



South Texas Project Electric Generating Station P.O. Box 287 Wadsworth, Texas 77483

June 2, 2003  
NOC-AE-03001530

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Secretary  
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U. S. Nuclear Regulatory Commission  
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South Texas Project  
Units 1 & 2

Docket Nos. STN 50-498, STN 50-499

Answer, Response and Request for Clarification in Response to April 29, 2003,  
Order for Compensatory Measures Related to Fitness-For-Duty Enhancements  
Applicable to Nuclear Facility Security Force Personnel (EA-03-038)

Reference: 1. Letter, S. J. Collins to W. T. Cottle, "Issuance Of Order For  
Compensatory Measures Related To Fitness-For-Duty Enhancements  
Applicable To Nuclear Facility Security Force Personnel," (EA-03-038)  
April 29, 2003

By this letter STP Nuclear Operating Company (STPNOC) hereby answers 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, STPNOC requests an extension of time in which to submit information in response to the Order and to request a hearing. In addition, STPNOC requests the NRC provide certain information to ensure STPNOC fully understands the underlying bases of the Order and, therefore, can most effectively implement its individual requirements.

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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 STPNOC to understand the rationale for the requirements. STPNOC therefore requests 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 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 specific requirements in Attachment 2 of the Order has been demonstrated. Thus, STPNOC requests that the Director, Nuclear Reactor Regulation extend the time periods for responding to the Order (including, specifically, Sections B.1 and B.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, STPNOC will achieve compliance with all applicable requirements not later than October 29, 2003.

STPNOC also hereby 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 plan, security plan and security officer training and qualification plan.

This response is hereby submitted to the Commission in accordance with 10 CFR 50.4 and 10 CFR 2.202.

Please direct any questions regarding this letter to Scott Head at (361) 972-7136.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 6/2/03

  
J. J. Sheppard  
President & Chief Executive Officer

cc: \* two copies \*\* original and 3 copies  
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