



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.: 03-332
B18911
NL&OS/MAE: R1
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 FOR
COMPENSATORY MEASURES RELATED TO FITNESS-FOR-DUTY
ENHANCEMENTS APPLICABLE TO NUCLEAR FACILITY SECURITY FORCE
PERSONNEL DATED APRIL 29, 2003

By this letter Virginia Electric and Power Company and Dominion Nuclear Connecticut, Inc. (Dominion and DNC) hereby answer the April 29, 2003, Order for Compensatory Measures Related to Fitness-For-Duty Enhancements Applicable to Nuclear Facility Security Force Personnel (EA-03-038) (Order). Pursuant to Section IV of the Order and 10 CFR §2.202, Dominion and DNC request an extension of time in which to submit information in response to the Order and to request a hearing. In addition, Dominion and DNC request that the NRC provide certain information to ensure Dominion and DNC fully understand the underlying bases of the Order and, therefore, can most effectively implement its individual requirements.

Section II of the Order states that, "[t]he Commission has determined that the security measures addressed by the enclosed compensatory measures are required to be implemented by licensees as prudent measures to address issues that may arise from work-hour related fatigue of nuclear facility security force personnel." The Order does not explain the bases for the specific limits and other requirements described in the Order in sufficient detail for Dominion and DNC to understand the rationale for the requirements. Dominion and DNC therefore request that the NRC provide: the bases for the specific limits prescribed in the Order; the bases upon which it relied to establish a linkage between the specific limits chosen and any causal relationship to fatigue that would otherwise occur if those individual or group work hour limits were to be exceeded; and information pertaining to any events or incidents where the NRC has

IE53

determined that fatigue was the cause or a major contributing factor in those events or incidents.

As provided for in Section IV of the Order, good cause for granting an extension of time to respond to the Order and to request a hearing is shown in that no basis or rationale for the Order has been demonstrated. Thus, Dominion and DNC request that the Director, Nuclear Reactor Regulation extend the time periods for responding to the Order (including, specifically, Sections B.1 and 2) and for requesting a hearing from the time period specified in the Order until 35 days after the date that the NRC provides the bases for the work hour limits in the Order. Section III. C. of the Order requires that "[a]ll 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." Subject to the foregoing request for information concerning the bases for the Order and the request for an extension of time in accordance with Section IV, Dominion and DNC will achieve compliance with all applicable requirements not later than October 29, 2003. The attachment provides our response to the individual compensatory measures of the Order as we presently understand the NRC position.

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,

A handwritten signature in black ink, appearing to read 'D. Christian', with a long horizontal flourish extending to the right.

David A. Christian
Senior Vice President – Nuclear Operations and Chief Nuclear Officer
Virginia Electric and Power Company
Dominion Nuclear Connecticut, Inc.

Commitments made by this letter: None

Attachment - Response And Schedule For Compensatory Measures Related To
Fitness-For-Duty Enhancements

SN: 03-332

B18911

Docket Nos.: 50-338/339

50-280/281

50-336/423

Subject: Response to FFD Security Order

COMMONWEALTH OF VIRGINIA)

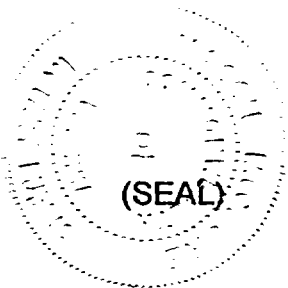
COUNTY OF HENRICO)

The foregoing document was acknowledged before me, in and for the County and Commonwealth aforesaid, today by David A. Christian who is Senior Vice President – Nuclear Operations and Chief Nuclear Officer of Virginia Electric and Power Company and Dominion Nuclear Connecticut, Inc. He has affirmed before me that he is duly authorized to execute and file the foregoing document in behalf of that Company, and that the statements in the document are true to the best of his knowledge and belief.

Acknowledged before me this 30th day of May, 2003.

My Commission Expires: 3-31-04.

Maggie McAlone
Notary Public



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Attachment

**Response And Schedule For Compensatory Measures Related To
Fitness-For-Duty Enhancements**

Subject to the response to our request for clarification contained in the cover letter concerning the bases for the Order and the request for an extension of time in accordance with Section IV of the Order, Virginia Electric and Power Company and Dominion Nuclear Connecticut, Inc. will achieve compliance with all applicable requirements in accordance with the following Response and Schedule.

A. Background:

These compensatory measures (CMs) are established to delineate licensee responsibility in response to the threat environment presently in existence in the aftermath of the events of September 11, 2001. Excessive work schedules can challenge the ability of security force personnel to remain vigilant and effectively perform their duties.

B. Scope:

Operating nuclear power reactor licensees shall comply with the following CMs to ensure, in part, that nuclear facility security force personnel are not assigned to duty while in a fatigued condition that could reduce their alertness or ability to perform functions necessary to identify and promptly respond to plant security threats. Work hour controls shall apply to personnel performing the following functions: armed member of the security force, central alarm station operator, secondary alarm station operator, security shift supervisor, and watchperson (i.e., watchman).

C. Compensatory Measures:

1. Individual Work Hour Controls

(a) Personnel performing the functions identified in B:

(1) Shall not exceed the following limits, excluding shift turnover time:

- (i) 16 hours in any 24-hour period,**
- (ii) 26 hours in any 48-hour period, and**
- (iii) 72 hours in any 7-day period.**

Response:

Virginia Electric and Power Company and Dominion Nuclear Connecticut, Inc. (Dominion/DNC) will not exceed the limits described in this CM. Appropriate procedures will be reviewed and revised as necessary.

Schedule: Appropriate procedures will be reviewed and revised as necessary by October 29, 2003.

- (2) Shall have a minimum 10-hour break between work periods. The participation in turnover is permitted during the break period.**

Response:

A minimum 10-hour break between work periods will be provided for personnel performing the functions identified in Section B. Turnover time may be included as part of the break period.

Schedule: Appropriate procedures will be established and implemented by October 29, 2003.

- (3) May be authorized, by the licensee, to deviate from the limits specified in C.1(a)(1) and/or C.1(a)(2) provided:**

- (i) The licensee could not have reasonably foreseen or controlled the circumstance necessitating the deviation,**
- (ii) The security shift supervisor has determined that the deviation is required to maintain the security for the facility,**
- (iii) An evaluation is performed, in advance, by individuals with training, as provided by the licensee, in the symptoms, contributing factors, and effects of fatigue that determined that the individual's fitness for duty would not be adversely affected by the additional work period to be authorized under the deviation, and**
- (iv) The basis and approval for C.1(a)(3) items (i), (ii), and (iii) are documented.**

<p>Note 1: An 8-hour break may be authorized as deviation from the 10-hour requirement of C.1(a)(2) if the deviation is required for a scheduled transition of crews between work schedules or shifts.</p>

Response:

Personnel performing the functions identified in Section B may be authorized to deviate from the limits discussed in CMs C.1(a)(1) and/or C.1(a)(2) of this Order.

Schedule: Appropriate procedures will be established and implemented by October 29, 2003.

- (b) The number and duration of approved deviations shall be reviewed by the Security Manager and limited to the extent practicable.**

Response:

Approved deviations will be reviewed by the site security manager or in the Manager's unavailability, a designee. Deviations from established requirements will be limited to the extent practicable.

Schedule: Appropriate procedures will be established and implemented by October 29, 2003.

- (c) The licensee shall monitor and control individual work hours to ensure that excessive work hours are not compromising worker alertness and performance.**

Response:

This Order provides assurance that excessive work hours are not compromising worker alertness and performance.

Schedule: Appropriate procedures will be established and implemented by October 29, 2003.

2. Group Work Hour Controls

Group average work hours for personnel performing the functions identified in B shall be controlled in accordance with the following limits:

- (a) Normal Plant Conditions:** The average number of hours actually worked by personnel performing the functions identified in B, shall not exceed 48 hours per week averaged over consecutive periods not to exceed six (6) weeks. Workers who did not work at least 75 percent of the normally scheduled hours during the averaging period shall not be included when calculating the average. If the group average limit is exceeded, the licensee shall take prompt action to reduce the average hours

worked in accordance with this compensatory measure and take actions to prevent recurrence.

Response:

The group average work hours during normal plant conditions will be limited as described in this CM, with the clarification that the work week shall be administratively defined as hours worked, excluding turnover and select portions of training such as drills/exercises (e.g., force-on-force activities), during one pay week.

Schedule: Appropriate procedures will be established and implemented by October 29, 2003.

(b) Planned Plant or Planned Security System Outages:

- (1) The average number of hours actually worked by personnel performing the functions identified in B, shall not exceed 60 hours per week averaged over consecutive periods not to exceed six (6) weeks. For planned abnormal plant conditions whose duration is less than the averaging period the limit would be 60 hours per week averaged over the duration of the condition. Workers who did not work at least 75 percent of the normally scheduled hours during the averaging period shall not be included when calculating the average. If the group average limit is exceeded, the licensee shall take prompt action to reduce the average hours worked in accordance with this compensatory measure and take actions to prevent recurrence.**

Note 2: Licensee may define the beginning of a planned plant outage to be up to 3 weeks prior to the plant shutdown (i.e., plant operational mode not equal to 1).

Response:

The group average work hours during planned plant or planned security system outages will be limited as described in this CM, with the clarification that the work week shall be administratively defined as hours worked, excluding turnover and select portions of training such as drills/exercises (e.g., force-on-force activities), during one pay week. As permitted by Note 2 to this CM, the beginning of a planned plant outage may be defined to include the 3 weeks prior to the plant shutdown in order to allow for worker processing and outage preparation activities.

Schedule: Appropriate procedures will be established and implemented by October 29, 2003.

- (2) The limit defined in C.2(b)(1) can be used for up to 90 days. For periods greater than 90 days, the licensee shall take prompt action to limit hours worked in accordance with the requirements of C.2(a). The use of the limits defined in C.2(b)(1) shall not exceed 120 days.**

Response:

The group average work hours during planned plant or planned security system outages will be limited as described in this CM and the limits described in C.2 (b)(1) shall not exceed 120 days. For periods greater than 90 days, prompt actions will be taken to limit hours worked.

Schedule: Appropriate procedures will be established and implemented by October 29, 2003.

(c) Unplanned Plant or Unplanned Security Outages or An Increase in Plant Threat Condition (i.e., increase in protective measure level as promulgated by NRC Advisory):

- (1) There are no specific group limits for this condition.**
- (2) For periods greater than 90 days, the licensee shall take prompt action to limit hours worked in accordance with the requirements of C.2(a). The use of the allowance defined in C.2(c)(1) shall not exceed 120 days.**

Note 3: For the purposes of these CMs, the baseline threat condition is defined as the least significant threat condition in effect in the last 120 days.

Note 4: If an increase in threat condition occurs while the plant is in a planned outage, the requirements of C.2(c) apply for the increased threat condition. If the threat condition returns to the baseline threat condition during the planned outage, the requirements of C.2(b) apply using the original licensee defined start date for the planned outage.

Note 5: If multiple increases in threat condition occur while the conditions of C.2(c) are in effect, the requirements of C.2(c)(2) reset with each increase.

Note 6: If the threat condition decreases, the new threat condition shall be compared to the baseline to determine if the requirements of C.2(c) apply as a result of an increased threat condition. If so, C.2(c)(2) shall be referenced to the date when the current threat condition was last entered as the result of an increase.

Note 7: Licensees shall reference changes in threat condition prior to the issuance of these CMs to determine the baseline threat condition and whether the requirements of C.2(c) apply.

Response:

The group average work hours during unplanned plant or unplanned security outages or an increase in plant threat condition will be limited as described in this CM.

Schedule: Appropriate procedures will be established and implemented by October 29, 2003.

- 3. Licensees shall be exempt from the requirements of C.1 and C.2 during declared emergencies as defined in the licensee's emergency plan.**

Response:

Provisions will be established to ensure that Dominion/DNC personnel shall be exempt from the requirements of C.1 and C.2 during declared emergencies as defined in the licensee's emergency plan.

Schedule: Appropriate procedures will be established and implemented by October 29, 2003.

4. Procedures

Develop or augment procedures, as necessary, for personnel within the scope of this CM to:

- (a) Describe the process for implementing the controls for hours worked specified in C.1, C.2, and C.3 of this CM.**

- (b) Describe the process to be followed if an individual reports prior to or during a duty period that he or she considers himself or herself unfit for duty due to fatigue.**
- (c) Document self-declarations of unfit for duty due to fatigue if upon completion of the licensee's evaluation it is determined the individual should be returned to work without a break of at least 10 hours.**

Response:

Dominion/DNC will develop or augment procedures as necessary as described in this CM.

Schedule: Appropriate procedures will be established and/or modified, and implemented by October 29, 2003.