



**Nebraska Public Power District**  
*Nebraska's Energy Leader*

NLS2002072

May 23, 2002

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

Gentlemen:

Subject: Cooper Nuclear Station Request to Withhold Documents from Public Disclosure  
Under 10 CFR 2.790

This correspondence responds to a verbal request made to Cooper Nuclear Station (CNS) officials by Mr. Tony Gody of the U.S. Nuclear Regulatory Commission (NRC) concerning two documents that were originally provided to the NRC as attachments to an October 10, 2001, letter (NLS2001089) from Mr. John H. Swales, then-Vice President of Nuclear Energy, Nebraska Public Power District (NPPD), to the NRC. These documents include (1) a "Licensed Operator Fitness-For-Duty Questionnaire Response," and, (2) a copy of "Investigation 200102 / Report of Independent Investigation Team Re: Fitness for Duty Concerns in the Cooper Nuclear Station Operations Department" (October 2001). Note that at the time of their original submittal to the NRC, CNS explicitly requested exemption of both of these documents from public disclosure under the provision of 10 CFR 2.790(a)(6), on grounds that they contain personal privacy information whose publication would constitute a clearly unwarranted invasion of privacy. CNS also requested that they be protected from public disclosure given NRC licensees' obligations to protect certain personal information under 10 CFR 26.29.

CNS has been informed that the NRC staff plans to make one or both of the documents attached to the October 10, 2001, letter available to a licensed reactor operator in connection with the NRC's decision to terminate the license of that individual. It is our view that when these documents are released to this individual, they will become (or there is a risk that they will become) publicly available. For that reason, we have provided a redacted version of the documents.

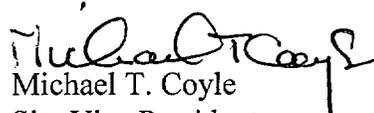
Both of these internal reports contain information that relates to personnel matters and that is otherwise sensitive, confidential, and of a personal nature. Additionally, this report makes reference to the conduct or work performance of certain individuals. This information is of a type held in confidence by NPPD pursuant to 10 CFR 26.29. Public disclosure of this

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information would constitute a clearly unwarranted invasion of personal privacy. CNS therefore requests that the documents in question be protected from public disclosure pursuant to 10 CFR 2.790(a)(6), and that (if they are to be released at all) they be released only in redacted form.

Sincerely,

  
Michael T. Coyle  
Site Vice President

/nr

Enclosures

cc: T. Gody w/enclosures  
US NRC - Region IV



[REDACTED]

[REDACTED]

[REDACTED] A for-cause breath alcohol test was performed on [REDACTED] by CNS Security Services personnel. The results of the initial test were [REDACTED]. The results of the confirmatory test were [REDACTED].

[REDACTED] CNS security personnel blocked [REDACTED] access to the CNS Protected Area.

[REDACTED] Following completion of required Nebraska Public Power District Human Resources activities, [REDACTED] personally drove [REDACTED] to his residence.

4. *Whether the operator consumed alcoholic beverages within the protected area. If so, please provide the details of the circumstances surrounding such consumption.*

There is no evidence that [REDACTED] consumed any alcoholic beverages within the CNS Protected Area. Interviews with this individual and other CNS employees verified that, except for three short periods, [REDACTED] was either in the CNS Control Room or was attending meetings where he was in the presence of, and interacted with, other CNS personnel. See above time line for details.

5. *Whether the operator was at the controls or supervising licensed activities while under the influence of alcohol. If so, please provide the details of the operator's performance of licensed duties while under the influence of alcohol.*

[REDACTED] was not at the controls during the period in question. [REDACTED] was supervising licensed activities during the time line presented above. A review of the CNS Operations Log identified that during the period from [REDACTED] until [REDACTED], the following activities took place on [REDACTED]:

[REDACTED]

[REDACTED]

[REDACTED]



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



NLS2001089

Attachment

License has not been made to date. The NRC will be informed by separate correspondence when a final determination has been made.

8. *Any other relevant information that will facilitate the NRC review of this matter.*

To NPPD's knowledge, all relevant information concerning this incident has been provided herein.