

## SAFEGUARDS INFORMATION



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C. S. Hinnant  
Sr. Vice President and Chief Nuclear Officer  
Progress Energy, Inc.

10 CFR 50.4(b)(4)  
10 CFR 2.202

Serial: PE&RAS-03-067  
June 3, 2003

NUCLEAR SECURITY  
SGI No. 026-03

United States Nuclear Regulatory Commission  
ATTENTION: Document Control Desk  
Washington, DC 20555

BRUNSWICK STEAM ELECTRIC PLANT, UNIT NOS. 1 AND 2  
DOCKET NOS. 50-325 AND 50-324 / LICENSE NOS. DPR-71 AND DPR-62

SHEARON HARRIS NUCLEAR POWER PLANT, UNIT NO. 1  
DOCKET NO. 50-400 / LICENSE NO. NPF-63

H. B. ROBINSON STEAM ELECTRIC PLANT, UNIT NO. 2  
DOCKET NO. 50-261 / LICENSE NO. DPR-23

CRYSTAL RIVER UNIT 3 NUCLEAR GENERATING PLANT  
DOCKET NO. 50-302 / LICENSE NO. DPR-72

**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)**

Ladies and Gentlemen:

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 Progress Energy Carolinas, Inc. (PEC) (also known as Carolina Power & Light Company) and Progress Energy Florida, Inc. (PEF) (also known as Florida Power Corporation) 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). PEC and PEF consent to the Order and do not request a hearing. As PEC and PEF fully intend to comply with the Order, the schedule for achieving compliance with each requirement in Attachment 2 to the Order is enclosed.

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, PEC and PEF request 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 safeguards contingency plans, security plans and security officer training and qualification plans.

NOTICE: The Enclosure to this letter (Schedule for Achieving Compliance) contains "Safeguards Information."  
Upon separation from the Enclosure, this letter is "DECONTROLLED."

UNAUTHORIZED DISCLOSURE SUBJECT TO  
CRIMINAL & CIVIL SANCTIONS  
10 CFR 73.80

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\* IF 53  
1/A

Specifically, PEC and PEF need 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 Design Basis Threat?). Similarly, the success criteria for the force-on-force exercise need 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 Design Basis Threat, 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 PEC and PEF 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 full implementation of the Order on a day-for-day basis until such clarifications are provided.

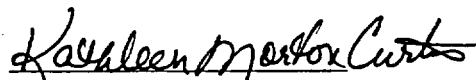
PEC and PEF also confirm an understanding that the Commission intends to exercise enforcement discretion to accommodate issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of this Order. We further understand that the Commission will exercise 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.

Sincerely,



C. S. Hinnant  
Senior Vice President and  
Chief Nuclear Officer

C. S. Hinnant, having been first duly sworn, did depose and say that the information contained herein is true and correct to the best of his information, knowledge and belief; and the sources of his information are officers, employees, and agents of Progress Energy Carolinas, Inc. and Progress Energy Florida, Inc.

  
Notary (Seal)

Enclosure: "Schedule for Achieving Compliance"

**NOTICE: The Enclosure to this letter (Schedule for Achieving Compliance) contains "Safeguards Information." Upon separation from the Enclosure, this letter is "DECONTROLLED."**

c:

with enclosure:

USNRC Document Control Desk (**original and three copies**)  
L. A. Reyes, Regional Administrator – Region II (**two copies**)

without enclosure:

USNRC Resident Inspector – BSEP, Unit Nos. 1 and 2  
B. L. Mozafari, NRR Project Manager – BSEP, Unit Nos. 1 and 2; CR3  
J. S. Stewart, USNRC Senior Resident Inspector – CR3  
J. B. Brady, USNRC Senior Resident Inspector – SHNPP, Unit No. 1  
C. P. Patel, NRR Project Manager – SHNPP, Unit No. 1; HBRSEP, Unit No. 2  
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