



South Texas Project Electric Generating Station P.O. Box 289 Wadsworth, Texas 77483

June 2, 2003
NOC-AE-03001536

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
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852

South Texas Project
Units 1 & 2
Docket Nos. STN 50-498, STN 50-499
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, S. J. Collins to W. T. Cottle, "Issuance of 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)
April 29, 2003

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 STP Nuclear Operating Company's (STPNOC) 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). STPNOC consents to the Order and does not request a hearing. As STPNOC fully intends to comply with the Order, the schedule for achieving compliance with each requirement in Attachment 2 to the Order is enclosed.

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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, STPNOC 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 training and qualification plan.

Specifically, STPNOC 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 STPNOC 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.

STPNOC 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 training and qualification plan.

This Order requires a 35-day response. Enclosure 1 to this letter provides the 35-day response for STPNOC. Enclosure 2 provides STPNOC's implementation schedule for the requirements identified in Attachment 2 of the Order. Enclosure 3 provides further clarification regarding the implementation of some of the requirements identified in Attachment 2 of the Order.

Please direct any questions regarding this letter to Scott Head at (361) 972-7136.

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

Executed on: 6/2/03


J. J. Sheppard
President & Chief Executive Officer

- Enclosure: 1) Thirty-Five Day Response to Order Related to Training Enhancements
2) Implementation Schedule for Order Related to Training Enhancements
3) Clarification of Certain Requirements of the Order

cc: * two copies ** original and 3 copies
*** electronic copy only

Samuel J. Collins
Director, Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
1 White Flint North, Mail Stop: O-5 E7
11555 Rockville Pike
Rockville, MD 20852-2738

Assistant General Counsel for
Materials Litigation and Enforcement
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Ellis W. Merschoff *
Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-8064

Richard A. Ratliff
Bureau of Radiation Control
Texas Department of Health
1100 West 49th Street
Austin, TX 78756-3189

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

C. M. Canady
City of Austin
Electric Utility Department
721 Barton Springs Road
Austin, TX 78704

Cornelius F. O'Keefe
U. S. Nuclear Regulatory Commission
P. O. Box 289, Mail Code: MN116
Wadsworth, TX 77483

Senior Physical Security Inspector, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-8064

Glenn Tracy
U. S. Nuclear Regulatory Commission
1 White Flint North, Mail Stop: O-6 H16
11555 Rockville Pike
Rockville, MD 20852-2738

A. H. Gutterman, Esquire ***
Morgan, Lewis & Bockius LLP

Mohan C. Thadani ***
U. S. Nuclear Regulatory Commission

L. D. Blaylock ***
City Public Service

R. L. Balcom ***
Texas Genco, LP

A. Ramirez ***
City of Austin

Jon C. Wood ***
Matthews & Branscomb

C. A. Johnson ***
AEP Texas Central Company

Thirty-Five Day Response to Order Related to Training Enhancements

The NRC's 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 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.

Thirty-Five Day Response to Order Related to Training Enhancements

STP Nuclear Operating Company (STPNOC) provides the following response to the reporting requirements of the Order:

- B.1.** (1) STPNOC can and will comply with all requirements of this Order.
 (2) STPNOC knows of no specific circumstances where this Order would be unnecessary.
 (3) The licensee knows of no specific requirements of this Order that will cause STPNOC 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 STPNOC.

- C.1.** Enclosure 2 to this letter specifies STPNOC'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. Enclosure 3 provides clarification of certain requirements of the Order.

Implementation Schedule for Order Related to Training Enhancements

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 1: The dates provided above are based on the information identified in the cover letter being provided by October 1, 2003. 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.

Note 2: Enclosure 3 provides clarification of certain requirements of the Order.

Clarification of Certain Requirements of the Order

STP Nuclear Operating Company (STPNOC) has determined that certain requirements in Attachment 2 of the Order require clarification to assure appropriate implementation of the Order.

STPNOC considers the training and qualification requirements in Attachment 2 of the Order that are required to be completed within a specified frequency (e.g., 12 months, quarterly, etc.) shall be completed within the time interval specified in the Order with a maximum allowable extension not to exceed 25 percent of the interval listed, but the combined time interval for any three consecutive intervals shall not exceed 3.25 times the specified period of time listed for the event. For example, if the frequency for the event is 12 months the training shall be completed within the time interval specified in the Order with a maximum allowable extension not to exceed 31 days. This is consistent with an extension of 3.25 times the interval over a 3-year period. This clarification is consistent with our security training and qualification plan.