



*Pacific Gas and
Electric Company*

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June 2, 2003

PG&E Letter DCL-03-065

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

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

Diablo Canyon Units 1 and 2
Docket No. 50-275, OL-DPR-80
Docket No. 50-323, OL-DPR-82
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)

Dear Commissioners and Staff:

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 Pacific Gas & Electric Company's (PG&E's) 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).

PG&E consents to the Order and does not request a hearing. As PG&E fully intends to comply with the Order, the schedule for achieving compliance with each requirement in Attachment 2 to the Order is enclosed.

Specifically, PG&E 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 PG&E 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, PG&E respectfully requests 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.

PG&E 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. PG&E further understands 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, security plan, and security officer training and qualification plan.

This Order requires a 35-day response. Enclosure 1 to this letter provides the 35-day response for PG&E. Enclosure 2 provides PG&E's implementation schedule for the requirements identified in Attachment 2 of the Order. If you have any questions, please contact me at 805-545-4350 or Ron Todaro at 805-545-4309.

Sincerely,



David H. Oatley
Vice President and General Manager - Diablo Canyon

SWH/A0582377

Enclosures

cc/enc: Samuel J. Collins, Director, NRR
Thomas P. Gwynn, Region IV
David L. Proulx, Resident
David H. Jaffe, NRR
Asst. General Counsel for Materials Litigation and Enforcement (NRC)
Diablo Distribution

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
PACIFIC GAS AND ELECTRIC COMPANY

Diablo Canyon Power Plant
Units 1 and 2

) Docket No. 50-275
) Facility Operating License
) No. DPR-80

) Docket No. 50-323
) Facility Operating License
) No. DPR-82

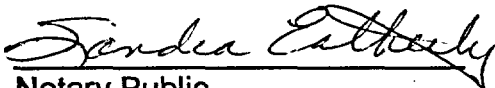
AFFIDAVIT

David H. Oatley, of lawful age, first being duly sworn upon oath says that he is Vice President and General Manager - Diablo Canyon of Pacific Gas and Electric Company; that he has executed the thirty-five day response to the NRC Security Training Order dated April 29, 2003, on behalf of said company with full power and authority to do so; that he is familiar with the content thereof; and that the facts stated therein are true and correct to the best of his knowledge, information, and belief.

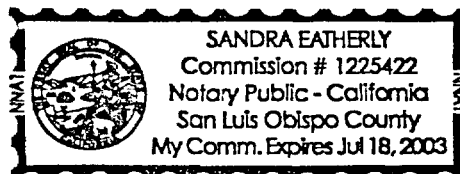


David H. Oatley
Vice President and General Manager - Diablo Canyon

Subscribed and sworn to before me this 2nd day of June, 2003



Notary Public
County of San Luis Obispo
State of California



**Diablo Canyon Power Plant Thirty-Five Day Response to NRC 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 (EA-03-039)**

The NRC 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 this Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and 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.
- C.2** All Licensees shall report to the Commission when they have achieved full compliance with the requirements described in Attachment 2.

**Diablo Canyon Power Plant Thirty-Five Day Response to NRC 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 (EA-03-039)**

PG&E provides following response to the reporting requirements of the Order:

- B.1.**
 - (1) PG&E can and will comply with all requirements of this Order.
 - (2) PG&E knows of no specific circumstances where this Order would be unnecessary at DCPD.
 - (3) Implementation of the requirements of this Order will not cause PG&E 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 DCPD.
- C.1.** Enclosure 2 to this letter specifies PG&E'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.
- C.2.** PG&E will report to the Commission when full compliance with the requirements in Attachment 2 to the Order has been achieved.

NOTE:

To enable PG&E to meet the compliance dates specified in the Order, the requested clarifications in this letter 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.

**Diablo Canyon Power Plant Thirty-Five Day Response to NRC 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 (EA-03-038)**

Schedule of Compliance

Compensatory Measure	Subject	Schedule for Implementation
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:

To enable PG&E to meet the compliance dates specified in the Order, the requested clarifications in this letter 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.