



Nebraska Public Power District

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NLS2003063

June 3, 2003

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

U.S. Nuclear Regulatory Commission
Attn: Mr. Samuel J. Collins, Director
Office of Nuclear Reactor Regulation
Mail Stop O5-E-07
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Office of the Secretary
U.S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudications Staff
Washington, DC 20555-0001

Subject: Answer, Request for Relief, and 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)

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) issued by the Nuclear Regulatory Commission (NRC) 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.

COOPER NUCLEAR STATION

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This letter constitutes Nebraska Public Power District's (NPPD) 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). NPPD consents to the Order and does not request a hearing. As NPPD fully intends to comply with the Order, the schedule for achieving compliance with each requirement in Attachment 2 to the Order is attached.

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, NPPD 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 guard training and qualification plan.

Specifically, NPPD 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 criteria 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 criteria?). 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 NPPD 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 date for full implementation of the order on a day-for-day basis until such clarifications are provided.

NPPD 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

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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 physical security plan, safeguards contingency plan, and guard training and qualification plan.



Clay C. Warren
Vice President-Nuclear and
Chief Nuclear Officer

/nr

Attachment

cc: Assistant General Counsel for Materials
Litigation and Enforcement w/o attachment
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(via facsimile)

Regional Administrator w/o attachment
U.S. Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011

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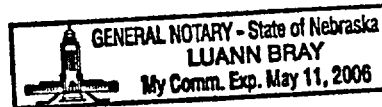
STATE OF NEBRASKA)
)
NEMAHA COUNTY)

Clay C. Warren, being first duly sworn, deposes and says that he is an authorized representative of the Nebraska Public Power District, a public corporation and political subdivision of the State of Nebraska; that he is duly authorized to submit this correspondence on behalf of Nebraska Public Power District; and that the statements contained herein are true to the best of his knowledge and belief.

Clay C. Warren
Clay C. Warren

Subscribed in my presence and sworn to before me this 3rd day of June 2003.

LuAnn Bray
NOTARY PUBLIC



Compliance with Compensatory Measures Related to Security Training
Order EA-03-039

Consistent with the requests provided in NPPD's letter to the NRC on this matter, the following answers are provided:

Order EA-03-039, Item III.A.1

All licensees shall, notwithstanding the provisions of any Commission regulation or license to the contrary, comply with the requirements described in Attachment 2 to Order EA-03-039 except to the extent that a more stringent requirement is set forth in the licensee's security plan and training and qualification plan.

NPPD Response to Order EA-03-039, Item III.A.1

NPPD is implementing the requirements in Attachment 2 to Order EA-03-039 and shall complete implementation as set forth in response to Item III.C.1.

Order EA-03-039, Item III.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 each requirement described in Attachment 2.

NPPD Response to Order EA-03-039, Item III.C.1

NPPD is implementing the requirements in Attachment 2 to Order EA-03-039 and shall complete implementation per the schedule below:

NPPD will be in compliance with the requirements of Item C.1.a by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.1.b by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.1.c by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.1.d by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.1.e by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.2.a.1 by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.2.a.2 by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.2.a.3 by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.2.a.4 by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.2.a.5 by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.2.a.6 by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.2.b by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.3.a.1 by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.3.a.2 by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.3.a.3 by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.4.a by October 29, 2004.

NPPD will be in compliance with the requirements of Item C.4.b by October 29, 2004.

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Order EA-03-039, Item III.C.2

All Licensees shall report to the Commission when they have achieved full compliance with the requirements described in Attachment 2.

NPPD Response to Order EA-03-039, Item III.C.2

NPPD will notify the NRC when full compliance with the requirements described in Order EA-03-039, Attachment 2 have been achieved.

ATTACHMENT 3 LIST OF REGULATORY COMMITMENTS

Correspondence Number: NLS2003063

The following table identifies those actions committed to by Nebraska Public Power District (NPPD) in this document. Any other actions discussed in the submittal represent intended or planned actions by NPPD. They are described for information only and are not regulatory commitments. Please notify the NL&S Manager at Cooper Nuclear Station of any questions regarding this document or any associated regulatory commitments.

COMMITMENT	COMMITTED DATE OR OUTAGE
NPPD will be in compliance with the requirements of Item C.1.a by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.1.b by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.1.c by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.1.d by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.1.e by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.2.a.1 by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.2.a.2 by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.2.a.3 by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.2.a.4 by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.2.a.5 by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.2.a.6 by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.2.b by October 29, 2004.	October 29, 2004

ATTACHMENT 3 LIST OF REGULATORY COMMITMENTS

Correspondence Number: NLS2003063

The following table identifies those actions committed to by Nebraska Public Power District (NPPD) in this document. Any other actions discussed in the submittal represent intended or planned actions by NPPD. They are described for information only and are not regulatory commitments. Please notify the NL&S Manager at Cooper Nuclear Station of any questions regarding this document or any associated regulatory commitments.

COMMITMENT	COMMITTED DATE OR OUTAGE
NPPD will be in compliance with the requirements of Item C.3.a.1 by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.3.a.2 by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.3.a.3 by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.4.a by October 29, 2004.	October 29, 2004
NPPD will be in compliance with the requirements of Item C.4.b by October 29, 2004.	October 29, 2004
NPPD will notify the NRC when full compliance with the requirements described in Order EA-03-039, Attachment 2 have been achieved.	October 29, 2004