



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

May 15, 2002

EA-01-231

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

**SUBJECT: COOPER NUCLEAR STATION - REPLY TO NOTICE OF VIOLATION
(NRC INSPECTION REPORT 50-298/01-09)**

Dear Mr. Wilson:

Thank you for your letter of April 1, 2002, in response to our March 1, 2002, letter and Notice of Violation concerning the untimely notification of state and local government agencies and staffing of emergency response facilities following an event on June 25, 2001. We have reviewed your reply and find it responsive to the concerns raised in our Notice of Violation. We have also reviewed, and will document, the implementation of your corrective actions under NRC Inspection Report 50-298/02-05.

In your response letter, you stated that NRC Inspection Procedure 82205 contained guidance regarding augmentation drills, allowing for up to 75 minutes to fully staff an emergency response facility. The NRC does not consider guidance contained in inspection procedures to be regulatory requirements, nor does it describe acceptable methods to meet regulatory requirements or your own procedural requirements. As described in the Notice of Violation, the regulatory requirements contained in 10 CFR 50.54(q), 10 CFR 50.47(b)(2), and Section 5.2 of your Emergency Plan constituted the regulatory requirements regarding the timely augmentation of emergency response facilities.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made 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).

Sincerely,

/RA/

Kriss M. Kennedy, Chief
Project Branch F
Division of Reactor Projects

Docket: 50-298
License: DPR-46

cc:

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