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June 3, 2003
LIC-03-0070

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

- References:
1. Docket No. 50-285
 2. Letter from NRC (Samuel J. Collins) to OPPD (John Sefick) dated April 29, 2003, Issuance of Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors (EA-03-086) (NRC-03-087)
 3. Letter from Mr. Joe. F. Colvin, President and CEO of the Nuclear Energy Institute, Inc., to Chairman Diaz dated May 16, 2003.

SUBJECT: Fort Calhoun Station Unit No. 1 - Answer, Response, and Request for Clarification in Response to Commission Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors

In accordance with 10 CFR 50.4, Omaha Public Power District (OPPD) hereby submits information in response to the Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors (hereinafter "Order") issued by the United States Nuclear Regulatory Commission (NRC) on April 29, 2003.

Section IV of the 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 the answer (pursuant to 10 CFR 2.202 and Section IV) and response (pursuant to 10 CFR 50.4 and Sections III A.1, B.1 and B.2) of OPPD to the Order.

Section II of the Order states that, "In order to provide assurance that licensees are implementing prudent measures to protect against the revised [Design Basis Threat] DBT, all licenses identified in Attachment 1 to this Order shall be modified to require that the physical security plans, safeguards contingency plans, and the guard training and qualification plans required by 10 C.F.R. §§ 50.34(c), 50.34(d), and 73.55(b)(4)(ii) be revised to provide protection against this revised DBT."

OPPD consents to the Order and does not request a hearing. OPPD notes the request for clarification of five DBT issues provided in the safeguards attachment to Reference 3. We

encourage the Commission to respond to this request as soon as possible, as the Commission's clarifications may affect the manner of OPPD's compliance with the Order.

Because the NRC has used force-on-force testing as a standard by which compliance with the DBT was evaluated, OPPD also 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 OPPD's safeguards contingency plans, security plans and security officer training and qualification plans.

Specifically, OPPD 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 OPPD 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 submitting the revision to the security plan and safeguards contingency plan, training and qualification plan, and for full implementation of the Order on a day-for-day basis after October 1, 2003, until such clarifications are provided.

OPPD 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 plans, security plans and security officer training and qualification plans.

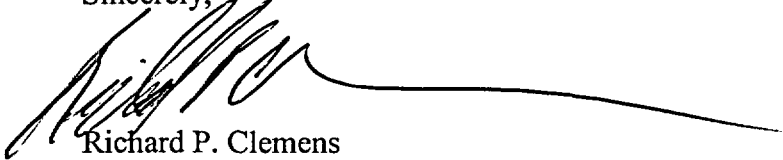
This letter contains the following commitment:

- OPPD consents to the Order and does not request a hearing.

I declare under penalty of perjury that the foregoing is true and correct and copies of the response were sent to the addressee and listed individuals. (Executed on June 3, 2003).

If you have additional questions, or require further information, please contact Dr. R. L. Jaworski at (402) 533-6833.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Richard P. Clemens', followed by a long horizontal line extending to the right.

Richard P. Clemens
Division Manager
Nuclear Assessments

RPC/TRB/trb

c: Annette L. Vietti-Cook, Secretary, NRC Office of the Secretary, Rulemakings and
Adjudications Staff
Samuel L. Collins, Director, NRC Office of Nuclear Reactor Regulation
Dennis C. Dambly, NRC Assistant General Counsel for Materials Litigation and
Enforcement
Thomas P. Gwynn, Acting NRC Regional Administrator, Region IV (two copies)
Alan. B. Wang, NRC Project Manager
John. G. Kramer, NRC Senior Resident Inspector