



NUCLEAR ENERGY INSTITUTE

Stephen D. Floyd
VICE PRESIDENT, REGULATORY AFFAIRS
NUCLEAR GENERATION DIVISION

July 28, 2004

Mr. Roy P. Zimmerman
Director
Division of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Zimmerman:

Enclosed for NRC review and endorsement are three letters that NEI prepared to be used by nuclear power plant licensees as necessary in their implementation of the Order dated April 29, 2003, *Requiring Compliance with Revised Design Basis Threat* (Order EA-03-086) and other security-related orders. The first document is a form letter that licensees would use if an extension to the schedule for one or more elements of their security plans is necessary because that element cannot be completed by the required October 29, 2004, implementation date. The second document would be used by licensees to seek, in accordance with the terms of Order EA-03-086, a relaxation or a rescission of a specific provision of the Order that the licensee may need. The third document would be used by licensees to confirm their implementation of Order EA-03-086, Section III.C., confirming the implementation of the licensee's plans, and the completion of necessary physical plant modifications and security force training.

We would appreciate endorsement of the enclosed form letters as soon as possible so that they can be used promptly by licensees if circumstances require.

Please contact Mr. Robert W. Bishop, NEI's General Counsel, if you have any questions.

Sincerely,

Stephen D. Floyd

c: Mr. Glenn M. Tracy, NRC
Mr. Scott A. Morris, NRC
Jack R. Goldberg, Esq., NRC

SAFEGUARDS INFORMATION

(date)

Docket No(s):

Mr. James E. Dyer
Director, Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Supplemental Response to the April 29, 2003, Orders to [Facility]

The NRC issued an Order, dated April 29, 2003, Requiring Compliance with Revised Design Basis Threat (“Order EA-03-086” or “Order”) and other security related Orders (collectively “Orders”) for the [*Nuclear Plant*].

Order EA-03-086 imposed 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 required 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 required licensees to revise their 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, [*Licensee*] submitted a Supplemental Response for the above-mentioned licensed facility on _____, 2004. Our activities were scheduled to be implemented by October 29, 2004, as required by the Order. However, in developing and implementing the plans required by the Orders, [*Licensee*] has determined that it cannot meet one or more of the specific requirements in Attachment 2 to the Order.

Attachment A to this letter contains Safeguards Information. It includes the specific provisions of the Order that [*Licensee*] cannot comply with; the manner in which [*Licensee*] had intended to meet that requirements; the reasons why those

plans to meet that requirement cannot be implemented at this site; and the steps that [Licensee] intends to take to meet the intent of that requirement if this request is approved. That information will be provided in the following format for each requirement that [Licensee] will not be able to meet.

I. Order requirement:

II. Original plan commitment to meet that requirement:

III. Reasons for the Order requirement not being able to be satisfied:

IV. Steps that [Licensee] will take to meet the intent of the requirement:

As a result, [Licensee] requests that the Commission [*relax/rescind*] the requirement in question and approve the alternative measure proposed. Further, because the Commission concluded 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 requirements of the Orders, [Licensee] requests that enforcement discretion be exercised during the period from this request until implementation of the proposed alternative measure is 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:

[*Authorized officer*] states that he/she is [*Title*] of [*Licensee*], is authorized to execute this oath on behalf of [*Licensee*] and, to the best of his/her knowledge and belief, the facts set forth in this letter are true.

Respectfully submitted,

[*Authorized officer*]
[*Licensee*]

Sworn to and subscribed before me this ____ day of _____, 2004.

Notary Public

My Commission expires: _____

SAFEGUARDS INFORMATION

(date)

Docket No(s):

Mr. James E. Dyer
Director, Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Supplemental Response to the April 29, 2003, Orders to [Facility]

The NRC issued an Order, dated April 29, 2003, Requiring Compliance with Revised Design Basis Threat (“Order EA-03-086” or “Order”) and other security related Orders (collectively “Orders”) for the [*Nuclear Plant*].

Order EA-03-086 imposed 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 required 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 required licensees to revise their 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, [*Licensee*] submitted a Supplemental Response for the above-mentioned licensed facility on _____, 2004. Our activities were scheduled to be implemented by October 29, 2004, as required by the Order. However, in developing and implementing the detailed plans required by the Orders, [*Licensee*] has determined that it cannot complete the implementation of all of its plans by the required October 29, 2004, date.

Attachment A to this letter contains Safeguards Information. It includes the specific provisions of the Order for which implementation cannot be completed by October 29, 2004; the manner in which [*Licensee*] had intended to meet that

requirement; the reasons why [*Licensee*] cannot complete implementation by that date; and the steps that will be taken to meet the intent of that requirement of the Order until implementation is complete. That information will be provided in the following format for each requirement that [*Licensee*] does not expect to be able to meet by October 29, 2004.

V. Order requirement:

VI. Original plan commitment to meet that requirement:

VII. Reasons for Order requirement not being able to be satisfied by October 29, 2004:

VIII. Steps that [*Licensee*] is taking to minimize the delay in implementing the pertinent provisions of the [*Licensee's*] plan:

As a result, [*Licensee*] requests that the Commission grant an extension for completion of implementation of [*Licensee's*] plan pertinent to the referenced provision of the Order. Further, because the Commission concluded 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 requirements of the Orders, [*Licensee*] requests that enforcement discretion be exercised during the period from this request until implementation of the steps necessary to meet the requirement that is the subject of this request is 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:

[*Authorized officer*] states that he/she is [*Title*] of [*Licensee*], is authorized to execute this oath on behalf of [*Licensee*] and, to the best of his/her knowledge and belief, the facts set forth in this letter are true.

Respectfully submitted,

[*Authorized officer*]

[*Licensee*]

Sworn to and subscribed before me this ____ day of _____, 2004.

Notary Public

My Commission expires: _____

_____, 2004

Docket Nos:

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

SUBJECT: Confirmation of Implementation of April 29, 2003, Orders to [Facility]

The NRC issued an Order dated April 29, 2003, Requiring Compliance with Revised Design Basis Threat (“Order EA-03-086” or “Order”) and other security related Orders (collectively “Orders”) for the [Nuclear Plant]. On _____, 2004, [Licensee] filed a Supplemental Response to Order EA-03-086 that contained the Physical Security Plan, the Contingency Plan, and the Training and Qualification Plan as required by Order EA-03-086 for the [Nuclear Plant].

Order EA-03-086, Section III.C., required [Licensee] to advise the NRC when implementation of those plans is accomplished and the physical plant modifications and security force training are complete. [Licensee] hereby certifies that those conditions have been met and the exercise of enforcement discretion during the transition period will no longer be necessary.

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

[Authorized officer] states that he/she is [Title] of [Licensee], is authorized to execute this oath on behalf of [Licensee] and, to the best of his/her knowledge and belief, the facts set forth in this letter are true.

Respectfully submitted,

[Authorized officer]
[Licensee]