



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064**

December 28, 2001

EA-00-248

David L. Wilson, Vice President of
Nuclear Energy
Nebraska Public Power District
P.O. Box 98
Brownville, Nebraska 68321

**SUBJECT: RESPONSE TO NRC NOTICE OF VIOLATION
(NRC INSPECTION REPORT 50-298/00-07) (COOPER NUCLEAR STATION)**

Dear Mr. Wilson:

Thank you for your letter of November 8, 2001, in response to our September 28, 2001, letter and Notice of Violation concerning your environmental qualification (EQ) and corrective action programs. In your letter, you stated that corrective actions to avoid further violations will be included in the scope of the project plan for the Environmental Qualification Improvement Plan. Attachment 2 to your letter provided a summary description of this improvement project. To facilitate our evaluation of the adequacy of your planned corrective actions, you are requested to submit a copy of your Environmental Qualification Improvement Plan within 30 days of the date of this letter.

In your letter, you requested that the NRC exercise discretion, consistent with the NRC Enforcement Policy (including the criteria in Section VII.B.4, thereof) and the Reactor Oversight Process, as appropriate, for additional EQ findings (similar to the examples cited in the subject violation) that may be identified as a result of your EQ Improvement Project. In this matter, the NRC will evaluate any future findings determined to be violations of regulatory requirements in accordance with NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy) to determine the appropriate enforcement disposition. We note that Section VII.B, Footnote 10, of the Enforcement Policy states that the mitigation discretion described in Sections VII.B.2 - V.II.B.6 does not normally apply to violations associated with the Significance Determination Process. Furthermore, any additional EQ findings identified as a result of your EQ Improvement Project will be evaluated in accordance with Manual Chapter 0609, "Significance Determination Process," in determining their significance. The results of the Significance Determination Process will be applied in accordance with Manual Chapter 0305, "Operating Reactor Assessment Program," to determine the NRC's response to any additional EQ findings.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Should you have any questions concerning this letter, we will be pleased to discuss them with you.

Sincerely,

/RA/

Ken E. Brockman, Director
Division of Reactor Projects

Docket: 50-298
License: DPR-46

cc:

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