



FirstEnergy Nuclear Operating Company

## SAFEGUARDS INFORMATION

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April 28, 2004  
PY-CEI/NRR-2797L

U.S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555-0001

Perry Nuclear Power Plant  
Docket No: 50-440

Subject: Supplemental Response to the April 29, 2003, Orders to the  
Perry Nuclear Power Plant

The NRC issued an Order dated April 29, 2003, requiring compliance with a revised Design Basis Threat ("Order EA 03-086" or "Order") and other security related Orders (collectively "Orders") for the Perry Nuclear Power Plant (PNPP). The FirstEnergy Nuclear Operating Company (FENOC) submits this response to Order EA-03-086 which supplements the previous response dated June 2, 2003 (PY-CEI/NRR-2712L) that FENOC filed for PNPP pursuant to 10 CFR § 50.4 and Section III, Conditions A.1, B.1 and B.2.

Order EA-03-086 imposes license conditions on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 of the Code of Federal Regulations. Section III.A of the Order requires licensees to revise their physical security plans and safeguards contingency plans to provide protection against the revised design basis threat (DBT) set forth in Attachment 2 to the Order. Section III.A also requires licensees to revise the security force training and qualification plan to implement the revised DBT. These revised plans, along with an implementation schedule, were required to be submitted to the Commission for review and approval no later than April 29, 2004.

In accordance with the Order and 10 CFR § 50.4, FENOC is submitting this Supplemental Response for PNPP. This submittal includes, as Attachment A, proposed revisions to the PNPP Physical Security Plan, the Contingency Plan, and the Training and Qualification Plan as required by Order EA-03-086. These plans contain the integrated commitments to comply with Order EA-03-086 and the other security related Orders issued on February 25, 2002, January 7, 2003, and April 29, 2003. As a result, these plans supersede previous FENOC submittals for PNPP in these areas, including those related to the February 25, 2002,

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January 7, 2003, and April 29, 2003, Orders. FENOC will continue to implement the provisions of those previous PNPP submittals except to the extent that they are superseded by these plans. All changes that have been or will be made have been evaluated to ensure that they do not compromise plant safety.

FENOC has developed these plans to be consistent with NEI-03-01 (Revision 1), *Nuclear Power Plant Access Authorization Program* (April 2004); NEI-03-09 (Revision 2 (draft)), *Security Officer Training Program* (April 2004); and NEI-03-12 (Revision 2 (draft)), *Template for the Security Plan, Training and Qualification Plan, Safeguards Contingency Plan, [and Independent Spent Fuel Storage Installation Security Program]* (April 2004). The schedule for completing associated actions, which includes the identification of major transitional activities, is provided in Attachment B to this submittal. Attachment C, *Deviations from NEI-03-12*, notes that PNPP is not deviating from the provisions of NEI-03-12. Attachment D, *Previous Exemptions to 10 CFR Part 73*, notes that PNPP does not have any previously granted exemptions to 10 CFR Part 73 that would currently be needed for the PNPP Plans. Attachment E, *Justification for Alternatives*, includes the justification for the alternatives provided in NEI-03-12 that FENOC has adopted. Attachment F, *Justification for Vehicle Search Criteria*, notes that Option 1 of Section 9.4.1.2 of NEI-03-12 is not being implemented.

When the final revision of NEI-03-12 is approved by the NRC, FENOC will supplement this response, if necessary, to conform with NEI-03-12 as finally approved. However, with the filing of these plans, FENOC will be implementing its revised protection strategy and completing plant modifications and security personnel training pursuant to these plans to ensure that implementation will be completed by October 29, 2004, as required by the Orders. Upon completion of the implementation of these plans, PNPP will be in compliance with the applicable security requirements. For the purpose of complying with the requirements of 10 CFR Part 73 to conduct an annual audit, the date of the letter that will be submitted to the NRC pursuant to Order EA-03-086 certifying that implementation of the plans is complete will be the effective date for determining commencement of the annual audit requirement period.

Because of the requirement for these plans to be fully implemented by October 29, 2004; the need to integrate the requirement of the revised DBT Order with the Orders issued February 25, 2002, January 7, 2003, and April 29, 2003; and the Commission's determination that it would be appropriate to exercise enforcement discretion to accommodate any transitional issues which may arise as licensees, in good faith, take reasonable actions to implement the specific

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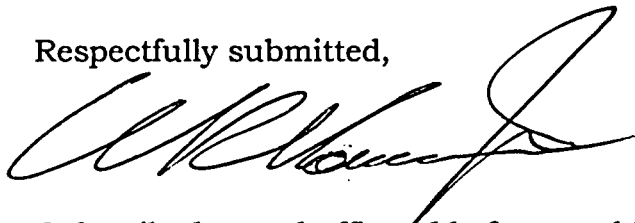
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requirements of the Orders, FENOC requests that enforcement discretion be exercised during the transition period until full implementation of the plans is accomplished and the physical plant modifications and security force training are complete. At that time, the revised plans will be fully implemented and the exercise of enforcement discretion will no longer be necessary.

In accordance with 10 CFR § 2.202(b), the following affirmation is provided:

William R. Kanda states that he is Vice President-Perry, of the FirstEnergy Nuclear Operating Company, is authorized to execute and file this certification as the duly authorized agent for The Cleveland Electric Illuminating Company, Toledo Edison Company, Ohio Edison Company, and Pennsylvania Power Company, and, to the best of his knowledge and belief, the statements set forth in this letter are true.

Respectfully submitted,



Subscribed to and affirmed before me this 28<sup>th</sup> day of April, 2004.

Brenda Alward

My commission expires: 8-15-06

Notary Public

### Attachments:

- A. Proposed PNPP Physical Security Plan, including a Training and Qualification Plan, and a Safeguards Contingency Plan (contains Safeguards Information)
- B. Schedule for Completion of Actions (contains Safeguards Information)
- C. Deviations from NEI-03-12
- D. Previous Exemptions to 10 CFR Part 73
- E. Justification for Alternatives (contains Safeguards Information)
- F. Justification for Vehicle Search Criteria
- G. Commitment List

cc: NRC Region III (with Attachments)  
NRC Resident Inspector (w/o Attachments A, B, and E)  
NRC Project Manager (w/o Attachments A, B, and E)

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