Please contact Robert Fretz at 301-415-1324, if you have any other questions on these issues.

Sincerely,

/RA/

Ledyard B. Marsh, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-285

cc: See next page

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OFFICE	PDI-2/LPM	PDI-2/LA	PDI-2/SC*	NSIR/DNS*	PDI/D*	DLPM/D
NAME	RFretz	CRaynor	JClifford	GTracy	CHolden	LMarsh
DATE	11/13/03	11/13/03	10/30/03	11/03/03	11/07/03	11/07/03

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Ft. Calhoun Station, Unit 1

cc:

Winston & Strawn
ATTN: James R. Curtiss, Esq.
1400 L Street, N.W.
Washington, DC 20005-3502

Chairman
Washington County Board of Supervisors
P.O. Box 466
Blair, NE 68008

Mr. John Kramer, Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 310
Fort Calhoun, NE 68023

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-4005

Ms. Sue Semerera, Section Administrator
Nebraska Health and Human Services
Systems
Division of Public Health Assurance
Consumer Services Section
301 Centennial Mall, South
P.O. Box 95007
Lincoln, NE 68509-5007

Mr. David J. Bannister, Manager
Fort Calhoun Station
Omaha Public Power District
Fort Calhoun Station FC-1-1 Plant
P.O. Box 550
Fort Calhoun, NE 68023-0550

Mr. John B. Herman
Manager - Nuclear Licensing
Omaha Public Power District
Fort Calhoun Station FC-2-4 Adm.
P.O. Box 550
Fort Calhoun, NE 68023-0550

Mr. Daniel K. McGhee
Bureau of Radiological Health
Iowa Department of Public Health
401 SW 7th Street, Suite D
Des Moines, IA 50309

Mr. Richard P. Clemens
Division Manager - Nuclear Assessments
Omaha Public Power District
Fort Calhoun Station
P.O. Box 550
Fort Calhoun, NE 68023-0550

Mr. R. T. Ridenoure
Division Manager - Nuclear Operations
Omaha Public Power District
Fort Calhoun Station FC-2-4 Adm.
Post Office Box 550
Fort Calhoun, Nebraska 68023-0550