



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

January 30, 2003

CAL 4-03-001

Clay C. Warren, Vice President of
Nuclear Energy
Nebraska Public Power District
P.O. Box 98
Brownville, Nebraska 68321

SUBJECT: CONFIRMATORY ACTION LETTER

Dear Mr. Warren:

On April 1, 2002, Cooper Nuclear Station (CNS) entered the Repetitive Degraded Cornerstone Column of the Action Matrix (NRC Manual Chapter 0305, "Operating Reactor Assessment Program") as a result of continuing problems with the implementation of the emergency preparedness program. As described in NRC Manual Chapter 0305, upon entry into this column of the Action Matrix, and with oversight by the NRC, Nebraska Public Power District (NPPD) developed a plan to improve performance at CNS. On June 10, 2002, NPPD submitted Revision 1 of The Strategic Improvement Plan (TIP) to the NRC. Following completion of an NRC supplemental inspection using Inspection Procedure 95003, "Inspection for Repetitive Degraded Cornerstones, Multiple Degraded Cornerstones, Multiple Yellow Inputs, or One Red Input," on August 22, 2002, NPPD revised its improvement plan and submitted Revision 2 of the plan to the NRC on November 25, 2002.

The Strategic Improvement Plan was developed by NPPD to be a comprehensive improvement plan to address specific regulatory performance issues and to improve all aspects of station performance. Only those actions developed to address regulatory performance issues were considered for this Confirmatory Action Letter.

In NPPD Letter NLS2002141 from Michael T. Coyle to Ellis W. Merschoff dated November 25, 2002, NPPD identified specific actions contained in Revision 2 of their improvement plan as regulatory commitments that it considered appropriate for inclusion in a Confirmatory Action Letter. A public meeting was conducted at the Region IV office in Arlington, Texas, on December 18, 2002, during which NPPD and the NRC discussed actions in the improvement plan that should be considered for inclusion in a Confirmatory Action Letter. In NPPD Letter NLS2003010 from Clay C. Warren to Ellis W. Merschoff dated January 21, 2003, NPPD revised their commitments associated with Revision 2 of their improvement plan. Pursuant to NPPD letters dated November 25, 2002, and January 21, 2003, and the public meeting conducted on December 18, 2002, it is our understanding that you will take the following actions which will be completed by the dates specified:

1. To ensure that actions taken at CNS to resolve problems with the emergency preparedness program have been effective, CNS will complete a self-assessment of the emergency preparedness program in the following areas no later than March 31, 2003:
 - a. Classification of events
 - b. Notification
 - c. Emergency response facility staff augmentation
 - d. Dose assessment
 - e. Protective action recommendations
2. To resolve long-standing problems with human performance at CNS, the following Action Plan steps will be completed no later than the dates specified:
 - a. Action Plan 5.1.4.1, "Human Performance," Steps 1-12, 14-20b, and 25-28 will be completed no later than March 31, 2004.
 - b. Action Plan 5.2.1.1, "Operational Department Excellence," Step 20f, will be completed no later than September 30, 2003.
3. To resolve long-standing problems with material condition and equipment reliability at CNS, implement Action Plans 5.3.1.1 and 5.3.1.2.a-5.3.1.2.k. Steps scheduled to be completed prior to March 31, 2004, will be completed as scheduled in the Action Plans. Implementation of actions associated with steps scheduled to begin prior to March 31, 2004, but scheduled for completion later than this date, will begin as scheduled in the plans.
4. To resolve long-standing problems with plant modifications and configuration control at CNS, the following Action Plan steps will be completed no later than March 31, 2004:
 - a. Action Plan 5.2.1.2, "Operability Determinations," Steps 1-9.
 - b. Action Plan 5.3.3.1, "Design Basis Information/Licensing Basis Information (DBI/LBI) Translation Project," Steps 1-11.
 - c. Action Plan 5.3.3.3, "Unauthorized Modifications Follow-Up Project Completion," Steps 1-7.
 - d. Action Plan 5.3.3.4, "Design Modification Process," Steps 1a-2c.
5. To resolve long-standing problems with the corrective action program, utilization of industry operating experience, and self-assessments at CNS, the following Action Plan steps will be completed no later than the dates specified:
 - a. Action Plan 5.2.7.1, "Improve Use of CAP [Corrective Action Program] to Effectively Resolve Station Problems," Steps 1a-5c, 6a-7a, and 8a-8b will be completed no later than March 31, 2004. Step 10 will be completed no later than December 31, 2003.

- b. Action Plan 5.2.7.2, "Root Cause Investigation and Corrective Action Effectiveness," Steps 5-14 will be completed no later than March 31, 2004. Step 17 will be completed no later than December 31, 2003.
 - c. Action Plan 5.2.7.3, "Improve Utilization of OER [Operating Experience Review]," Step 4b, will be completed no later than March 31, 2004.
6. To resolve long-standing problems with the implementation of engineering programs at CNS, the following Action Plans steps will be completed no later than December 31, 2003:

Action Plan 5.3.2.1, "Engineering Programs," Steps 10-11, 14a, 15, and 40.

NRC Manual Chapter 0305, "Operating Reactor Assessment Program," specifies the actions that will be taken by the NRC and licensee when plant performance is in the Multiple/Repetitive Degraded Cornerstone Column of the Action Matrix. Based on the results of our supplemental inspection, conducted in accordance with NRC Inspection Procedure 95003, the NRC has decided to issue this Confirmatory Action Letter to confirm that NPPD will take the actions listed above. In addition, the NRC will conduct periodic inspections to verify completion of the actions listed above and the effectiveness of these actions in addressing the specific performance issues and conduct public meetings to discuss the results of these inspections. This Confirmatory Action Letter will remain open until the satisfactory completion of each action listed herein is verified by the NRC.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

- (1) Notify me immediately if your understanding differs from that set forth above;
- (2) Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change; and
- (3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee, nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response, if any, 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) and, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at

<http://www.nrc.gov/reading-rm/adams/.html> (the Public Electronic Reading Room). If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

/RA/

Ellis W. Merschoff
Regional Administrator

Docket: 50-298
License: DPR-46

cc:

Michael T. Coyle
Site Vice President
Nebraska Public Power District
P.O. Box 98
Brownville, Nebraska 68321

John R. McPhail, General Counsel
Nebraska Public Power District
P.O. Box 499
Columbus, Nebraska 68602-0499

P. V. Fleming, Licensing Manager
Nebraska Public Power District
P.O. Box 98
Brownville, Nebraska 68321

Michael J. Linder, Director
Nebraska Department of Environmental
Quality
P.O. Box 98922
Lincoln, Nebraska 68509-8922

Chairman
Nemaha County Board of Commissioners
Nemaha County Courthouse
1824 N Street
Auburn, Nebraska 68305

Sue Semerena, Section Administrator
Nebraska Health and Human Services System
Division of Public Health Assurance
Consumer Services Section
301 Centennial Mall, South
P.O. Box 95007
Lincoln, Nebraska 68509-5007

Ronald A. Kucera, Deputy Director
for Public Policy
Department of Natural Resources
205 Jefferson Street
Jefferson City, Missouri 65101

Jerry Uhlmann, Director
State Emergency Management Agency
P.O. Box 116
Jefferson City, Missouri 65101

Vick L. Cooper, Chief
Radiation Control Program, RCP
Kansas Department of Health
and Environment
Bureau of Air and Radiation
1000 SW Jackson, Suite 310
Topeka, Kansas 66612-1366

Daniel K. McGhee
Bureau of Radiological Health
Iowa Department of Public Health
401 SW 7th Street, Suite D
Des Moines, Iowa 50309

William J. Fehrman, President
and Chief Executive Officer
Nebraska Public Power District
1414 15th Street
Columbus, Nebraska 68601

Electronic distribution by RIV:
 Regional Administrator (**EWM**)
 DRP Director (**ATH**)
 DRS Director (**DDC**)
 Senior Resident Inspector (**SCS**)
 Branch Chief, DRP/F (**KMK**)
 Senior Project Engineer, DRP/F (**TRF**)
 Staff Chief, DRP/TSS (**PHH**)
 RITS Coordinator (**NBH**)
 Jim Isom, Pilot Plant Program (**JAI**)

RidsNrrDipmLipb

J. Carson (**JAC1**)
 C. Gordon (**CJG**)

OEMAIL

J. Dixon-Herrity, OE (**JLD**)
 L. Dudes, NRR (**LAD**)
 W. Kane, DEDR, OEDO (**WFK**)
 S. Collins, NRR (**SJC1**)

Hard Copy:
 G. Sanborn, D:ACES

S:\DRP\DRPDIR\CNS CAL 4-03-001.wpd

RIV:C:DRP/F	DD:DRP	D:DRP	D:DRS	RC
KMKennedy;df	EECollins	ATHowell	DDChamberlain	KDSmith
/RA/	/RA/	/RA/	/RA/	/RA/
1/23/03	1/24/03	1/27/03	1/27/03	1/27/03

D:ACES	NRR:DIPM	D:NRR	DRA	RA
GFSanborn	CACarpenter	SJCollins	TPGwynn	EW Merschhoff
/RA/	E-TPGwynn	F-TPGwynn	/RA/	/RA/
1/27/03	1/28/03	1/29/03	1/29/03	1/30/03