



May 30, 2003

Re: 10 CFR 2.202
10 CFR 50.4

U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0001

Serial No.: 03-331
B18910
NL&OS/MAE: R0
Docket Nos.: 50-338/339
50-280/281
50-336/423
License Nos.: NPF-4/7
DPR-32/37
DPR-65
NPF-49

VIRGINIA ELECTRIC AND POWER COMPANY
DOMINION NUCLEAR CONNECTICUT, INC.
NORTH ANNA POWER STATION UNITS 1 AND 2
SURRY POWER STATION UNITS 1 AND 2
MILLSTONE POWER STATION UNITS 2 AND 3
ANSWER, RESPONSE, AND REQUEST FOR CLARIFICATION TO ORDER
REQUIRING COMPLIANCE WITH REVISED DESIGN BASIS THREAT FOR
OPERATING POWER REACTORS DATED APRIL 29, 2003

Section IV of the April 29, 2003, Order Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors (EA-03-086) (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 Virginia Electric and Power Company and Dominion Nuclear Connecticut, Inc. (Dominion and DNC) to the Order.

Section II of the Order states that "[i]n order to provide assurance that licensees are implementing prudent measures to protect against the revised 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."

Dominion and DNC consent to the Order, and do not request a hearing. Dominion and DNC note the request for clarification of five Design Basis Threat (DBT) issues provided in the safeguards attachment to the letter from Mr. Colvin, President and CEO of the Nuclear Energy Institute, to Chairman Diaz dated May 16, 2003. We encourage the Commission to respond to this request as soon as possible, as the Commission's clarifications may affect the manner of Dominion's and DNC's compliance with the Order.

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

Specifically, Dominion and DNC need a clear explanation of the purpose of the force-on-force exercise (e.g., security officer training, or evaluation of licensee compliance with the Design Basis Threat). Similarly, the success criteria need to be established for the force-on-force exercise (e.g., 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 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 Dominion and DNC 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, safeguards contingency plan, training and qualification plan, and for full implementation of the Order on a day-for-day basis until such clarifications are provided.

Dominion and DNC also confirm their 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.

If you have any questions, please contact us.

Very truly yours,



David A. Christian
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Commitments made by this letter: None

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